



Appeal Decisions

Site visit made on 16 December 2021

by Richard S Jones BA(Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2022

Appeal A Ref: APP/U5360/C/21/3272364

57 Brownlow Road, Hackney, London, E8 4NS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Gordon Young against an enforcement notice issued by London Borough of Hackney.
 - The notice was issued on 4 March 2021.
 - The breach of planning control as alleged in the notice is, without planning permission, the erection of a mansard roof extension.
 - The requirements of the notice are to:
 1. Make all necessary amendments to the mansard roof at the Property so that it accords with the approved drawings of 2017/3211 - P(20)01; P(20)02; P(20)03; P(20)04; P(20)05; P(20)06; P(20)07; P(20)08; P(20)09; P(20)10; P(20)11; as attached; or
 1. Remove the mansard roof extension;
 2. Make good all damage to the Property resulting from the removal of the unauthorised works as listed above;
 3. Upon completion of the above steps, remove all materials, debris, waste and equipment resulting from compliance with the other requirements of the notice from the property and its premises.
 - The period for compliance with the requirements is five months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/U5360/C/21/3272373

59 Brownlow Road, Hackney, London, E8 4NS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Ms Elaine Carr against an enforcement notice issued by London Borough of Hackney.
- The notice was issued on 4 March 2021.
- The breach of planning control as alleged in the notice is, without planning permission, the erection of a mansard roof extension.
- The requirements of the notice are to:
 1. Make all necessary amendments to the mansard roof at the Property so that it accords with the approved drawings of 2017/3211 - P(20)01; P(20)02; P(20)03; P(20)04; P(20)05; P(20)06; P(20)07; P(20)08; P(20)09; P(20)10; P(20)11; as attached; or
 1. Remove the mansard roof extension;
 2. Make good all damage to the Property resulting from the removal of the unauthorised works as listed above;
 3. Upon completion of the above steps, remove all materials, debris, waste and equipment resulting from compliance with the other requirements of the notice from the property and its premises.
- The period for compliance with the requirements is five months.

- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decisions

Appeal A

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a mansard roof extension at land at 57 Brownlow Road, Hackney, London, E8 4NS, as shown on the plan attached to the notice.

Appeal B

2. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a mansard roof extension at land at 59 Brownlow Road, Hackney, London, E8 4NS, as shown on the plan attached to the notice.

Preliminary Matters

3. Two separate appeals are made against two separate enforcement notices. However, the appeals relate to matching mansard roof extensions over a pair of semi-detached dwellings at Nos 57 and 59 Brownlow Road. The reasons for issuing the enforcement notices are the same, as are the requirements and period for compliance. The appellants have also appointed the same agent to make their appeals, on the same grounds, and joint statements have been submitted.
4. In these circumstances it is preferable to use one report document for the two decisions. Nevertheless, for the avoidance of doubt, I have had regard to the considerations material to each site in reaching my decisions, although the main issue is common to both appeals. My reasoning below therefore applies to both appeals, unless I have specifically stated otherwise.

The Appeals on Ground (a) and the Deemed Planning Application

Main Issue

5. The main issue is the effect of the alleged mansard roof extensions on the character or appearance of the area and the Graham Road and Mapledene Conservation Area (the Conservation Area).

Reasons

6. The appeals relate to a pair of two storey, plus basement Victorian semi-detached dwellings. The ground and first floors are finished in stock brick and feature stucco window architraves and stucco door surrounds with hoods. A parapet line with cornice banding marks the top edge of the main elevation. The alleged mansard roofs are finished in standing seam zinc and incorporate dormers to the front and rear with timber sash windows.

7. The dwellings are located on the northern side of Brownlow Road, which marks the southern extent of the Conservation Area. As highlighted by the Inspector for the appeal decision¹ at Nos 13-15 Brownlow Road, the Council's Conservation Area appraisal acknowledges that the quality of Brownlow Road is increasingly diluted to an extent not seen in the northern part of the area. On that basis the Inspector found that the significance of this part of the Conservation Area lies in the historic and architectural quality of remaining historic buildings and their appearance in the street scene.
8. Those observations are consistent with my own in that the northern side of Brownlow Road includes Victorian semi-detached properties similar to the appeal dwellings, which make a positive contribution to this part of the Conservation Area. Nos 57 and 59 sit within a row of five such pairs. Three have mansard roofs, whilst the flanking pairs have hipped roofs concealed by parapet walls.
9. However, the street scene also includes modern, staggered height timber faced dwellings, four storey scale flats with pitched roofs (one with the ridge running parallel to the road, the other orientated with the gable facing the road), a three storey block of flats with a flat roof, as well as modern, pitched roof two storey semi-detached dwellings with road facing gables.
10. Consequently, part of the character of the street is also derived from the variety to its roofscape in terms of height, form, orientation and design. The dwellings on the northern side of the street are also seen in conjunction with the modern estate dwellings on the southern side (which fall outside of the Conservation Area), with their split roof designs running to single storey and two storey eaves.
11. Planning permission was granted for, amongst other operations, the erection of mansard roof extensions across Nos 57 and 59 in 2017². The appellants accept that the mansard roofs as built are higher than that approved but argue the difference is less than 300mm. In support of their case, the appellants have provided a comparison drawing showing the approved elevation overlaid with that as built. The Council does not dispute the accuracy of that drawing. Based on the same, I cannot agree that the mansards as built bear no relation to that previously approved. Nor does it appear that the distance between the top of the dormer windows and the ridgeline is three times higher than that approved.
12. Nevertheless, the increased height and the difference in height between No 57 and the mansard roof at No 55 Brownlow Road can clearly be seen in a two-dimensional elevation drawing. However, due to viewing angles, the difference in height is not readily apparent from the pavement on the northern side of the road or even from the opposite side in medium to longer range views due to perspective and the presence of street trees.
13. In closer, more direct views from the southern side of the road, the top of the roof at No 57 can be seen to be higher than that of No 55. However, that is slightly misleading because the parapet and architectural features of Nos 57 and 59 are slightly higher anyway. In any case, given the variety to the

¹ Appeal Ref: APP/U5360/W/20/3246719 - erection of a mansard roof extension at 15 Brownlow Road together with alterations to the mansard roof extension at 13 Brownlow Road (including installation of front and rear dormer windows and rooflights to the side roof slope).

² Planning permission ref: 2017/3211 - erection of roof extensions to create additional storeys to both properties and erection of part single, part three storey rear/side extension to no. 59 and other associated alterations

roofscape on Brownlow Road, the difference in height is not visually jarring or out of character with the street scene.

14. In the absence of a mansard roof at No 61 Brownlow Road, the change in height from No 59 is more significant, but, similar step changes to the roof line are also part of the character of the street. The relationship between Nos 59 and 61 is also compromised by the block of flats in Shrubland Road, which forms part of the backdrop in certain views.
15. The Council refers to its SPD³ requirement of a roof slope no greater than 70 degrees. However, the officer report for the 2017 permission accepts an 80 degree roof slope within the context of the street and a minor non-compliance with the SPD. The roof slope as built is less steep than that previously approved, therefore bringing it closer to the requirements of the SPD.
16. The Council also appear to take issue with the dormers, but, although slightly larger, they are not significantly different to that approved. They remain smaller in proportion than the first floor windows, thereby maintaining the architectural hierarchy of the elevations. They are not overbearing as stated.
17. Taken together, the mansard roof extensions present a balanced and symmetrical form. The proportions are not harmful to the architectural integrity or composition of the host dwellings and do not appear overly dominant or bulky. Given the varied character and appearance of the roofscape in which they are viewed and experienced, they do not appear harmful or out of keeping.
18. Accordingly, the alleged mansard roof extensions have a neutral effect on the character and appearance of this part of the conservation area, thereby preserving, rather than harming its significance.
19. Accordingly, I do not find conflict with Hackney Local Plan 2033 (LP) Policies LP1 and LP3, or London Plan Policies D3 and D4, which state, amongst other things, development proposals affecting conservation areas will be permitted where they preserve or enhance the character and appearance of the area including the established local character of buildings (in terms of height, massing, scale, form, design and detailing) and the rhythms and historical form of the area.
20. As I have not found there to be less than substantial harm to the significance of the heritage asset, it is not necessary to consider whether there are any public benefits to outweigh the same, as required by LP Policy LP3 and the National Planning Policy Framework.

Other Matters

21. I note the appellants' concerns over how the Council has dealt with the enforcement case but that is not a matter for this appeal, which I have considered afresh and on the basis of the evidence submitted.

Conditions

22. The Council has not sought to suggest any conditions should be imposed, for either Appeal A or Appeal B, and I consider none are necessary.

³ Residential Extensions and Alterations Supplementary Planning Document 2009

Conclusion

23. For the reasons given above, I conclude that Appeal A and Appeal B should succeed on ground (a). I shall grant planning permission for the mansard roof extensions as described in the notices.

24. The appeals on ground (g) do not therefore fall to be considered.

Richard S Jones

INSPECTOR