



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: 25th April 2022

Appeal Ref: APP/U5360/D/22/3290066

210 Millfields Road, Hackney, London E5 0AR.

- 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 Gemma Lord and Alex Barlow against the decision of the London Borough of Hackney Council.
 - The application 2021/2682, dated 30 August 2021, was refused by notice dated 22 October 2021.
 - The development proposed is mansard loft extension and new roof light to existing ground floor building.
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Decision

1. The appeal is allowed and permission is granted for a mansard loft extension and new roof light to existing ground floor building at 210 Millfields Road, Hackney, London E5 0AR in accordance with the terms of the application Ref 2021/2682, dated 30 August 2021 and subject to the following conditions:
 - 1) The development hereby permitted shall be begun no later than the expiration of 3 years from the date of approval.
 - 2) The development hereby permitted shall be carried out in accordance with the submitted documents and the following approved plans: 103-201; 103-221; 103-222; 103-223; 103-224; 103-225.
 - 3) No development shall commence until details and samples of the materials, including bricks and cladding, to be used in the construction of the external surfaces of the roof extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
 - 4) Prior to the first occupation of the development hereby approved a minimum of two Swift nesting bricks and/or boxes shall be provided at or close to eaves level of the development hereby permitted. The bricks/boxes shall be retained in place thereafter.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and its surroundings on Millfields Road and the setting of the Lea Bridge Conservation Area.

Reasons

3. The appeal site sits on the south side of Millfields Road in a two storeyed terrace of residential properties overlooking Millfields Park which forms part of the Lea Bridge Conservation Area. The terrace between Nos 212 and 226 Millfields Road has a uniform design to the front elevation in terms of parapet, cornicing and fenestration and to the rear features butterfly roof pitches. The appeal property at No 210, together with its neighbour No 208, break the butterfly roof pattern of the terrace and have slightly smaller scale, narrower frontages and a lower eaves line to the main terrace before the eaves level returns to the same level as the main terrace at No 206. The south side of the road is not within the Conservation Area and the properties are not listed.
4. The proposal is for a roof extension over the main section of the original house accommodating a second bedroom and shower room. The roof would be pitched and slated on the front elevation and set back from the parapet and designed not to be visible from street level. The rear section of the extension would be flat roofed with a zinc clad rear elevation set in behind the parapet of the original monopitch roof to the house.
5. It has been put to me that the roof line of the terrace on this part of Millfields Road is original and intact. However, this is not the case for a number of reasons. First, the two properties Nos 210 and 208 already break the terrace roof line by being set lower and with a different pitched roof pattern. Secondly, No 206 has had an asymmetric roof extension added in the past. Thirdly, the recent permission for a roof extension at No 222 has now been constructed and inserts a roof similar to what is now proposed at No 210. I acknowledge that the level of intervention in the roof to the terrace between Nos 206 and 226 is low but in the immediately adjacent area further west on Millfields Road and in particular on Chippendale Road the incidence of roof extensions, similar to what is proposed, is significant and these roof extensions are now a typical feature of the area.
6. With regard to the impact of the roof extension to the frontage of Millfields Road, setting the pitched roof behind a parapet gutter would ensure that from street level views of it would be minimal. The very top section of the roof would be likely to be just visible from the north side of Millfields Road opposite the house and there would be a view of it obliquely from further west on Millfields Road. However, in this view, the roof extension would be set against the higher party wall with No 212 and would not rise above it. There would be some additional mass visible from the new west facing side wall to the roof extension but this would be limited. If the brickwork materials are conditioned to match and, given the existing variation in the roofscape already as a result of the triangular roof extension over No 206 and the lower roof and eaves to Nos 208 and 210, the insertion of the roof extension would not be prominent or intrusive in the roofscape. In the approach from the east on Millfields Road there would be only a very limited oblique view of part of the front slope because of the higher eaves and parapet to No 212.
7. I acknowledge that the roof extension would be more visible from further back in Millfields Park where it would be visible under the tree canopy but, as with the completed roof extension at No 222, (which is clearly visible) the design of the frontage to the roof extension to No 210 would be a discrete, not unattractive addition to the property. I am not therefore persuaded that, of itself, this would harm the setting of the Lea Bridge Conservation Area as the Council suggest.
8. There would be no view of the rear of the roof extension from anywhere in the public domain. The gap between the north end of the terrace on the east side of

Chippendale Road and the appeal terrace on Millfields Road does not afford a view of the rear of No 210 because of the rear offshoots and roof to No 206. Indeed, even private views of the rear would be limited as there are no nearby properties facing towards the rear of No 210.

9. I acknowledge that although the proposed rear extension would retain the pitched parapet detail of the original roof and would be faced with dark zinc cladding, both as advised in the *Hackney Residential Extensions and Alterations Supplementary Planning Document* (SPD) it would not entirely meet the SPD guidance in respect of mansard roof extensions. This is because the rear profile to the extension would be vertical rather than sloping. On balance, however, I am satisfied that the finished result would not be dissimilar to the appearance of the more conventional mansard illustrated in the SPD and would be similar to some of the rear elevations already permitted on the roof extension structures on the adjacent Chippendale Road terrace.
10. With respect to the proposal to install a walkover roof light in the existing flat roof/terrace at the rear of the property to light the kitchen area, although no specific details are provided for this, the proposal as a flush addition to the roof would not have any adverse affect on the character and appearance of the property.
11. Given the current form and context of the terrace on Millfields Road in the setting to the Conservation Area I am satisfied that, for the reasons above, the modest roof extension (and particularly the design of the frontage) within this setting would not harm the significance of the Conservation Area and its character would be preserved. Accordingly, the proposal would comply with both the requirements of the *National Planning Policy Framework* (the Framework) at section 16 in respect of the historic environment and also with the *London Plan 2021* at policy HC1 which seeks to conserve the significance of heritage assets and their settings. *Hackney Local Plan* (HLP) Policy LP3 also seeks to protect and enhance the Borough's heritage assets and at section E relating to Conservation Areas development will be permitted within the setting of a Conservation Area where proposals preserve character and appearance. The proposal would also be compliant with the Framework in section 12 on design and Policy LP1 of the HLP both of which seek a high quality of design in all new development that is sensitive to local character. I am satisfied that the criteria within the policy would be met by the proposed roof extension particularly if there is close control on materials and, for the reasons above, the roof extension in this particular case would not conflict with the criteria in these policies.

Conditions and Conclusion

12. The Council suggested a number of conditions. I have considered these in the light of the advice in the Framework and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty.
13. The control of materials would be important in order to retain the character and appearance of the area. Whilst the Council has proposed that the standard wording requiring materials to match the existing building should be imposed, I am not satisfied that in this case that would be appropriate as the stated intention is to use some different materials particularly on the rear elevation of the roof extension. In order to give the Council the opportunity to control material, colours and textures, etc I intend to reword the condition to require the submission and approval of material details and samples. As the condition would have to be expressed as a pre-commencement condition it is necessary for the appellant to

agree this in writing. Accordingly, both parties have been consulted on the condition and have agreed to it.

14. The Council has also proposed that a condition is added regarding the provision of swift boxes or bricks near to the eaves of the building in pursuit of the policy objective in HLP policy LP47 which requires development with an eaves height of more than 5 metres to provide nesting sites within the Borough and contribute to enhanced urban biodiversity. I am satisfied, given the policy objective, that the condition is necessary and meets the other condition tests.
15. I have considered the matters before me and, for the reasons given above, I conclude that the appeal should be allowed and permission granted for the roof extension subject to the conditions set out above.

P. D. Biggers

INSPECTOR