



Appeal Decision

Site visit made on 31 August 2021 by C Glaister BSc (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2021

Appeal Ref: APP/U5360/D/21/3270806

35 Belgrade Road, Hackney, London N16 8DH

- 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 Friesen against the decision of the London Borough of Hackney.
 - The application Ref 2020/4045, dated 18 December 2020, was refused by notice dated 11 February 2021.
 - The development proposed is the reconstruction of an existing front wall of the front garden with access to bin storage and provision for bikes storage behind the front elevation of the wall.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The appeal relates to development which has already been constructed. As such, the appeal will be considered with regard to its retrospective status.
4. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021. Regard has been had to the revised national policy as a material consideration in the decision-making process. However, in this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. There is therefore no requirement to seek further submissions on the revised Framework.
5. The current London Plan (2021) was adopted after the Council issued the decision notice, and it must now be considered in the determination of this appeal. The Council has provided a statement in respect of the changes, and stated that there would be no alterations to their assessment of the proposal. The appellant has also acknowledged the changes to the plan. Given this, and that the issues most relevant to the appeal remain unaffected by the changes, there is no reason to seek further consultation on this.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the host dwelling, and of the surrounding area.

Reasons for the Recommendation

7. Belgrade Road is distinctly residential. Most properties have bay windows at ground and first-floor level and share a common character and appearance. There is limited space between the buildings and the pavement, and front boundary treatments almost exclusively consist of a low wall, with some instances of metal fencing. They vary to a small degree by way of height, though they do not tend to exceed the beginning of the glazed portion of the bay window on the ground-floor. A greater degree of variety can be seen in the walls design, such as in the materials and colours used. Despite there being an obvious individuality expressed through the boundary treatments, a shared pattern of development along the street scene is recognisable, and each treatment tends to visually respect those around it.
8. The development at 35 Belgrade Road consists of a large rectangular weathering-steel box, with planting on top, and two small metal gates to either side. The steel box is considerably larger than any other boundary treatment on Belgrade Road, and due to its height, it obscures the lower portion of the bay window's glazing on the ground-floor. This causes harm to the individual appearance of the dwelling, particularly because of how close these two elements are to one another. It also appears awkward between and amongst properties for which the boundary treatment does not obscure the bay window.
9. The materials used in the boundary treatment at No 35 are clearly distinct from those used by others along Belgrade Road, and this causes it to stand out amongst them. The size and design of the development further exaggerates its incongruous appearance. The development in these ways fails to respect the existing character and style of the appeal dwelling, those around, and the boundary treatments which currently exist on Belgrade Road.
10. The Supplementary Planning Document Residential Extensions and Alterations (SPD) suggests care must be taken to respect the original character, height, and materials of a boundary treatment. It also highlights that inappropriate boundary treatments have the capacity to detract from the overall appearance of the streetscape. For the reasons given above, the development does not adhere to the guidance given in the SPD.
11. It is clear that many people leave their waste bins in the area behind the boundary wall, and given the differences in wall height, these can be seen to varying degrees. Ensuring the bins are appropriately obscured from view prevents them from detracting from the appearance of the area. However, this could be achieved without the boundary treatment obscuring the lower portion of the bay window.
12. Whilst the development provides a dedicated space for secure bicycle storage for the occupiers of No 35, and in this way contributes to the use of sustainable transport, cycle storage could reasonably be achieved by other means which would not cause harm. Planting has the potential to contribute positively to the appearance of an area. However, in this instance it serves to further obscure the bay window, and adds to the overall size of the boundary treatment. Whilst it is noted that the previous boundary wall could have benefitted from some form of improvement, it does not necessitate development of this kind. The development at No 69 Bouverie Road bears similarities to the development at No 35. However, it is not within the immediate vicinity of the appeal site, and does not in any case justify or mitigate the harm caused by the development.

The sum of all the considerations above amounts to limited weight which would not outweigh the harm identified.

13. For the reasons given above, the development would not comply with Policy D3 of the London Plan (2021), or Policy LP1 of the Hackney Local Plan 2033 which together seek to ensure development responds positively to local distinctiveness and uses materials which complement the local character.

Other Matters

14. There are other instances of weathering-steel in use in other areas of the Borough. However, the appeal is considered in respect of its own individual merits, and the materials nonetheless appear incongruous in the context of the appeal site.
15. Whether or not the bike box is provided by a local workshop or designed by a local artist, and even if it is used by children as an extension of their play area, these are factors of very limited weight which would neither justify nor outweigh the harm identified.
16. A number of issues have been raised relating to the planning process at application stage. These do not directly relate to the planning merits of the case, and do not therefore constitute substantive matters in the determination of the appeal. Whilst there may have been difficulties relating to public consultation at the application stage, comments in support of the proposal have nevertheless been considered in the assessment of the appeal.

Conclusion and Recommendation

17. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR