



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: 21 March 2022

Appeal Ref: APP/U5360/D/21/3285628

167 Middleton Road, Hackney, London E8 4LL

- 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 Simon Bayliss against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/2272, dated 23 July 2021, was refused by notice dated 15 September 2021.
 - The development proposed is the construction of a single storey rear extension together with the installation of rooflights on the front, side, rear and outrigger existing roof slopes, as well as the enlargement of the basement, the construction of lightwells to the front and rear of the dwelling, the creation of an external staircase, installation of traditional railings, replacement windows and alterations to the front boundary.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reason for refusal concerns the effect of the front lightwell on the character and appearance of the host property, the street scene and the wider Graham Road and Mapledene Conservation Area. The Council is satisfied that the other elements of the proposal are acceptable. On this basis, the main issue and subsequent reasoning will focus solely on the effect of the front lightwell.

Main Issue

3. In this context, the main issue is the effect of the proposed front lightwell on the character and appearance of the host dwelling and the surrounding area, including whether it would preserve or enhance the character or appearance of the Graham Road and Mapledene Conservation Area.

Reasons

4. The appeal property is an end of terrace dwelling located towards the eastern end of Middleton Road, within the Graham Road and Mapledene Conservation Area (CA). Nos. 137 – 175 on the northern side of the road and nos. 136 – 160 on the southern side, are all two storey dwellings, predominantly constructed of darkened yellow stock brick with pitched roofs above. None of these properties have visible lightwells to their front. The coherence in height, scale and design of the frontages to these dwellings contributes positively to the streetscape, and the wider character of the CA.

5. The Council's Residential Extensions and Alterations SPD¹ (SPD) says that *"excavations to create front basement light-wells in connection with new basements, where light-wells are not an established characteristic of the streetscape, will not normally be approved"*. Whilst guidance only, lightwells cannot be said to be characteristic of the streetscape in which the appeal property is located, as none of the closest neighbouring properties have been altered in this way. This means that the lightwell would jar with the prevailing pattern of development at this end of Middleton Road, upsetting the coherence and harmony between these properties.
6. Even where lightwells may be acceptable, the SPD highlights that 50% of the depth of the front garden should be preserved. This is to help minimise their visual impact, by ensuring they do not dominate too much of a property's frontage. In this instance, the full depth of the front garden (when measured from the principal elevation as opposed to the front of the canted bay window) is shown to be approximately 4.45m. However, the approved development would leave only 2.15m of this front garden remaining, which falls short of the minimum requirement set out in the guidance. As a result, the lightwell is likely to dominate an excessive amount of the dwelling's frontage, exacerbating its visual impact and disruption to the uniformity along this section of the street.
7. 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 Framework, 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.
8. Set against this harm, the proposal would increase and modernise the existing living space within the property, contributing to the variety and quality of the Council's housing stock. Nonetheless, it's likely that such improvements could be achieved with a different design which causes less disruption to the street scene. Moreover, these improvements would primarily be a private benefit, and can therefore only carry limited weight in my decision. Unfortunately, this means there are no public benefits that would outweigh the harm identified.
9. The development would therefore conflict with Policies LP1 and LP3 of the Hackney Local Plan (2033), which require new development to respond properly to local character and context, and where applicable protect the Borough's historic environment. It would also conflict with Policies D4 and HC1 of the London Plan (2021), which promote high quality development design, which preserves or enhances heritage assets. As already set out above, the development would also fail to meet the guidance set out in the SPD relating to lightwells and basement excavations.

Other Matters

10. Whilst I appreciate there are other dwellings along Middleton Road which incorporate front lightwells, these properties are all located towards the western end of the road, where the streetscape is significantly different. The houses along this section of the road are notably taller and have raised ground

¹ Supplementary Planning Document, Residential Extensions and Alterations, 2009

floor levels with steps leading up to their front doors, and were designed and constructed with visible basements as a key feature. This means their appearance is substantively different to the lower-level character of the appeal property. As a result, they would not provide a suitable precedent to justify the proposal in this instance.

11. Similarly, whilst I acknowledge the prevalence of front lightwells elsewhere in the area, the examples provided are all located on neighbouring streets where the street context is different. Unfortunately, the appeal property sits among a group of properties where lightwells are not characteristic, which means they cannot be accommodated without upsetting the prevailing rhythm and harmony of the prevailing streetscape.
12. I acknowledge that the proposed lightwell would achieve a high-standard of design, and the proposed landscaping would help mitigate against its overarching visual impact. Nonetheless, whilst I consider its design would be acceptable when considered in isolation, these factors would not overcome the harm arising to the wider streetscape, owing to the development's incongruity with the neighbouring properties.

Conclusion

13. 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