

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: 16 November 2021.

Appeal Ref: APP/U5360/D/21/3278405

14 Summerhouse Road, Hackney, London N16 0NA

- 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 & Ms Rodgers and Lehmann against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/0209, dated 13 January 2021, was refused by notice dated 20 April 2021.
 - The development proposed is the erection of a new rear dormer, a new rear storey extension at first floor level, and a new rooflight to front elevation.
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Application for Costs

1. An application for costs was made by Mr & Ms Rodgers and Lehmann against the Council of the London Borough of Hackney. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Preliminary Matters

3. Since the date of the Council's decision a revised version of the National Planning Policy Framework (the Framework) has been published. Having considered the role and the content of the Framework in relation to this case, together with the submissions made by the main parties, I considered there to be no reason to consult about the changes.
4. The application was amended through the submission of revised drawings, to which I have had regard.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of 14 Summerhouse Road and the Stoke Newington Conservation Area.

Reasons

6. The appeal property is an end of terrace, three-storey building set at the terminal end of a short residential no-through road and with accommodation at lower ground, ground, and first floor levels. The site lies within the Stoke Newington Conservation Area (CA) (not the Graham Road & Mapledene Conservation Area that is incorrectly referenced in the decision notice and parts of the officer's report), a mix of commercial and residential development dating principally from the 18th and 19th Centuries, but also including Abney Park Cemetery with its distinctly rural character, which adjoins the north side boundary of No 14, and which is included on English Heritage's *Register of Historic Parks and Gardens*. With the exception of Nos 6A and 6B, all the houses along both sides of Summerhouse Road are identified within the Council's Conservation Area Plan as 'buildings of townscape merit', those being described within the Council's Conservation Area Appraisal November 2004 (CAA) as well-detailed, Victorian Gothic style terraces that are relatively unaltered and which make a positive contribution to the character of the CA by providing the cohesive and interesting historic townscape that justifies the area's designation as a heritage asset. The CAA goes on to specifically identify the uniformity of the architecture in the residential backstreets, including Summerhouse Road, where the houses were all built at the same time and deliberately designed to match.
7. The appeal proposal includes two distinct elements. Firstly, the conversion of the roof space into an additional bedroom including the construction of a contemporary styled 'box-like' dormer window to the rear elevation and a rooflight to the front elevation. Secondly, the addition of a second floor over an existing flat-roofed, two-storey outrigger to the rear.
8. 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 for dormer windows on rear roof slopes, and for rear extensions.
9. For dormer windows the SPD advises that they should reflect the character of the existing building and neighbours; that they should be set in from the party wall on each side and down from the ridge, generally by 0.5m and up from the eaves by 1.0m; and that they should be no more than half the height of the roof (measured on elevation). These guidelines are reflective of the general design principles that are contained within the CAA with regard to roof extensions where it states that they should be carefully designed, unobtrusive, and should avoid disruption to the architectural unity of the terrace. It further states that over-dominant dormers are not acceptable.
10. In this case the dormer window, as shown on Drg No PL2.2 Rev B, would be set only marginally in from both sides of the roof, and only marginally up from the eaves and down from the ridge. The application drawings do not include any existing or proposed side elevations, despite the flank wall of the building being exposed, and open to clear view from the immediately adjoining Abney Park Cemetery. Nevertheless, Drg No PL2.3 Rev C shows a proposed section through the extended dwelling depicting the height of the dormer almost up to ridge level and the side cheeks projecting vertically contiguous with the rear

elevation. This appears to be inconsistent with what is shown on the proposed elevations, which show greater, albeit still small, recesses at the top and bottom of the dormer. Regardless, due to its overall size, the dormer would fail to follow the general guidelines within the SPD which seek to steer development in order to create a high quality, sustainable built environment. More importantly, it would cover almost entirely the rear roof slope, and in a manner that would transform the shape of the original building. The architectural style and character of that which makes a positive contribution to the character of the CA would be lost in favour of an overly dominant roof addition. The dormer would be precisely that which the CAA advises to be unacceptable. The unsympathetically altered roof profile of the building would be clearly seen from Abney Park Cemetery, despite the presence of mature trees and dense vegetation adjacent. The failure to accommodate a roof extension of the sized proposed without having the adverse visual impact that I have identified means that the proposal would also fail to satisfy criterion 3 listed within the SPD for considering larger dormer proposals, regardless of any view expressed by the Council's planning officer in email correspondence with the appellants' agent.

11. The appellants argue that other rear dormer windows to the terrace and wider area means that the proposal would integrate with the now established character of the area. From my assessment, large, full width rear dormer windows are not the norm. Original and unaltered roof profiles remain most prevalent in the area and contribute most positively to the character of the CA overall. I recognise that the SPD acknowledges that rear elevations are generally less sensitive to change. I also recognise that some large dormer windows exist nearby with either the benefit of planning permission or may otherwise be lawful through the passage of time. However, the wider visual impact of any one example will always depend upon a building's context, location, and its aspect from wider viewpoints.
12. A number of examples have been given by the appellants. Those four at Wilmer Place all relate to dwellings in a more contemporary residential development, none of which are identified within the CAA as being buildings of townscape merit. Moreover, the roof profiles of these buildings are largely undetected from the public domain. Cases in some other streets, for example Listria Park and Bouverie Road, relate to properties outside of the CA. The context of all of these does not compare with that at the appeal property.
13. The examples to the other properties within the terrace along Summerhouse Road are more directly related to the appeal proposal. However, whilst they can be seen from Abney Park Cemetery, the visual impact of each is different. I was unable to detect the presence of Nos 2 and 4 from any public vantage point. No 6B is conspicuous for being one of only two properties in Summerhouse Road that is not identified as one of townscape merit. Moreover, although the extensions can be clearly seen from the Cemetery, they are viewed from a longer distance compared with the immediate proximity of No 14, and at an angle due to the routing of footpaths. In my assessment, from Abney Park Cemetery they give the impression of being part of an integrated and contemporary remodelling of the building's rear elevation, rather than as an adjunct at roof level to a building of otherwise distinctly historical origins, as would be the case at No 14. The example at No 12,

immediately neighbouring the appeal property, is a case that demonstrates the harm that can be caused by unsympathetic roof extensions and the need for such proposals to be carefully considered.

14. The need for consistency in decision making is fully acknowledged and understood. However, whilst the nearby examples are part of the established surroundings, they either do not reflect the specific context or circumstances at No 14, or else they serve to demonstrate the harm that can be caused. None offer justification for allowing a development that I find would detract from the character and appearance of the appeal property and that in turn would harm the character and appearance of the area.
15. Turning to the second-floor rear extension. The SPD advises that rear extensions must be sub-ordinate to the principal building, i.e., that they should be at least one storey lower than the eaves height of the building and that their form and materials should normally reflect those of the original building. Again, these guidelines are reflective of the general design principles that are contained within the CAA with regard to extensions and alterations to buildings where it states that they should not visibly affect their scale and massing when seen from the street or any public space and should be subservient to the principal building, normally being at least one storey lower than the eaves height of the original.
16. The existing outrigger is one storey below the eaves and spans approximately half the width of the dwelling. According to the rear elevation shown on Drg No PL2.2 Rev B, the additional storey would appear to match the existing outrigger and from this aspect my impression is that the extension would reflect and integrate with the architectural form and composition of the existing. However, in the absence of a side elevation drawing for the property, either existing or proposed, I cannot be certain that this would be the case when viewed from the publicly accessible Abney Park Cemetery, where the enlarged scale of the building would be unquestionably seen and in close proximity. It is from this aspect that the additional bulk of the building would be noticed most. The side profile of the existing dwelling would change but from the information that is available to me, I am unable to firmly conclude that the addition would result in a scale and form of development that would be in-keeping with the character and appearance of the appeal property. As such, I cannot be certain that this part of the proposal would not detract from the character or appearance of the area.

Other Matters

17. I appreciate the appellants need to provide additional space, and the need for a practical solution to obtain access to the proposed loft conversion. However, the weight that I attach to these circumstances does not outweigh the harm that I have identified.
18. The appellants have pointed to the Council's mishandling of historic records and improper reference to the wrong CA within the decision notice and officer's report. Regardless, these failings do not alter my findings as they relate to the main issue in this appeal.
19. I have considered the appellants' suggestions that their case has been handled differently to others. However, each planning decision falls to be considered on

its own merits. No two cases are usually exactly the same and for reasons I have explained, I am not persuaded that other decisions for similar types of development nearby add sufficient weight in support of the proposal.

20. I recognise that there are other national and local policy objectives that pull in other directions and that some would lend some support to elements of the proposal, but the development plan and national policy must be considered in the round.

Conclusion

21. For the reasons given, I find that the proposed dormer extension would be harmful to the character and appearance of the appeal property and the wider area. For the reasons given I am unable to conclude that the second-floor rear extension would not lead to equivalent harm. The proposal would therefore fail to display the design quality that is required by Policy LP1 of the Hackney Local Plan (HLP) 2033 (adopted July 2020) in order for it to respond positively to local character and context. It would also conflict with Policy D3 of The London Plan 2021 (LP), which requires development to respond to the existing character of a place and to be of high quality. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of the CA as a designated heritage asset and would result in 'less than substantial' harm in the words of the Framework. There are no public benefits that would outweigh this harm. There would also therefore be direct conflict with HLP Policy LP3 and part C of LP Policy HC1. For these same reasons there would be conflict with the Framework's objectives for achieving well-designed places and for conserving and enhancing the historic environment.
22. I understand that there were no objections to the proposal from any interested parties but neither this, nor any other material considerations, lead me to conclude that the appeal should be determined otherwise than in accordance with the development plan. Accordingly, the appeal is dismissed.

John D Allan

INSPECTOR