



Appeal Decision

Site visit made on 18 January 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2022

Appeal Ref: APP/U5360/W/21/3281502

14 Wilberforce Road, Hackney, London N4 2SW

- 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 S Gupta against the decision of London Borough of Hackney.
 - The application Ref 2021/1596, dated 19 May 2021, was refused by notice dated 28 July 2021.
 - The development proposed is a side dormer.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit the dormer had already been constructed. However, 'retention' as referred to in the application form and decision notice does not constitute an act of development. I have dealt with the appeal on the basis that planning permission is sought for a side dormer.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the appeal property and the Brownswood Conservation Area.

Reasons

4. The appeal property forms the right-hand half of a pair of three-storey semi-detached town houses and has been converted to flats. The building is typical of the development on Wilberforce Road, which is characterised by evenly spaced buildings set back from the road by small town gardens. The Road has a strong sense of rhythm gained from the uniformity of the buildings on it. It lies within Brownswood Conservation Area (CA) which was designated in 2020.
5. A dormer extension has been inserted into the hip of the roof. It has a pitched roof which follows the angle of the main roof of the property and has been faced with a lead finish. It sits above the eaves and below the ridge of the roof and is positioned centrally within the roof slope.
6. Views of the dormer from street level on Wilberforce Road are restricted due to the height of the roof and the angles from which it can be viewed but is nevertheless visible. It is more visible, however, through the gap in the buildings on Finsbury Park Road behind, where it is seen in the context of other dormers and extensions, both on the rear of this property and on the other half of the pair. Consequently, it adds to the clutter of extensions and alterations

particularly within the roofscape. Furthermore, there are no other examples of side dormers in this part of the Road and as a result breaks the strong sense of rhythm and uniformity created by the roofs along the Road.

7. The guidelines for side dormers are set out in the Councils Local Development Plan Supplementary Planning Document 'Roof Extensions and Alterations' (2009) (SPD). The guidance states that dormer windows and roof-lights to the side roof slope will only be acceptable where they would not have a detrimental impact on the building or streetscape. The appellants assertion that the dormer has been constructed to a high standard which should become a benchmark for further side dormers does not outweigh the harm that I have found to the overall streetscape through the interruption to the rhythm and uniformity of the roofs in the Road.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the CA. In considering the effect of the proposal on the CA the impact must be weighed against the harm it would have on the heritage asset.
9. The significance of the CA is derived from its development as a high quality late Victorian suburb with a clear hierarchy of housing types set out from the 1860s onwards. It is typified by buildings with decorative architectural features. These architectural characteristics and unaltered features give the CA a strong sense of cohesion and the buildings have notable group value.
10. This appeal property is identified in the Brownswood Conservation Area Character Appraisal and Management Plan 2020 (CAMP) as making a positive contribution the CA and the CAMP notes that buildings on Wilberforce Road are largely of an identical design with a consistent rhythm and massing throughout. The CAMP has identified that inappropriate alterations to roofs of dwellings including dormers and rooflights pose a significant threat to the CA.
11. The appeal proposal introduces a form of development which by virtue of its position on the side elevation would be prominent when viewed from within the CA, and as set out above, particularly from Finsbury Park Road. As such it is an incongruous and inappropriate feature in the roofscape. The harm to the CA would, nevertheless, be less than substantial.
12. Paragraph 202 of the National Planning Policy Framework states that where the harm is less than substantial, this harm should be weighed against the public benefits of the proposal. I have not been presented with any evidence that there is any public benefit derived from the proposal which would outweigh the harm that I have found.
13. I therefore find that the dormer has an unacceptably harmful impact on the character and appearance of the appeal property and fails to preserve or enhance the character or appearance of the CA. As such it would be contrary to Hackney Local Plan 2020 Policies LP1 and LP3 and The London Plan Policies D3 and HC1 which seek to ensure that development is of a high quality and conserves or enhances heritage assets. It also fails to comply with the SPD.

Other Matters

14. The appellant has drawn my attention to the fact that dormer windows are a common feature in the area and on my site visit I did observe several other

dormer extensions in the locality. The Council recognises that there have been some unsympathetic roof and side extensions to buildings in the CA prior to its designation. However, these extensions should not be used as a precedent for further inappropriate development. In any event, I must consider the appeal on its own merit.

15. I acknowledge that the appellant states that the property has been restored to an excellent standard externally, however this does not outweigh the harm that I have otherwise found.

Conclusion

16. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR