



Appeal Decision

Site visit made on 1 April 2022

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st April 2022

Appeal Ref: APP/U5360/D/22/3291479

102 Forburg Road, Hackney, London N16 6HT.

- 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 Douglas Van Ziji against the decision of the London Borough of Hackney Council.
 - The application 2021/2578, dated 23 July 2021, was refused by notice dated 20 December 2021.
 - The development proposed is erection of roof dormer to rear of property and the installation of three front roof lights.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development on the application form was as stated above. This was changed on the decision notice and appeal form to refer also to a ground floor single storey rear extension. However, this element was already approved under permission ref 2021/1368 and at the time of my visit was completed and in use. I have not therefore considered the matter of the ground floor rear extension further in my decision below.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and its surroundings on Forburg Road and the Northwold and Cazenove Conservation Area.

Reasons

4. The appeal site sits on the south-east side of Forburg Road which is an attractive treelined street in the Northwold and Cazenove Conservation Area characterised by traditionally designed, two storey dwellings with a raised ground floor over basement accommodation. Some of the properties have accommodation within the roof space as now proposed at No 102. The dwellings are constructed in brick and slate with detailing picked out in contrast brickwork. There is an attractive uniformity and rhythm to the street through the fenestration, alternating turreted and gabled bays and pilastered, stepped entrances.
5. To the rear of the terrace, alterations and extensions, as is often the case, make for a more varied appearance at ground floor level but at the northern end of the terrace, including No 102 and its immediate neighbours, there is still uniformity at upper levels of the properties and on the roof slopes.

6. I have been referred to a number of examples in Forburg Road where accommodation in the roof space has been achieved by constructing dormer windows, which in a number of cases are full-width dormers as proposed on No 102 and which the appellant considers justifies allowing the appeal. However out of over 50 houses on the appeal side of Forburg Road between Filey Road and Clapton Common the majority of properties are without any box dormers. Of the relatively small number that have dormers only three at Nos 86, 88 and 96 appear to be full-width dormers. I accept that there are also three large dormers on 9-13 Clapton Common but these are not in the Conservation Area and therefore are not comparable.
7. The incidence of full-width dormers on Forburg Road is therefore still the exception rather than the rule. It is certainly too small a number to suggest that these roof forms are part of the area's character or that a precedent has been set. In any event the design of these full-width dormers and their adverse impact on the character of the properties and the terrace serves to demonstrate that this design is not one which should be replicated. Consequently, the existence of similar dormer windows in the area would not provide a robust justification for the appeal proposal and I will determine it on its own merits.
8. The proposed loft accommodation would involve the construction of a large, flat roofed box dormer. Despite what has been put to me by the appellant in paragraph 5.10 of the appeal statement, the dormer would extend straight up from the main eaves line with no inset (other than a small inset over the bay) and extend flush to the roof ridge level. It would extend the full width between the chimney stacks. The scale and massing that would result would completely obscure and dominate the whole roof slope of No 102 and appear as a bulky and obtrusive addition on this end of the terrace.
9. Moreover, the appellant has selected a design of fenestration for the dormer that would use full height glazing almost the full height of the dormer. This would bear no relation to the pattern of fenestration on the rest of the elevation and would appear disproportionate and particularly awkward juxtaposed with the rear bay.
10. I acknowledge that the dormer would not be visible from Forburg Street itself but it would be clearly visible from the semi-public space in the parking court to the flats in Chardmore Road. It would also be visible in many private views from the rear windows of those flats and the houses in Chardmore Road in which the dormer would appear dominant and intrusive to the character and appearance of the terrace.
11. The Council, to assist householders in the design of extensions, has prepared the *Hackney Residential Extensions and Alterations Supplementary Planning Document* (SPD) to guide development and ensure good design. In respect of rear roof extensions it advises that dormers should be a minimum of 0.5m below the ridge, a minimum of 0.5m from the edge of any roof hip, a minimum of 1.0m above the eaves line, and the height and width of the dormer should be no more than half the height and half the width of the roof slope. Despite the appellant's assertion to the contrary, none of these guidelines would be reflected in the design in this case. The SPD acknowledges that, where there are a number of large dormers in the area, the set down from the ridge and upstand from the eaves can be reduced. However, even if I was to agree that there are some large dormers in the area, the proposed design would still not comply with the SPD guidelines as no separation to ridge and eaves is proposed.
12. Regarding the proposed front roof lights, three are proposed to light various areas of the roof accommodation but the design and location of the lights show no

regard for their outward impact on the front roofscape, which in Forburg Road is largely unaltered with only a few examples of rooflights present. The roof lights only light an ensuite bathroom, shower enclosure and front area of the loft and there would be no reason why these could not have been designed as small conservation rooflights to a standardised size and to ensure the location on the roof would be acceptable. Whilst this part of the proposal alone would not be reason to dismiss the appeal, as the form of lights could be conditioned, in combination with the harm set out above the current proposed rooflights would not be acceptable.

13. The *National Planning Policy Framework* (the Framework) at paragraph 130 requires that developments must be sympathetic to local character to create high quality buildings and spaces amongst other things and in these respects the proposal fails. Policy LP1 of the *Hackney Local Plan* (HLP) reflects the Framework in requiring development to be of the highest architectural and urban design quality and to respond to local character and context and be compatible with existing townscape amongst other things. For the above reasons i.e. the scale, positioning and design of the rear dormer extension, the proposal would have an unacceptable impact on the established character and appearance of the terrace and constitute harm to the Conservation Area.
14. As such the requirements of the Framework at paragraph 199 and HLP Policy LP3 which, in conservation areas, requires development to preserve or enhance the character and appearance of the area including the established local character of individual buildings and groups of buildings would not be met. I accept that the harm to the Conservation Area would be less than substantial and in these circumstances the Framework at paragraph 202 allows for any public benefits of the proposal to be taken into consideration. In this case the appellant has presented no public benefits. Any benefit from the extension would be a largely private benefit to the owners of the property. As such the harm to the Conservation Area would not be outweighed and the proposal fails to at least preserve the Conservation Area.

Other Matters

15. I understand the appellant's wish to achieve additional accommodation through the dormer extension and in that way make sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11 and by the *London Plan 2021* in Policy GG2. However, paragraph 124 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting. As such, sustainable and effective use of the dwelling by extending the roof space would not, of itself, outweigh the harm to the character and appearance of the original dwelling, the Forburg Road terrace and the Conservation Area as a result of the proposal.

Conclusion

16. In reaching my decision I have had regard to the matters before me and for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR