



Appeal Decision

Site visit made on 9 February 2022

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2022

Appeal Ref: APP/U5360/D/21/3288922

54 Osbaldeston Road, Hackney, London, N16 7DR

- 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 Krausz against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/2030, dated 28 June 2021, was refused by notice dated 9 November 2021.
 - The development proposed is described as 'Erection of a side and rear dormer window; addition of front rooflights'.
-

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the dwelling and whether it would preserve or enhance the Northwold and Cazenove Conservation Area (CA). The development plan includes policy LP1 of the Hackney Local Plan 2033 (2020) which seeks to ensure that all development is of the highest quality and policy LP3 which seeks to ensure that development preserves or enhances the character and appearance of Conservation Areas.
3. 54 Osbaldeston Road is a Victorian dwelling in a street of similar dwellings which have varied detailing. Many have front turrets but on others those have been removed. A number of properties have had roof alterations, dormers and rooflights of varying design and sizes which have been constructed over a number of years. Despite those alterations, the strong rhythm of projecting bay windows and turrets along the curving street has been retained and forms an attractive streetscape which contributes positively to the character and appearance of the Conservation Area.
4. The Council has raised no objection to the proposed turret or rooflights and as there are others in the street that have been approved in recent years, those would be acceptable.
5. The proposed development is very similar to a scheme refused by the Council in 2019 (ref 2019/4217). As the proposed rear dormer would not be set below the main ridge and the proposed sukkah roof would project above it, it would be contrary to the Council's guidance in its 'Residential Extensions and Alterations' Supplementary Planning Document (2009) (SPD). Unlike the

previous refusal, the attached side dormer would be set down slightly from the main ridge and would be set in slightly from the eaves.

6. At my visit I noted several other roof extensions with side dormers on this side of the street, together with others on the opposite side. Although the Council has said that it now considers the existing dormers to have a harmful impact on the CA, I note that these have been built and mostly approved over many years and that those at nos 38 and 58 are recent. Another very similar development at no 50 (which did not include a set back from the side eaves) was approved in 2021 (ref 2021/0445) after the refusal of the previous scheme for the appeal site but has not yet been built. The plans confirm that the approved scheme at no 50 is slightly less bulky than proposed here or in the 2019 refused scheme but the difference is not significant. Furthermore, the alterations at no 58 appear to be almost identical to those proposed here. I find then that the general location and bulk of the proposal would be acceptable in the light of the number of other similar, approved dormer extensions within the visual vicinity of the appeal site and that an exception to the Council's SPD could be justified if all other matters were acceptable.
7. However, and crucially, those other developments do not include a sukkah window. Although the proposed sukkah window would not be clearly seen from the street during daylight hours, when lit up at night it would be more dominant. I have noted that there are a number of properties with rooflights in the front slope which also create illumination at night including the example at no 65 given by the appellant but those are not directly comparable as they do not include a sukkah window that projects above the ridge. Given its siting and its considerable 2m length, it would be unduly dominant when lit up at night. The illumination of that window would disrupt the rhythm of the streetscene and the proposal would introduce an unacceptable and untypical feature into it.
8. Whilst I have found that the general bulk of the proposed scheme would be acceptable given the similarities to others already approved in the vicinity, I conclude that, by reason of the detailed design feature in the form of the sukkah window, it would significantly harm the character and appearance of the dwelling and would fail to preserve the character and appearance of the CA, contrary to development plan policies LP1 and LP3. Whilst the harm to the CA would be less than substantial, there are no public benefits sufficient to outweigh the harm that would be caused by this proposal.

Conclusion

9. For the reasons given above, the appeal should be dismissed.

Sarah Colebourne

Inspector