



Appeal Decision

Site visit made on 12 October 2021 by M Long

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2021

Appeal Ref: APP/U5360/D/21/3274484

27 Leswin Road, Hackney, London N16 7NU

- 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 Mrs Claudia Lastennet against the decision of The London Borough of Hackney.
 - The application Ref 2020/4016, dated 16 December 2020, was refused by notice dated 10 February 2021.
 - The development proposed is a proposed loft conversion over the main roof with a sloped roof to the front and a mansard construction to the rear.
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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.

Preliminary Matters

3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). I have had regard to this as a material consideration however, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. The issues most relevant to this appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. Since the determination of this application, a new London Plan (2021) has been adopted. In their reasons for refusal the Council has referred to The London Plan (2016), however new policies have superseded previous policies and this appeal must be determined against the current development plan.
5. The appellant has referred to Policies D5, D6, D8, H2 and H10 of The London Plan (2021), which were not referred to in the Officer's Report. These policies have been subsequently provided by the Council and have been considered as part of this recommendation.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons for the Recommendation

7. The appeal site is a two-storey, mid-terrace dwelling located in a predominantly residential area. The appeal property forms part of a short terrace of four properties that are characterised by a similar design, including bay windows, parapet walls, butterfly roofs and rear outrigger features. The terrace remains largely in its original form and retains its butterfly roofs on the main roof. However, it is noted that there are large roof extensions on the outriggers of Nos 25 and 31, and it is understood that a Lawful Development Certificate was granted with respect to a loft conversion over the roof of the outrigger of the appeal property. Although some are present, there are only a limited number of roof extensions on the main roof slopes of terraces in the surrounding area.
8. The proposal would result in the loss of the existing butterfly roof form and the construction of a large roof extension with a sloped roof at the front and a mansard-style roof at the rear. The front-facing roof slope would be behind the existing parapet wall which would limit the prominence of the development from the Leswin Road streetscene. However, due to its significant height, the proposal would be highly visible from the rears of surrounding properties.
9. The substantial size of the proposed extension would appear as an incongruous feature along the terrace's roofscape that would disrupt the unbroken pattern of butterfly roof forms across these properties. The proposal would detract from the level of uniformity that characterises the group of four dwellings to the detriment of their character and appearance. The Residential Extensions and Alterations Supplementary Planning Document states that roof extensions should not disrupt the existing roof form, therefore the proposed development would conflict with the overall aims of this document.
10. Although there are examples of outrigger extensions that have altered the roofscape of the terrace, these are contained to the outrigger roof and do not encroach upon the unbroken roofline established by the butterfly roof forms. Furthermore, their prevalence along this short terrace has resulted in them becoming part of its character, whereas the lone addition of a mansard-style roof to the main roof slope would appear out of keeping in this context.
11. The proposed front-facing roof slope would be largely obscured behind the existing parapet wall and would result in very limited public views of the development from the Leswin Road streetscene. Nevertheless, given its significant height, the proposal would be highly visible from the rears of the surrounding properties and the proposed additional bulk in the middle of the terrace would appear as a discordant feature along its roofscape.
12. The appellant has directed my attention towards a number of roof extensions in the surrounding area, including along Tyssen Road and Hollar Road. Although the full details of these developments are not before me, it appears that they share similarities with the appeal scheme. However, these developments are located on much larger terraces in comparison to the appeal terrace and are not so numerous that they form a significant part of the character of the area. Therefore, they are not considered to set a precedent for the proposed scheme at this site. In any event, each case must be determined on its own individual planning merits and circumstances.

13. Reference has been made to policy in the National Planning Policy Framework which supports the use of airspace above existing premises. This is specifically in relation to the provision of new homes and not an extension to an existing dwelling. In addition, the policy requires that any such development should still be consistent with the prevailing height and form of the neighbouring properties and overall street scene. The development would not comply with this policy.
14. Given the above, the proposed development would result in harm to the character and appearance of the area. As such, it would be contrary to the Hackney Local Plan 2033, adopted July 2020, specifically Policy LP1 which seeks to ensure new development responds to local character and context and is compatible with the existing townscape. There would be further conflict with the National Planning Policy Framework which seeks to prevent development of poor design that fails to reflect local design policies and guidance.

Other Matters

15. The appellant has indicated that within some of The London Plan 2021 policies there is language to support the optimisation of housing. However, this must be considered in the context of all relevant policies in the development plan. In this instance, given the extent of the harm that would arise, the proposal's compliance with aspects of other policies does not outweigh the harm that would arise to the character and appearance of the area.

Conclusion and Recommendation

16. The proposed development would not accord with the development plan, when considered as a whole. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

17. 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