



Appeal Decision

Site visit made on 4 March 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 18 March 2022

Appeal Ref: APP/U5360/W/21/3281797

3 Walton Villas, Downham Road, Hackney, London N1 5AN

- 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 Nicholas Lawton against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/2008, dated 10 May 2021, was refused by notice dated 26 August 2021.
 - The development proposed is the retrospective removal of the existing external staircase and installation of a new, building regulations compliant staircase.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the Council's description of development as this more succinctly describes the development. As this is retrospective application, references to the development relate to development which has already been carried out.

Main Issues

3. The main issue is the effect of the development on the character and appearance of the host property, including whether it would preserve or enhance the character and appearance of the De Beauvoir Conservation Area.

Reasons

4. The appeal property comprises the top floor flat of a mid-terrace two storey building, which is located on the northern side of Downham Road within the De Beauvoir Conservation Area (CA). The CA is noted for its high-quality short terraces and houses dating from c. 1830-50, as well as its surviving displays of a variety of domestic architecture, many of which include original ironwork.
5. The appeal property benefits from an area of outdoor amenity space at its rear, which is accessed via a staircase leading out from the back of the property. Reflecting a common trait of the wider CA, the previous staircase was a wrought iron metal ladder, leading directly from the top floor flat to the amenity space below. Given the limited extent of this rear amenity space, the ladder's straightforward, narrow and discreet appearance integrated effectively with the space, without appearing dominant or imposing. It also mirrored the access ladder on the adjoining property, adding an element of symmetry which contributed positively to the character of the host property.
6. Conversely, the new staircase occupies a substantial part of the rear amenity area, which means it appears dominant and cramped within the confines of the

- space. The use of extensive timber to construct the staircase has also significantly increased its bulk and massing, thereby exacerbating this impact. Whilst I acknowledge the privacy screens have been incorporated to mitigate against privacy concerns, the increased height and bulk attributed to these screens further exaggerates the dominating impact of the staircase.
7. Notwithstanding any lack of visibility from public vantage points, the increased scale of the staircase together with the materials used, also erodes the symmetry previously shared with the neighbouring property. This leads to a significant imbalance between the two properties, which harms their shared appearance and contribution to the character of the CA.
 8. For these reasons, I consider that the development would harm the character and appearance of the host property and the wider area. Consequently, the development would also fail to preserve or enhance the character or appearance of the CA. Whilst I consider this harm would be less than substantial as it would only affect a small part of the CA, as per the National Planning Policy Framework (2021), great weight must be attributed to any harm to a heritage asset (in this case the CA), irrespective of whether such harm is "less than substantial" or otherwise.
 9. Set against this harm, the proposal would improve the safety of the staircase and ensure it adheres to the requirements of the Building Regulations. Nonetheless, it's likely that its safety could still be improved in compliance with the Regulations, using some other design which is more in-keeping with the character of the host property. As such, this benefit only carries very limited weight in my decision. Unfortunately, this would not outweigh the great weight which must be attributed to the harm to the CA.
 10. The development therefore conflicts with Policy LP3 of the Hackney Local Plan (2033) and Policy HC1 of the London Plan 2021, both of which seek to ensure new development preserves or enhances heritage assets (in this case the CA). The development also conflicts with the design guidelines in the Council's Residential Extensions and Alterations SPD (2009)¹, which promotes the retention or replacement of original features within the CA.

Other Matters

11. The rear garden of No. 50 Mortimer Road runs parallel with part of the external space to the appeal property. Given the close proximity of the staircase to the garden to No. 50, its increased width, bulk and massing has an imposing impact. Moreover, and even accounting for the privacy screening, the sizeable platforms at the top and halfway point of the staircase, means there is significant potential for overlooking. This is particularly acute within the habitable living space in the rear extension to No. 50, as well as the garden. As a result, I consider that the development does impinge on the privacy of the occupiers of No. 50, to the detriment of their living conditions.

¹ Supplementary Planning Document, Residential Extensions and Alterations (2009)

Conclusion

12. The development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that would outweigh this finding. The appeal is therefore dismissed.

James Blackwell

INSPECTOR