



Appeal Decision

Site visit made on 27 August 2021

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/U5360/D/21/3266226

9 Ashtead Road, Hackney, London E5 9BJ.

- 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 Heitner against the decision of the London Borough of Hackney Council.
 - The application 2020/3003, dated 1 October 2020, was refused by notice dated 26 November 2020.
 - The development proposed is the erection of front and rear roof extensions.
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Decision

1. The appeal is dismissed.
2. An application for costs was made by Mr Heitner against the London Borough of Hackney Council. This application is the subject of a separate decision.

Preliminary Matters

3. In the period since the appeal was submitted the Government has published a revised version of the *National Planning Policy Framework* (The Framework). Also since the submission of the appeal the Mayor of London has published the adopted *London Plan 2021* (LP 2021). This replaces the *London Plan 2016* which is referred to in the appeal documentation. As an adopted plan I must consider the policies of the LP 2021. However, in respect of this appeal, Policy D3 is the principal relevant policy and this largely covers similar points to former *London Plan* Policies 7.4 and 7.6. Neither the new policies nor the revised Framework have brought me to any different decision on the appeal and therefore I have not considered it necessary to invite the appeal parties to comment on the new documents.
4. It should be noted that there is a concurrent appeal Ref APP/U5360/D/21/3268637 at the same property for the extension of the lower ground and ground floor levels and front and rear lightwells. However, as the two appeals have been submitted separately and deal with two distinct extension proposals I have dealt with them separately.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host building and its surroundings on Ashtead Road.

Reasons

6. The appeal site is located on the north east side of Ashtead Road, a tree lined street of 2 storey terraces constructed in brick and render some with basement and or loft accommodation. The terraced houses on the north east side have a rhythmical front bay detail with those towards the upper end of the road, as with

the appeal property and its neighbour, having a half-timbered gabled top to the bay which provides an attractive form to the original roofscape along the street. No 9 and its neighbour at No 11 are largely unaltered on the frontage and read as an attractive pairing, whereas a considerable number of the properties have been altered to provide accommodation in the roof space and which is now proposed on the appeal property. Both rear facing and front facing box dormers have been used on a number of properties to achieve the necessary head height in the loft space.

7. *The Hackney Residential Extensions and Alterations Supplementary Planning Document* (SPD) has been prepared by the Council to achieve high quality in householder alterations including roof extensions. The SPD does allow for front roof extensions where the housing typology would allow roof extensions and where there is a precedence of roof extensions already and where the amenity and visual impact is acceptable. However in all cases the guidance is that high quality design should be employed, the conversion should not depart from or disrupt the existing roof form, and that additions to the roof form should be in scale with and proportionate to the existing roof.
8. Although I accept that the house typology has been altered in the street and that a large number of the front dormer extensions (approximately 18 in total) occupy the majority of the roof slope, most do not stretch from party wall to party wall and are set up from the eaves and some also down from the ridge. Two roof extensions indeed are more attractively designed with two individual dormers on the front roof slope which appear much more proportionate to the roof. I have been referred to an appeal decision on No 63 Ashted Road which was allowed and which the appellant considers justifies the proposal at No 9. However, from my observation on site I am not satisfied that it is entirely similar. The front box dormer at No 63 is set in from the party walls and the upstand from the eaves is greater than that proposed at No 9. The two are not therefore directly comparable and I will determine the appeal case on its own merits.
9. The appellant's design, although with a very small upstand from the eaves (less than 0.5 metres), stretches from parapet wall to parapet wall and rises to the full height of the ridge. In combination with the similar rear dormer the proposal would convert what is an attractive pitched roof property into a flat roofed house with the box dormer extensions entirely subsuming the roof slopes. Moreover, the fenestration on the front facing dormer would be out of alignment with the window design in the lower floors and the right-hand window being a two light window further exaggerates the top-heavy effect of the dormer. As stated above, this particular pairing of properties (Nos 9 and 11) has retained the original form of the front facade and roof and the proposal, for the reasons above, would be unacceptable, notwithstanding what I accept is a heavily altered roofscape in Ashted Road.
10. In respect of the rear dormer, I accept there are some full width dormers in evidence to the rear of the terrace but nevertheless, cumulatively, with the other extensions permitted and proposed on this property the effect of the rear dormer would be disproportionate to the character and appearance of the rear elevation of the property.
11. The Framework at paragraph 130 requires that developments must be sympathetic to local character to create high quality buildings and spaces amongst other things and in these respects the proposal fails. Policy D3 of the LP2021 reflects the Framework in requiring development to respond to the existing character of a place and be of high quality, with architecture that pays attention to detail. The same is the case with *Hackney Local Plan* (HLP) Policy LP1 which requires all

development to be of the highest architectural and urban design quality and to respond to local character and context and be compatible with existing townscape amongst other things. For the above reasons, the proposed dormers would have an unacceptable impact on the character and appearance of the host building and on the frontage the proposal pays little attention to detail and shows no attempt to design the dormer to be in keeping with the guidance in the SPD to the further detriment of the character and appearance of Ashted Road.

Other Matters

12. I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 and I understand the appellant's wish to achieve a larger family unit and make sustainable and effective use of housing land an objective which is encouraged by the Framework in Section 11. I acknowledge that this national policy objective makes the principle of house extensions acceptable. However, paragraph 124 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting. Sustainable and effective use of the dwelling or indeed the aspiration of the emerging *Action Area Plan* to increase the supply of large houses by providing additional accommodation at loft level would not therefore outweigh the harm to the character and appearance as a result of the proposal and in particular the impact on the street frontage.

Conclusion

13. In reaching my decision I have had regard to the matters before me but for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR