
Appeal Decision

Site visit made on 4 November 2021

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2021

Appeal Ref: APP/U5360/W/21/3272240

10 Englefield Road, Hackney, London N1 4LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms J Beynon against the London Borough of Hackney Council.
 - The application Ref 2020/3518 is dated 13 November 2020.
 - The development proposed is 'provision of replacement storage accommodation and enclosed roof terrace with associated works.'
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Decision

1. The appeal is dismissed and planning permission for the 'provision of replacement storage accommodation and enclosed roof terrace with associated works' at 10 Englefield Road, Hackney, London N1 4LN is refused.

Application for costs

2. An application for costs was made by Ms J Beynon against the London Borough of Hackney Council (the Council). This application is the subject of a separate Decision.

Main issue

3. The main issue is the effect of the proposal on the character and appearance of the De Beauvoir Conservation Area (DBCA).

Reasons

4. The appeal property is a detached 3 storey house situated behind a modest gated front garden on a relatively small plot on the north side of Englefield Road. It is of a Georgian influenced design, constructed in brick with traditionally sized sliding sash windows with whited painted lintels above. The top of the front elevation, facing the street, is defined by a white painted projecting cornice with a white painted parapet wall above.
5. The property is situated within the eastern part of the DBCA, its side boundary forming the edge of the conservation area, with the neighbouring dwellings to the east being outside, but within the adjoining Kingsland Conservation Area (KCA). There is a modern housing development to the south of the appeal property and attractive 2 storey period properties on Hertford Road to the west.

6. The Council undertook an appraisal¹ of the DBCA which was published in 2008. The appraisal explains that it was first designated in 1971 and later extended in 1977 and 1998. The appraisal explains that the DBCA's significance relates to its early 19th century origins as the planned De Beauvoir Town.
7. The appraisal states that the area is notable for the excellent survival of high quality short terraces and houses dating from 1830–50 and that the spacious tree-lined roads display different styles of domestic architecture. The appraisal identifies Englefield Road as a busy bus route that does not have such a coherent quality as some of the other roads in the DBCA, but does include some attractive terraces of houses.
8. The appeal property is not identified in the appraisal and, based on the submissions before me, there is some dispute and misunderstanding about its age. The Council states that the building 'probably' dates from circa 1830². However, the appellant submits that it is a 20th century pastiche building and does not have any specific historic interest.
9. The appellant states that it does not have the correct exterior proportions, design features and materials, has no chimney or fireplace and has a flat roof with a high parapet wall, unlike older properties within the DBCA which have pitched slate roofs and low parapets³. On my site inspection, I noted these features and differences and I agree with the appellant that the appeal property does appear to be a later addition to the area. Notwithstanding its seemingly more recent construction, it is a pleasant looking building which references, albeit imperfectly, elements of the period style and materials of older buildings in the area. As such, it makes some limited contribution to the character of this part of the DBCA.
10. The appeal proposal would raise the parapet walls of No 10 on its 4 sides and create a covered rooftop room, indicated on the submitted plans as being for storage and a sun room. The covering would be a flat roof structure comprised of glazing within an aluminium frame.
11. Whilst the glazed structure would not be visible from the street, the raised walls that would enclose it would be discernible. At the front, the existing cornice and parapet is already quite deep, making the dwelling look somewhat top heavy and different from the prevailing historic style and detailing in the wider DBCA.
12. The proposed parapet height increase, albeit by a modest 200 mm, would further unbalance the dwelling's proportions and appearance when viewed from Englefield Road and when seen from the junction with Hertford Road. The detached nature of the dwelling, and its existing height, which rises notably above its neighbours on this side of the road, would exacerbate this effect and make it look incongruent. This would not preserve or enhance the character or appearance of the DBCA, which is a matter that I am required⁴ to pay special attention to.

¹ De Beauvoir Conservation Area Appraisal, London Borough of Hackney- May 2008.

² Paragraph 2.1 of the Council's Statement of Case

³ Paragraph 5 of the appellant's final comments – September 2021

⁴ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

13. The Council and the appellant have each made reference to an earlier planning permission made in 2017⁵ and determined in January 2018. That application was described in the decision notice as an enlarged single storey roof structure 'concealed behind existing unaltered roof parapet walls'. However, the drawings are inconsistent with this description and indicated a 500 mm increase in the wall height. The Council also refused a submission⁶ seeking a non-material amendment to the 2018 permission, although I do not have full details of that submission and decision before me.
14. The appellant submits that the fact that a 500mm parapet height increase appeared on earlier drawings, associated with an approved application, weighs in favour of the current proposal, given that it involves a lesser height increase to that previously shown. This is clearly a muddled situation, but there is no evidence before me to indicate that the 2018 permission is extant, as I saw no signs of implementation on my site inspection, and the appellant appears to acknowledge⁷ that it has now lapsed.
15. Whilst the Council's handling of the 2018 approval causes me to sympathise with the appellant's frustrations, the permission is now time-expired and provides no fallback for the appellant, and therefore carries little weight. In any event, I must make my judgement on the basis of the planning merits of the current proposal before me.
16. I have also taken into account a planning permission⁸ for an infill dwelling on the site between the appeal property and No 8 Englefield Road. Whilst that scheme would be of a similar height to the appeal property, it is of a very different modern design, entailing a third floor roof terrace and set back glazing. This would not provide a justification for the proposed alterations to the appeal property's traditionally influenced design and the harm I have identified above. I have also considered a number of other developments, and appeal decisions, cited by the appellant in her Planning Statement, but the circumstances are different in each case and are not directly comparable to the appeal proposal.
17. The resultant harmful effect of the appeal proposal on the DBCA would be quite limited and would comprise 'less than substantial harm' for the purposes of the National Planning Policy Framework (the Framework). This harm must be weighed against the public benefits of the proposal. However, as the rooftop room would serve the private interests of the occupiers of No 10, there would be no notable public benefits arising that would outweigh the limited harm identified.
18. This means that the proposal conflicts with policy LP3 of the Hackney Local Plan 2033 (adopted July 2020) and policy HC1 of the London Plan (adopted March 2021), which require development proposals in conservation areas to preserve or enhance their character and appearance. The proposal would also conflict with policy LP1 of the Hackney Local Plan 2033 and policy D4 of the London Plan, which require new development to achieve good design.

⁵ Council planning reference number 2017/4288

⁶ Council planning reference 2020/0768

⁷ Appellant's application for costs – page 4, paragraph 5

⁸ Council planning reference 2019/2739

Other matters

19. I have noted the Council's concern about the usability of the proposed rooftop, as its glazed roof may lead to the enclosed space becoming very hot. However, given my conclusion on the main issue, I do not consider it necessary to explore this matter further.

Conclusion

20. For the reasons stated above, the appeal is dismissed.

P. Staddon

INSPECTOR