



Appeal Decision

Site visit made on 29 March 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 April 2022

Appeal Ref: APP/U5360/W/21/3277487

70-72 Chatsworth Road, Hackney, London E5 0LS

- 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 Hochhauser, Gateford Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/1132, dated 12 April 2021, was refused by notice dated 27 May 2021.
 - The development proposed is erection of a mansard roof extension in association with the provision of a two-bedroom flat.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Notwithstanding the application reference stated on the appeal form and the front page of the appellant's appeal statement, it is clear from the content of the appeal statement and appended Council report that the appeal relates to application reference 2021/1132. I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host buildings and area.

Reasons

4. Near to the appeal site, Chatsworth Road is predominantly characterised by terraced properties comprising commercial uses at ground floor level and residential uses above. A number of extensions and alterations are apparent, including at roof level. Nevertheless, the typically regular arrangement of fenestration to the buildings and common features including butterfly roof forms hidden from the street façades by parapet walls and projecting chimneys provide for a coherent appearance to the buildings and an overall rhythm to the street scene.
5. The appeal proposes a mansard roof extension to 70 and 72 Chatsworth Road which sit on the corner of Blurton Road at one end of the terrace of 56-72 Chatsworth Road. The development would comply with detailed guidance on mansards within the Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) 2009 insofar as it would be set back from the parapet behind a gutter, and it would have a pitched roof including an angle of no greater than 70 degrees to the lower slope. I am also satisfied that the design of the windows would be sympathetic to the host building.

6. However, Nos 70 and 72 each currently have a butterfly roof form. The extension would essentially span the width of both Nos 70-72, and while the height of the central party wall would be increased, I consider that the development would still be likely to appear as a single mass to the roof. The set back of the extension from the parapet would also be modest, and there would further be very limited separation to provide visual distinction to the rear of the existing butterfly roofs. In combination, I find that these factors would result in development of substantial scale and bulk that would dominate and visually overwhelm the existing butterfly roof forms which are typical of the area. In doing so, it would detract from the composition of the host buildings to the detriment of their character and appearance.
7. Moreover, the development would be the only mansard roof alteration to the terrace at Nos 56-72. It would therefore be contrary to guidance within the SPD that roof extensions are not normally acceptable in those terraces where an unbroken roof line remains. I recognise that a number of buildings within other terraces along Chatsworth Road nearby have mansards, including 114 Chatsworth Road which is also on a corner. However, for the most part, these are to single buildings which limits their individual scale. The appellant has referred me to a row of adjoining extensions at 41-49 Chatsworth Road, but these are not set behind parapets, and I saw that their adjacent buildings in the terrace at 33-39 Chatsworth Road do not have butterfly roof forms. The host terrace is therefore of different form and appearance to others on this part of Chatsworth Road, and is not directly comparable to the appeal terrace.
8. Although the SPD does not preclude mansard roof extensions to corner properties, the location of the site at the junction of Blurton Road with Chatsworth Road means that there would be views of the extension sitting behind the parapet on the approach to Chatsworth Road along Blurton Road from the west. The rear of the development would also be prominent in views from Blurton Road as it runs to the east. In these views, I find that the proposal would contrast conspicuously with the predominantly unaltered roofscape of the terrace. It would disrupt the rhythm of the roofline, and would harmfully erode the visual unity of the terrace which currently contributes positively to the distinctiveness of the area.
9. For these reasons, I conclude that the proposal would cause unacceptable harm to the character and appearance of the host buildings and area. It would therefore conflict with Policy LP1 of the Hackney Local Plan 2033 (adopted 2020) which broadly seeks high quality design and which requires, amongst other things, development that is compatible with the existing townscape and that responds to local character and context.

Other Matters

10. The proposal would deliver a two-bedroom flat, and would contribute to the supply of housing locally. The appellant further indicates that the Local Plan identifies a requirement for 30-34% of dwellings as two-bedroom units. However, the contribution made by the proposal would be very small, and while the National Planning Policy Framework supports the use of airspace above existing properties for new homes, this is qualified against requirements seeking well designed places and development that is sympathetic to local character. For the reasons set out above, I do not consider the proposal achieves those aims.

11. The Council's evidence refers to a requirement for development to contribute to affordable housing provision, subject to viability, in accordance with Policy LP13 of the Local Plan. There is no legal agreement before me in this case that would secure affordable housing, nor viability evidence to justify not meeting the requirement within the Local Plan. Accordingly, I am unable to give weight to any contribution towards affordable housing as a benefit of the proposal.
12. The Council has also suggested that residents of the development should not be allowed to apply for residents parking permits, and that a Construction Method Plan to mitigate construction effects on the surrounding highway network would be secured by a legal agreement. There is no legal agreement or other mechanism before me that would secure these objectives, but given the harm identified above and that I am dismissing the appeal for other reasons, it is not necessary for me to consider these matters further as they could not alter my decision.

Conclusion

13. Even taken together, I find that the benefits of the proposal are insufficient to outweigh the harm to the character and appearance of the area and the conflict with the development plan taken as a whole. Material considerations do not indicate that a decision should be made other than in accordance with the development plan.
14. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR