
Appeal Decision

Site visit made on 6 September 2021

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2021

Appeal Ref: APP/U5360/W/21/3270469

18 Courtlands, Harrington Hill, Hackney, London E5 9HB

- 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 George McGrath against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2020/3928, dated 9 December 2020, was refused by notice dated 10 February 2021.
 - The development proposed is converting the existing roof space into a habitable room with a flank balcony and rooflights to front and rear.
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Decision

1. The appeal is allowed and planning permission is granted for converting the existing roof space into a habitable room with a flank balcony and rooflights to front and rear in accordance with the terms of the application Ref 2020/3928, dated 9 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, 01, 02, 03 and 04.
 - 3) The tiles to be used in the construction of the external surfaces of the new walls to the roof terrace hereby permitted shall match those used on the existing roof.

Procedural matter

2. Since the Council refused the appeal application the London Plan 2021 has been adopted, taking the place of the London Plan 2016, and a revised version of the National Planning Policy Framework has been published. The appellant and the Council were both given an opportunity to comment on these new policies, which I have considered as part of this decision.

Main issue

3. The main issue is the effect of the proposal on the character and appearance of the building and the local area.

Reasons

4. Courtlands is a 3 to 4 storey, hipped roof block of flats on a sloping site in an area dominated by taller blocks of around 5 to 8 stories, many of which also have hipped roofs. Courtlands is articulated into 3 distinct sections. The proposal is to inset a roof terrace into the side hip of the rear section, plus the insertion of 2 rooflights. The Council's objection is to the roof terrace, which it considers would be an incongruous addition that would fail to respect the character and appearance of the building and the streetscape.
5. The advice about roof terraces in the Council's 2009 Supplementary Planning Document *Residential Extensions and Alterations* (SPD) is mainly about the impact on neighbours, but the SPD does say that alteration of traditional roof forms to create roof terraces is not acceptable. On the other hand, Policy LP1 of Hackney's Local Plan 2033 (HLP) supports innovative contemporary design.
6. In this case, the proposed terrace would be modest in scale and artfully designed to avoid any significant projection beyond the existing roof plane. The inset of the terrace within the roof area would mean that the hipped form of the roof could still be read. This seems to me to be a sensitive approach to the provision of outdoor living space. Courtlands is of traditional design but is not of such architectural quality or uniformity that it is incapable of accommodating this degree of change.
7. This particular design appears to be unique in the area, but there are other types of roof terrace nearby. The proposed terrace would be seen from the street, but only at a distance and this rear section of Courtlands is not prominent in those views. Whilst the terrace would be more conspicuous in views from neighbouring flats, this would be in the context of taller blocks of flats with balconies and it would not be a harmful feature in those views.
8. There are concerns that allowing this appeal might set a precedent for other similar roof terraces. Any other cases must, however, be judged on their own merits and in light of their own particular circumstances.
9. I conclude that, notwithstanding the general advice of the SPD, the proposal would not harm the character or appearance of Courtlands or the local area. It would accord with the aim of HLP Policy LP1, to ensure that new development is of the highest architectural and urban design quality which respects and complements historic character. The Council has not drawn my attention to any particular policies in the London Plan 2021.
10. A neighbour living in a facing flat has also raised a concern about loss of privacy from overlooking. I agree with the Council that the separation distance between the 2 facing buildings is sufficient to ensure an adequate level of privacy. In any case, there are already facing windows here so this would not be a substantial change to the existing situation.
11. I impose a condition specifying the relevant plans to provide certainty. A condition requiring matching tiles is necessary to protect local character and appearance. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR