



Appeal Decision

Site visit made on 20 October 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 15th February 2022

Appeal Ref: APP/U5360/W/21/3271362 255A Wick Road, Hackney London E9 5DG

- 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 Ulku Altun against the decision of Hackney Council.
 - The application Ref 2020/3462 dated 13 November 2020 was refused by notice dated 7 January 2021.
 - The development proposed is to convert the existing 1 bedroom flat into a 3 bedroom flat, including the construction of a mansard roof addition and a second floor rear roof terrace over the existing outrigger, with associated alterations to the existing back garden including creation of a refuse/ recycling/ cycle storage and subdivision of amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. The parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.
3. The Council's decision notice refers to policies of the London Plan 2016. The London Plan 2021 has now been adopted. As appeals must be determined in accordance with the policies in force at the time the decision is made the policies of the London Plan 2021 have been used in this decision. Parties have had the opportunity to comment and these have been considered, where received.
4. The description of development has been taken from the appeal form and decision notice, which has been agreed between the parties and more accurately reflects the full nature of the development.

Main Issues

5. The main issues are the effect of the development on the character and appearance of the host dwelling and the surrounding area; whether the proposal would make suitable provision for refuse facilities; and whether the proposal would make suitable provisions for cycle storage.

Reasons

Character and Appearance

6. The appeal property sits in the middle of a terrace on Wick Road. Many properties in the row have retained an intact roof profile, reflective of the traditional Victorian character of the buildings. However, some roof additions are present along both the front and rear of the row. The proposal seeks to introduce a mansard roof addition and rear terrace at the property.
7. The Residential Extensions and Alterations SPD (the SPD) states that the continuity of the parapet line is an important townscape feature and advises that roof extensions are not normally acceptable in those terraces where an unbroken roof line remains. This represents guidance rather than policy, but remains a material consideration.
8. The terrace row at Wick Road does not benefit from an unbroken roof line, with various examples of mansard roof extensions along the front elevation. While the Council has stated that not all benefit from planning permission, they nonetheless form part of the character of the streetscene. In addition, these examples serve to demonstrate how this type of development can be sympathetically incorporated at both the property and within the terrace.
9. However, the SPD further states that where the original roof form is a butterfly roof, as is the case at the appeal property, the rear roof profile should be retained. The proposal would fail to follow this guidance, removing the butterfly roofline along the rear elevation, creating the appearance of a third storey and introducing a rear terrace. Although this would mirror the rear profile of the immediately adjoining properties, with other vertical rear faces also present nearby, in contrast to the front mansards these examples demonstrate the harmful nature of such development.
10. Retained rear butterfly rooflines remain common in the immediate group. While not visible from Wick Road, clear views of the back of the proposal would be experienced from the rear car park, where alongside the intact rooflines in the group it would appear notably boxy and dominant, at odds with the character of the appeal property itself. Despite the neighbouring rear terraces, in line with the SPD these are not a common characteristic of the surrounding properties and immediate group, further highlighting the development as an overall out of place and incongruous addition.
11. As such, the rear elevation elements of the proposal would fail to respect the nature and proportions of the appeal property itself and would serve to further erode the prevailing character of the immediate group of surrounding properties to an unacceptable degree.
12. Whilst I have concluded that the effect of the mansard roof addition to the front elevation of the appeal property would be acceptable, for the reasons given I find that overall the development would have a significant adverse effect on the character and appearance of the host dwelling and surrounding area. As such, it would fail to accord with Policy D3 of the London Plan 2021, Policy LP1 of the Hackney Local Plan 2033, adopted July 2020 and the SPD, which together seek to promote good design.

Waste Facilities

13. Under Policy LP57 of the Hackney Local Plan 2033 clear details for the storage and collection of waste and recycling should be provided. The submitted plans show bin storage in the rear communal garden at the property. However, there is no direct access to this area from the proposed upper floor flat.
14. As such, this would be neither convenient or easily accessible for future residents, requiring them to walk a distance that would materially exceed what is reasonably expected for waste and recycling purposes. In addition, on the evidence provided it is not clear whether adequate storage could be comfortably accommodated within the flat itself.
15. While the appellant has referred to twice daily street collection, no substantive evidence of this is provided, and in any event does not negate the requirement for a suitable storage area for waste. On that basis I am not persuaded that the proposal would make suitable provision for refuse storage facilities.
16. For the reasons given I find that the development would not make suitable provision for refuse facilities. As such, it would fail to accord with Policy LP57 of the Hackney Local Plan 2033, adopted July 2020, which seeks to ensure adequate refuse facilities.

Cycle Facilities

17. It is recognised that there is a lack of cycle parking at the property at present. Nonetheless, under Policy LP42 of the Local Plan, cycle parking for building users and visitors should be provided for new development in accordance with the Council's cycle parking standards. The proposal would provide a bicycle box with space for three bicycles for the flats.
18. The Council has not commented on whether space for three bicycles would meet their parking standards. However, Policy LP42 requires such parking to, among other things, be accessible and convenient. In accordance with the submitted plans, the bicycle box would be in the communal rear garden.
19. However, as noted above, there is a lack of direct access from the upper floor flat to this garden space. While access can be taken via the space between 89A Kenworthy Road and 245 Wick Road, due to the length of detour required this would not result in the cycle parking being either accessible or convenient to residents in line with policy requirements.
20. For the reasons given I find that the development would not make suitable provision of cycle storage facilities. As such, it would fail to accord with Policies T4 and T5 of the London Plan 2021, Policy LP42 of the Hackney Local Plan 2033, adopted July 2020 and the Framework, which together seek to ensure adequate cycle storage facilities.

Conclusion

21. Whilst I have found that the effect of the mansard roof addition to the front elevation of the appeal property would be acceptable, this would be a lack of harm and thus neutral in my conclusions. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR