

Appeal Decision

Site visit made on 9 November 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2021

Appeal Ref: APP/U5360/W/21/3279909

158C Richmond Road, Hackney, London E8 3HN

- 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 Kristof Wuytack against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/0654, dated 1 March 2021, was refused by notice dated 19 May 2021.
 - The development proposed is described on the application form as "Re-instating the rear centre window and installing new double glazed sash windows. Replacement of an existing rear dormer window and a new terrace in the rear slope of the hipped roof. New side dormer. 3 new conservation area approved rooflights in the front slope of the roof".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021, before the appeal was submitted. The 2021 version of the Framework is referred to in the decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property, and the Graham Road and Mapledene Conservation Area.

Reasons

4. As the site is located within the Graham Road and Mapledene Conservation Area (CA), a designated heritage asset, there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA primarily derives from the quality of the largely nineteenth century residential development found therein, and the strongly defined grid street pattern. The appeal site accommodates a semi-detached villa with a largely unaltered hipped roof and the building makes a positive contribution to the character and appearance of the CA.
5. In the proposed scheme, an existing modest and mainly recessed rear dormer window would be replaced by a sizeable dormer extension and adjoining roof terrace. The Council's concerns relate to the proposed roof terrace and its 2009 Residential Extensions and Alterations Supplementary Planning Document (SPD), is relevant in this regard. The SPD states that roof terraces are not

characteristic features of the traditional housing stock of the Borough, and that the alteration of traditional roof forms to create roof terraces is not acceptable.

6. The terrace in this case would be set into the roof and the respective roofs of the dormer and the terrace would horizontally align, as would the dormer's sill level and the top of the terrace's parapet. Nevertheless, the terrace's roof would be set back from the dormer's, and there would be a deeper recessed void beneath the terrace's roof. In combination, the dormer and the terrace would have a complex form that would appear as an uncharacteristic and obtrusive addition to the traditional roof design of the building. Moreover, the terrace would enable high level social outdoor activity which would be a stark departure from the inactive character of the main roof to the host property and that of neighbouring properties. Although the roof additions would not be visible from the public realm, their incongruous relationship with the building and the wider roofscape would be discernible in private views from the rear of a number of properties within the same urban block as the appeal site, which is a legitimate matter of public interest.
7. In respect of side dormers, the SPD states these are possible but only if well designed and where they do not compromise the character of the house or street. Furthermore, they should sit within the slope of the roof, well clear of any hips. In the appeal proposal, the upper part of the flanks to the side dormer would be very close to the hips. Given this position, and the associated significant width of the dormer, it would unduly dominate the roof slope. As such, it would compromise the character of the house and its discordant appearance would be visible in public views from the street, notwithstanding the close proximity of the gable roof and chimney stack of 156 Richmond Road.
8. As to the proposed three front rooflights, the SPD states their number and size should not visually dominate the roof plane, and normally a maximum of two rooflights will be acceptable on the road facing roof slope. The submitted Design and Access Statement asserts the rooflights would correspond to the rhythm of the three first floor windows below them and maintain the symmetry in the building. However, the proposed front windows plan (158C RR/50), indicates that the western rooflight would not directly align with the first floor window below and the three rooflights would not be evenly spaced, seemingly due to the restriction of the roof hip. Consequently, it has not been demonstrated that the rhythm and symmetry of the building would be maintained. Furthermore, given their large size and number, they would visually dominate the front roof plane and their adverse impact would be prominently visible from the public realm, notwithstanding the presence of the frontage trees.
9. In light of the above, the proposed development would cause significant harm to the character and appearance of the host property, and it would fail to preserve or enhance the character or appearance of the CA.
10. Given the limited scale of the proposed development in the context of the CA as a whole, the arising harm to the significance of the CA would be less than substantial. The Framework sets out that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. It also sets out that great weight should be given to the conservation of

designated heritage assets, irrespective of whether any potential harm is less than substantial.

11. Public benefits of the proposed scheme would effectively be the enhancement of the character and appearance of the building and the CA that would be derived from the replacement of the first floor uPVC windows with windows of a more sympathetic design, and reinstating a central first floor rear window instead of two existing smaller windows. However, given their fairly minor nature, the public benefits only attract limited weight.
12. With the above in mind, and having regard to the great weight that should be given to the conservation of designated heritage assets, the public benefits would not outweigh the harm to the CA arising from the roof elements of the scheme. Consequently, the proposed development would conflict with Policies D1, D3 and HC1 of the London Plan 2021, and Policies LP1 and LP3 of the 2020 adopted Hackney Local Plan. Amongst other things, these policies seek to ensure development responds to local character and context, and ensure the historic environment is preserved or enhanced. It would also conflict with the aspects of the SPD previously referred to.

Other Matters

13. The appellant has drawn attention to several existing rear roof extensions and roof terraces but they are not identified as being within the same urban block as the appeal site and some are located outside of the CA. As such, they have different local contexts. Attention has also been drawn to several existing side dormers, including some in Richmond Road. However, a number of these appear smaller than the appeal proposal and where they are similar or larger in size, it is unclear whether they were considered against extant planning policy. Although it is acknowledged that 71 Richmond Road opposite the site has three front rooflights, it is not directly comparable as that property has a gable roof with a consistent full height front roof plane and the rooflights appear to be smaller. Accordingly, the existing developments do not justify the appeal proposal which has been duly considered on its own merits and in light of its particular circumstances and local context.
14. Although the proposed scheme would provide private benefits in respect of additional living accommodation and direct access to an outside space for the occupiers of Flat C, these considerations would not outweigh the harm.

Conclusion

15. The proposal would conflict with the development plan as a whole and there are no material considerations, including relevant parts of the Framework, which indicate that the decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

C J Ford

INSPECTOR