



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/21/3288732

25B Upper Flat, Sewdley Street, Hackney, London, E5 0AX

- 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 Dr Laura Kemmis Hall and Mr Ferdinand Craig Hall against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/2261, dated 22 July 2021, was refused by notice dated 16 September 2021.
 - The development proposed is described as 'Proposed alterations to the roof to form a roof extension with rear mansard, velux and dormer windows.'
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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, the terrace and the street scene. 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. The Council's guidance in its 'Residential Extensions and Alterations' Supplementary Planning Document (2009) (SPD) says that roof extensions are not normally acceptable in terraces where an unbroken roofline remains.
3. The appeal site comprises the upper floor flat within a three storey, end of terrace Victorian property, located on the eastern side of Sewdley Street. The dwelling is raised above others in the terrace with a higher roofline and this, together with its corner location, gives it some prominence within the street scene. The terrace, like many in the surrounding area, has a parapet roofline which forms an important feature of the terrace and contributes positively to the character and appearance of the street scene.
4. The proposed development, which has been altered from previously refused schemes, would create an additional storey at second floor level. The roof extension is proposed as a 'mansard-style' extension which would have a flat roof with asymmetrical slopes on the front, rear and side elevations. It would be set back from the front parapet and set in from the rear butterfly roof line. Although the terrace on the opposite side of the street contains mansard-style roof extensions which can be seen from the street, none are visible on the front of this terrace. I have noted that nos 17 and 19 in this terrace have approved mansard-style extensions but as those are mid terrace properties, they are not

seen from the front at street level. This terrace, therefore, retains its unbroken parapet roofline when seen from the street.

5. The proposed mansard, by reason of its siting and size, would be clearly visible above the front parapet and on the side elevation when seen from the southern end of Sewdley Street and the junction with Elderfield Road. Although there are other approved mansard-style roofs visible from there, including those on the opposite terrace, at the far end of the street at 186 Millfields Road and on the terrace to the rear of the site at Chippendale St, those are seen at a distance and are not within the more immediate context of this end of the street. The proposed massing would therefore appear overly bulky and would detract from the unbroken roofline of the terrace when seen from here, contrary to the Council's SPD.
6. I have noted that the other mansard-style roofs referred to in the above paragraph have been approved by the Council, as have others in the wider area referred to by the appellants (including some on end terrace dwellings) but as those are not within this terrace and given my findings above, they do not provide justification for an exception to the Council's SPD in this case.
7. I have also noted the appellants' claim that the extension could be built under permitted development rights but as those apply only to dwellings built between 1948 and 2018 and to buildings in use as a single dwelling, the proposal would not qualify. Therefore, this does not form a realistic or likely fallback position and I am not persuaded by that argument.
8. The appellants say that the proposal was precipitated by defaults in a ceiling and the need for a supporting beam. A builder's report confirms that the proposal would be of benefit to the overall structure of the roof/house but it is clear from that report that it is not essential and that there are alternative works that could remedy the problem. As such, this does not provide sufficient justification for the proposal.
9. I have had regard to the appellants' assertion that the development would optimise the potential of the property and would ensure that the site is put into effective use but those matters should not be at the expense of high quality design and do not outweigh the harm I have identified. It would provide additional accommodation for the appellants but that would be a private benefit which would not outweigh the wider harm.
10. I conclude then, that by reason of its siting and massing, the proposed extension would significantly harm the character and appearance of the property, the terrace and the immediate area, contrary to development plan policy LP1 and there are no material considerations that indicate otherwise.

Conclusion

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

Sarah Colebourne

Inspector