



Appeal Decision

Site visit made on 14 October 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/U5360/W/20/3246719

13-15 Brownlow Road, Hackney, London E8 4NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Pero Trivunovic against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/3937, dated 5 November 2019, was refused by notice dated 28 January 2020.
 - The development proposed is erection of a mansard roof extension at 15 Brownlow Road together with alterations to the mansard roof extension at 13 Brownlow Road (including installation of front and rear dormer windows and rooflights to the side roof slope).
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Decision

1. The appeal is allowed and planning permission is granted for erection of a mansard roof extension at 15 Brownlow Road together with alterations to the mansard roof extension at 13 Brownlow Road (including installation of front and rear dormer windows and rooflights to the side roof slope) in accordance with the terms of the application, Ref 2019/3937, dated 5 November 2019 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 9 months from the date of this decision.
 - 2) The works comprised in alterations to the mansard roof extension at 13 Brownlow Road of the development hereby permitted shall not take place before the works comprised in erection of a mansard roof extension at 15 Brownlow Road are completed.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: P(00)01, P(01)01, P(01)02, P(01)03, P(01)04, P(02)01, P(02)02, P(02)03, P(02)04, P(02)05, P(02)06, P(02)07, P(02)08, P(02)09, P(02)10, P(02)11, P(20)01, P(20)02, P(20)02, P(20)03, P(20)04, P(20)05, P(20)06, P(20)07, P(20)08, P(20)09, P(20)10 and P(20)11
 - 4) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan nos. P(02)04 and P(02)06.

Procedural Matters

2. The description of development is based upon that on the decision notice and appeal form, being more concise than that on the application form.

3. There is an enforcement notice in place at 13 Brownlow Road requiring removal of the mansard roof extension. An appeal against the notice was dismissed and the enforcement notice upheld in July 2018 with planning permission refused to the application deemed to have been made¹. That appeal decision and the fact that the requirements of the enforcement notice have not been satisfied are material considerations in the current appeal.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host buildings, the street scene and on the Graham Road and Mapledene Conservation Area.

Reasons

5. The appeal relates to a pair of semi-detached dwellings on the northern side of the road. The pair are of simple brick construction with single centrally aligned windows to lower ground, ground and first floor levels below an eaves' parapet to a butterfly roof. There is a similar pair on the adjacent site to the east, without mansard additions. Further to the east along Brownlow Road there are several similarly designed dwellings, some of which have mansard additions. But many of these original buildings on the northern side of the road have been replaced by modern housing of a different character. There are higher flats to the west of the appeal site, replacement houses elsewhere and a modern estate on the southern side of the road. The northern side of Brownlow Road forms the southern edge to the Graham Road and Mapledene Conservation Area.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states with respect to any buildings or other land in a conservation area, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Policy 25 of the Hackney Core Strategy (2010) (HCP) is similar requiring all development to make a positive contribution to the character of Hackney's historic and built environment. This includes identifying, conserving and enhancing the historic significance of the borough's designated heritage assets, their setting, and where appropriate, the wider historic environment.
7. The Graham Road and Mapledene Conservation Area was designated in 1997 and covers an extensive area. The Council's conservation area appraisal comments in relation to Brownlow Road, "*As at Shrubland Road, quality is increasingly diluted to an extent not seen in the northern part of the area*". The significance of this part of the conservation area therefore lies in the historic and architectural quality of remaining historic buildings and their appearance in the street scene.
8. Shrubland Road is the parallel road to the north of Brownlow Road and has historic dwellings like those at the appeal site and more recent buildings. In both roads, mansard roofs have been added to some of the historic buildings. This has tended to be to both sides of pairs of semi-detached dwellings, thereby retaining a balance and symmetry to each pair where this work has been done. The proposal would introduce such a symmetry to the appeal site.

¹ Appeal reference APP/U5360/C/17/3184754

9. The construction of a mansard roof to no.15 would remove the original butterfly roof, but this is not a feature readily visible. Indeed, from the nearside footway alongside no.13 where a mansard roof has been added, its form and height are largely concealed by the parapet to the roof. In more distant views of altered pairs, the mansard profile is more apparent, but forms a subsidiary element to the bold simple rectangular forms to the elevations.
10. The roof alterations to the mansard at no.13 would be an enhancement of the present roof openings with better alignment to windows below on the front elevation and the use of materials sensitive to this design. The mansard to no.15 would incorporate the same design details. The proposal would result in a balanced cohesive appearance to the pair of dwellings and would address the *"jarring and negative effect upon the street scene"* arising from the single mansard roof at no.13 referred to in the enforcement appeal decision.
11. The proposal would provide a sympathetic design solution resulting in a satisfactory appearance to the two dwellings. This would be similar to others in Brownlow Road such as at nos. 49-59 and to dwellings in Shrubland Road. In this respect, the proposal would not be out of keeping with the mixed character and appearance of the street scene in this part of the conservation area.
12. I note that the roof extensions to 57-59 Brownlow Road were approved in 2017 and those at 63-65 Shrubland Road in 2015 under the same local planning policy regime currently applicable. The proposal would have a neutral impact on the character and appearance of this part of the conservation area and would not result in harm to its significance.
13. As such, the proposal would not be contrary to Policies 24 and 25 of the HCS or Policies DM1 and DM28 of the Hackney Development Management Local Plan (2015) (DMLP) which require proposals to have a high quality design that does not harm the architectural integrity of a building or the unity and significance of a group of buildings or terrace in a conservation area. Similarly, the proposal would be compatible with Policies 7.4, 7.6 and 7.8 of the London Plan (2016) relating to respect of local character and for proposals affecting heritage assets to be sympathetic in their form, scale, materials and architectural detail. Policy DM2 referred to in the Council's decision notice is not relevant to the main issue as it relates to the effect of development on the amenity of occupiers.
14. The proposal would therefore satisfy the requirements of the special duty set out in paragraph 6 above in relation to the desirability of preserving or enhancing the character or appearance of the conservation area. As there would not be *"less than substantial harm"* to the significance of a designated heritage asset, there is no need to weigh that harm against any public benefits arising as required by Paragraph 196 of the National Planning Policy Framework.

Conclusion and Conditions

15. The effect of the development on the character and appearance of the host buildings, the street scene and on the Graham Road and Mapledene Conservation Area would be acceptable. The appeal should therefore be allowed subject to appropriate planning conditions.

16. Ordinarily a grant of planning permission would afford a 3 year period for applicants to commence work, but section 91(1)(b) of the Town and Country Planning Act 1990 enables a shorter period to be imposed. In view of the current harm to the appearance of the conservation area from the single mansard at no.13, as evidenced by the enforcement notice, it would not be appropriate to afford such a long time period for commencement in this instance. The Council has not suggested any planning conditions, but the appellant has indicated that a start date within 6 months of the date of the decision would be acceptable to ensure swift implementation but would prefer a longer period such as 12 months. In the circumstances of the case, I consider that a commencement period of 9 months would be reasonable for all parties concerned. If work does not commence within this timeframe then the permission would expire, and the Council could consider appropriate action in relation to the enforcement notice.
17. A condition is also needed to ensure that work is not carried out just to alter the mansard roof at 13 Brownlow Road but not at no.15 as the imbalance in the appearance of the pair of dwellings would remain. The appellant comments that the Council has used a condition in relation to implementation of the mansard roofs at nos. 57-59 Brownlow Road, but details of that condition are not before me. Whilst the proposal clearly relates to both nos. 13 and 15, the appeal is submitted by the owner of no.15 with notice served on the owner of no.13 as land not in the appellant's control. A negatively worded staging condition requiring the alterations to the roof to no.13 to not take place before the works comprised in erection of a mansard roof extension to no.15 are completed would satisfy this requirement, with the initial works relating to land within the appellant's control. The appellant's submissions confirm acceptance of measures to ensure that the joint development commences within an agreed timeframe. I am satisfied that the proposed condition would meet the tests for planning conditions set at Paragraph 55 of the Framework.
18. A condition is needed to list the plan numbers in the interests of certainty and to enable approval of minor material amendments should this be expedient. A condition is also necessary to require the use of the external materials specified on the plans to ensure a satisfactory final appearance to the development.

Rory MacLeod

INSPECTOR