



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: 18 January 2022

Appeal Ref: APP/U5360/W/21/3273414

34 Forburg Road, Hackney, London N16 6HS

- 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 P Landau against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/0311, dated 1 February 2021, was refused by notice dated 8 April 2021.
 - The development proposed is erection of rear roof extensions, and insertion of rooflights to front roof slope and rear roof slope of rear outrigger.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Revised plans were submitted with the appeal which propose two front roof lights instead of three. The revised plans do not materially alter the nature of the proposed development and interested parties had the opportunity to comment at the appeal stage. Therefore, taking into account the amended plans would not prejudice any of the parties in the appeal, or their respective case in relation to it.
3. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021 and the main parties were given the opportunity to submit comments. The 2021 version of the Framework is referred to in the decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property, and the Northwold and Cazenove Conservation Area.

Reasons

5. As the site is located within the Northwold and Cazenove 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 and harmony of the nineteenth century residential development found therein, which mostly comprises of terraces.
6. The appeal site occupies a mid-terrace position. In common with the neighbouring properties in the terrace, it has a distinctive roof design whereby

the main roof is dual pitched and a valley is formed with the roof to the rear outrigger which has a lower ridge height. Although there is a variation in the roof design of the outriggers, with the appeal site and the properties to the south-west being dual pitched while those to the north-east are hipped, a strong sense of rhythm nevertheless exists across the rear roof level of the terrace.

7. From the observations made on the site visit and the aerial photograph attached to the Council's officer report, it appears the neighbouring part of the terrace's roof level is only broken at a property to the south-west by a rear dormer which spans around half the width of the main roof. Consequently, the distinctive roof design of the properties, as well as the rhythm and continuity of the largely unaltered rear roof level of the terrace, make an important contribution to the character and appearance of the CA.
8. In the proposed scheme, a flat roof rear dormer would span the full width of the main roof. The valley to the outrigger would also be infilled, with a flat roof above. Notwithstanding the dormer being set down from the ridge and set up from the eaves by modest degrees, its sizeable bulk would dominate the original roof form of the dwelling. Furthermore, in combination with the infilled valley, the original pitched roof design of the dwelling would primarily become flat roofed. As such, the distinctive roof design of the property would be lost, and the rhythm and continuity of the largely unaltered rear roof level of the terrace would be conspicuously disrupted. The development would therefore 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.
9. 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 surrounding properties, particularly those on Chardmore Road, which is a legitimate matter of public interest.
10. The plans submitted at the application stage also proposed three front roof lights which would have resulted in a visually cluttered front roof plane that would be uncharacteristic of the Forburg Road street scene. However, the revised plans submitted at the appeal stage would address this with a reduction to two front roof lights.
11. 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.
12. In this regard, the appellant notes the Council's 2020 adopted Hackney Local Plan 2033 (LP), and the emerging Stamford Hill Area Action Plan (AAP), seek a higher proportion of dwellings that are 4 bedroom (6 person) or more in the AAP area. However, the proposal would extend an existing flat that already has 4 bedrooms and which is capable of accommodating at least 6 people. Therefore, it would not add to the supply of larger family dwellings for which

there is a local need. Instead, it would have a more limited benefit of increasing the size of an existing larger family unit.

13. With the above in mind, and whilst worthy of some weight, the public benefit of the appeal scheme would not attract sufficient weight to outweigh the harm to the CA. Consequently, the proposed development would conflict with Policies D3 and HC1 of the 2021 London Plan, and Policies LP1 and LP3 of the LP. Amongst other things, these policies seek to ensure development in CAs preserve or enhance the character and appearance of the area, including the established local character of individual buildings and groups of buildings in terms of their form and design, and the rhythms and historical form of the area. It would likewise conflict with the Framework which promotes the desirability of sustaining and enhancing the significance of heritage assets.

Other Matters

14. The appellant has drawn attention to several approved schemes in Durlston Road which is in another part of the CA. While those schemes similarly infilled the valleys to the rear outriggers and also included full width or near to full width rear dormers, the officer reports indicate they were considered to be acceptable because they would be in keeping with the pattern of development in that area. Moreover, as they preceded the adoption of the LP, they were considered against different development plan policy. Hence, they are not directly comparable and they do not justify the harm that would arise from the appeal proposal which has been considered on its own merits and with regard to its particular location and the respective pattern of development.
15. Although the proposal would provide more living space for the appellant's family, a private benefit which is afforded some weight, it does not outweigh the great weight that the Framework specifies should be given to the conservation of designated heritage assets.

Conclusion

16. 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