
Appeal Decision

Site visit made on 21 October 2021

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021.

Appeal Ref: APP/U5360/D/21/3278578
69 Rushmore Road, Hackney, London E5 0EX

- 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 Daniel Jackson against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/0674, dated 6 March 2021, was refused by notice dated 30 April 2021.
 - The development proposed is the erection of mansard style roof extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the date of the Council's decision a revised version of the National Planning Policy Framework (the Framework) has been published. The appellant's grounds of appeal quote extensively from the Framework 2019. The appellant was invited to comment upon the relevance of the changes to the Framework in relation to the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of No 69 Rushmore Road and the wider street scene.

Reasons

4. Rushmore Road is a residential street comprising predominantly terraced homes dating from the Victorian period, most with butterfly roofs that are concealed behind front parapets. No 69 is such an example, being a two-storey dwelling situated at the end of a reasonably long terrace and towards the crossroads junction where Rushmore Road is bisected by Powerscroft Road. As a consequence, the flank elevation of the appeal property is exposed to clear view from the public domain. The proposal would raise the party wall with No 67 and erect a flat roofed, mansard-style roof extension with a very small and shallow pitched face and vertical wall to the front, and a steeper pitch to the rear. The front face of the roof addition would be reasonably deeply

recessed behind the front parapet wall. The exposed side face of the roof extension would have a steep pitch and would be set close to the existing side parapet wall.

5. The Council's *Supplementary Planning Document - Residential Extensions and Alterations* (SPD) was approved in April 2009 and provides guidance for undertaking extensions and alterations to private dwellings within the Borough. Part 3 includes design guidelines for roof extensions and alterations, including mansard roofs. It notes that the continuity of the parapet line is an important townscape feature of early/mid Victorian streets and is typical of the street scene for large areas of Hackney. As a consequence, the SPD advises that roof extensions are not normally acceptable in those terraces where an unbroken roof line remains.
6. In this instance the terrace to which the appeal property forms part has a fairly uniform appearance. The front parapet walls all have a common alignment with decorative cornice details largely intact. That said, the roof line is not unbroken with a mansard style roof extension to No 57, albeit barely visible from street level and with the front parapet retained. In these circumstances, the SPD would support the principle of a sympathetic roof extension to the appeal property.
7. Unlike No 57, and a number of other examples of mansard style roof additions in the immediate locality, large amounts of the proposed roof extension would be openly seen from street level. This is due to the exposed nature of the dwelling's side elevation. Although the recessed position of the new addition would prevent any sight of it from head on views, the extension would rise up close to the side parapet wall and to a height just below the top of the five chimney pots that project directly above the building's side elevation. Due to its position and height, it would be seen in side profile as an incongruous addition that would show little respect for the character or form of the original dwelling.
8. During my visit I saw a roof extension to the dwelling immediately opposite at No 86, which has a similarly exposed side elevation. Although it was partly visible in views from Powerscroft Road, it had a very inconspicuous visual presence. The side roof slope appeared to be very shallow, raking well away from the flank wall of the house and with a maximum height well below the height of the equivalent chimney stacks on its side elevation. In that instance I found the roof extension to be well assimilated into the street scene.
9. My attention has also been drawn to a roof addition at No 88 which sits on the other part of Rushmore Road beyond the junction with Powerscroft Road and which has a very contemporary and striking appearance. Nevertheless, it relates to an individual styled property rather than one that is an integral part of a terrace, appearing to be an infill building, albeit of some age. The circumstances between No 88 and the appeal property are not comparable. Despite the many other examples that exist in the area, and which have been identified by the appellant, I saw none that were comparable to the context of the appeal proposal or to the visual impact it would have when seen from ground level within the street scene.

10. For the reasons given, I find that the proposal would be openly detected as an unsympathetic addition that would have a detrimental impact upon the character and appearance of No 69 and the wider street scene. As such, whilst there is development plan and national policy support for making use of under-utilised land and buildings, and for using airspace above existing buildings, the proposal would fail to display the design quality that is required by Policy LP1 of the Hackney Local Plan 2033 (adopted July 2020) in order for it to respond positively to the local character and context. It would also conflict with Policy D3 of The London Plan 2021, which requires development to respond to the existing character of a place and to be of high quality. For these same reasons there would be conflict with the Framework's objectives for achieving well-designed places.
11. The appellant has suggested that the development could be carried out as permitted development. However, within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposed development requires planning permission, for which there are separate procedures open to the appellant.

Conclusion

12. For the reasons given, I find that the proposal would be harmful to the character and appearance of No 69 Rushmore Road and the wider street scene. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR