The Planning Inspectorate

Appeal Decision

Site visit made on 10 January 2022 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by Martin Seaton BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/U5360/D/21/3284063
41 Englefield Road, Hackney, London, N1 4HJ

- 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 Ms Faten Mahmood against the decision of London Borough of Hackney.
- The application Ref 2021/2074, dated 5 July 2021, was refused by notice dated 17 September 2021.
- The development proposed is a small outrigger extension at upper ground floor level. Single fixed window to side elevation and opening window to rear elevation.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. There is an extant planning permission (ref: 2021/1061) granted in July 2021, for a lower ground floor single storey rear extension and other changes to the property. It was apparent on my site visit that works relating to that permission were progressing.

Main Issues

4. The main issues in the appeal are the effect of the development on the character and appearance of the host property and the De Beauvoir Conservation Area (CA).

Reasons for the Recommendation

5. I have had regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which places a duty upon the decision-maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. The Framework further advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. The site is situated within the De Beauvoir CA. The significance of the CA is largely derived from the architectural quality and variety of its Victorian

buildings and its spacious, wide and tree lined streets. The appeal property is part of a short terrace of attractive period residential properties and makes a positive contribution to the CA.

7. The appeal property and the other properties in the terrace are of a broadly consistent design and appearance. However, I saw on my site visit that a number of properties have been extended and altered to some extent at the rear, including the appeal property where a lower ground floor extension is under construction. Nevertheless, the original design of the dwelling, especially at the upper floors is still apparent and can be appreciated in views from the rear of the property and nearby roads (Ufton Road and Culford Road).

8. I agree with the appellant that the proposed outrigger would appear secondary to the main building and would not upset the intended rhythm of development along the terrace. However, its position, boxy design and projection from the rear of the dwelling would give it an awkward and bulky appearance, and would obscure some of the original features of the dwelling. The modern design would contribute to the erosion of the historic character of the terrace and the proposed modern fenestration, whilst matching the lower ground floor extension, would fail to relate to the original design of the host building. At this upper floor level the modern design would be more strident and jarring in appearance, and although I accept that the proposal would not be as visible from Ufton Road and Culford Road as some of the existing rear extensions on Englefield Road, it would not sit comfortably within the context of the existing building.

9. The appellant has provided photographs and details of a number of planning applications that feature similarities to the appeal proposal in terms of location and nature of development, and I acknowledge that there are a number of similar extensions to the proposal in the vicinity. However, these cases have different characteristics, and their circumstances are therefore not directly comparable with those which apply in this appeal. In particular it appears that No. 29 Englefield Road and No. 31 Englefield Road feature windows in the outriggers that match the original dwelling and the positioning is different. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me and its own planning merits.

10. I therefore conclude that the proposed development would have an unacceptable adverse impact on the character and appearance of the host dwelling and would not preserve the character and appearance of the CA in conflict with Section 72 of the Act. It would be contrary to Policy LP1 of the Hackney Local Plan Strategic Planning 2033 (adopted July 2020) which seeks, amongst other things, to preserve or enhance the significance of the historic environment and the setting of heritage assets and avoid compromising the appearance of building and Policy LP3 which seeks, amongst other things, to preserve and enhance the character and appearance of Conservation Areas. It would also be contrary to Policy D3 and HC1 of the London Plan (adopted March 2021) which require proposals to be of the highest quality of design and to preserve or enhance the character and appearance of Conservation Areas.

11. The harm that the proposed development would cause to the significance of the CA would be less than substantial. While I acknowledge the private benefits of providing larger accommodation for the appellants family and their wish to remain in their current home, these do not amount to public benefits which

paragraph 202 of the Framework advises must be weighed against the less than substantial harm to the significance of the designated heritage asset. There are not therefore any identified public benefits which would outweigh the harm that would be caused to the CA.

Other Matters

12. I note that the Council states the proposed development is acceptable with regard to the living conditions of the occupiers of neighbouring properties in respect of light. However, this lack of harm carries neutral weight.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR