



Appeal Decision

Site visit made on 26 April 2022

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 June 2022

Appeal Ref: APP/U5360/W/21/3285239

28 Lordship Park, Stoke Newington N16 5UD

- 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 Mrs Emma Dahlman against the decision of London Borough of Hackney.
 - The application Ref 2021/1722, dated 14 June 2021, was refused by notice dated 4 September 2021.
 - The development proposed is described as 'The application proposes the renovation of the existing building at 28 Lordship Park, replacing the existing dilapidated two-storey & single-storey rear outriggers with a single storey contemporary extension. Change of use of the building from flats to a single dwellinghouse.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Work had commenced at the rear of the property and the outrigger was not in situ at the time the site visit was conducted.
3. The appellant has submitted drawings showing proposals for the bin and bicycle store and the front elevation¹, which were not submitted as part of the original planning application. I have considered this matter under the principles established by the Courts in *Wheatcroft*². The drawings show details that are not materially different to those outlined in the Design and Access Statement submitted with the original planning application. Therefore, I have concluded that to consider these drawings as part of this appeal would not deprive those who should have been consulted on the changes, the opportunity of such consultation.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host property and the Lordship Park Conservation Area.

Reasons

5. The Lordship Park Conservation Area (CA) is a straight section of road flanked by a cohesive group of 19th century dwellings. Properties near the appeal property are generally sizeable semi-detached dwellings constructed in London stock brick. From the front these dwellings are positively characterised and

¹ Drawing Nos. 126 – 070 and 126 - 040

² *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37]

unified by their wide front elevations and architectural detail. This includes the bay and sash windows with stucco painted heads and the panelled front doors with moulded stucco arch entrances. Despite some unsympathetic alterations their small front gardens bound by low walls and hedges also positively contribute to the appearance of the CA. These features combine to create a strong sense of period consistency and an attractive historic street scene.

6. The consistency in design detailed apparent in the street is not carried through to the rear elevations of dwellings in this area. These are plainer in style with design variations between groups of paired dwellings. There is a lack of uniformity in the built form in this part of the CA for this reason with period interest principally derived by the consistency in the use of materials. This aside, the historic linear pattern of development is a distinctive feature from this aspect. Moreover, the generous rear gardens provide a verdant and peaceful appearance and character to the rear of the dwellings which contrasts with the busy road at the front of the properties.
7. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At paragraph 197, the National Planning Policy Framework (the Framework), sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. The appeal property has a central location in the street scene and is identified as a 'positive building' in the CA.³ Its built form and the architectural detail of its front elevation positively contributes to the design consistency and historic interest in this part of the CA. However, it is one of the few properties in the immediate area with an altered front garden which now provides off-street parking spaces, and this is a negative feature in the designated heritage asset.
9. The proposal for the front garden would reinstate one bays' width of soft landscaping that would be bound by a gated footpath, and the restoration of these period features would be a positive change. However, a substantial section of the front garden would host a bin and bicycle shed and a hardstanding parking space. Whilst the shed would be partially screened by a hedge, the dimensions provided confirm that it would be a sizeable structure, the bulk of which would be visible in the street scene. In combination with the parking space, it would appear visually unattractive in the front of the host property and at odds with front gardens at neighbouring properties. Cladding the shed in timber would not mitigate the harmful appearance of this incongruous structure in the CA.
10. In this respect the proposal would not fully address this existing negative feature of the appeal property. Indeed, the permanent siting of the proposed shed would detrimentally erode a significant period feature in the designated heritage asset. I am not convinced that this is the only solution for the storage of these items and given the space and access arrangements at property there

³ Lordship Park Conservation Area Plan and Conservation Area Review Study

would be options for a less harmful scheme. For the reasons outlined I find that this aspect of the proposal would not preserve or complement the historic character of the area and would be harmful to the appearance of both the host property and the wider street scene.

11. The proposed rear extension would result in the loss of the central outrigger. However, this original feature is not a consistent design detail on properties near the appeal property. In cases where the outriggers remain including at No 26, they have been flanked by infill development which appears to align with the original shallow projection. This has substantially diminished the appearance of this feature and any uniformity derived from this period detail is no longer clearly discernible in the row of properties in which the appeal property forms a part of. Therefore, the removal of the feature would not harm the appearance of the wider row in respect to loss of period design consistency. Nor would the loss of the feature significantly unbalance any existing distinct symmetry between No 26 and the appeal property given the changes at that neighbouring property.
12. The rear extension would cover much of the ground floor elevation. However, this section of the property is largely screened from wider views by boundary fences. Moreover, the extension would appear a modest addition to what is a sizeable existing dwelling, and a large rear garden space would be retained. Its simple form would be constructed in quality materials sensitive to the plain original design of this elevation. It would be set well below the first-floor windows allowing appreciation of the restored period details at this level. The proposed central window would also provide interest and rhythm sympathetic to the existing period windows. Furthermore, the height of the form would harmonise with the height of single storey structures at neighbouring properties. For these reasons the rear addition would not harm the appearance of the host property and would not harmfully obscure or diminish period features which contribute to the significance of this part of the CA.
13. The rear garden of the appeal property bounds the Clissold Park Conservation Area. This heritage asset is principally characterised by a large green space with areas of open water fringed by roads and properties. The rear garden of the appeal property is screened by properties on Queens Road. Moreover, much of the rear garden of the appeal property would be unaffected by the development. Taking account of these factors and the proposed quality and position of the rear extension, I am content that the proposal would not harm the character or appearance of the Clissold Park Conservation Area.
14. Although I find no harm in respect to the proposed rear extension, I have concluded that the proposed changes to the front of the dwelling would have a harmful effect on the character and appearance of the CA. This would be limited and localised and the harm that would be caused to the significance of the CA as a whole would be less than substantial. In accordance with the Framework this harm needs to be weighed against the public benefits of the proposal.
15. The proposal would result in a family sized dwelling which is supported by policies of the Local Plan. It would restore a period property that is in need of renovation and structural repair. The reinstatement of timber framed windows and the front gate and path, and retention and extension of the front hedge and wall would positively contribute to the appearance of the heritage asset.

The installation of an electric car charging point and the upgrade of the dwelling would have environmental benefits including reducing energy consumption and moving towards low carbon solutions. These benefits would be small given the scale of the development. Moreover, while all these factors weigh in favour of the proposal, they could be achieved through a less harmful scheme.

16. Good design quality is an expectation of all development. Therefore, the design quality of the proposed rear extension and absence of harm to the living conditions of the occupants of neighbouring properties are neutral factors in this case.
17. I have found that the proposed development would be harmful to the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA. Whilst less than substantial in terms of the Framework, in my judgement this harm is not outweighed by the public benefits identified in this case.
18. Therefore, the proposal would have a harmful effect on the character and appearance of the host property and would not preserve or enhance the character or appearance of the Lordship Park Conservation Area. In this regard it would be contrary to Policies LP1 and LP3 of the Hackney Local Plan and Policies D1, D3 and HC1 of the London Plan, which collectively require, amongst other matters, that all new development must be of the highest architectural and urban design quality and should preserve or enhance the significance of the historic environment and the setting of heritage assets.
19. It would also be inconsistent with guidance set out in the Supplementary Planning Document Residential Extensions and Alterations in respect to protecting front gardens and boundary treatments, and design and heritage policies of the Framework.

Other Matters

20. I note the support from the neighbours and have had regard to their views in reaching this decision. However, I am not convinced that this harmful proposal would be the only means of securing the benefits identified and for this reason I attach limited weight to this matter.
21. My attention is drawn to development at No 54 but this property is of a distinctly different design to the appeal property. It is not directly comparable for this reason and this matter has limited weight in this appeal.

Conclusion

22. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, the appeal is dismissed.

A J Sutton

INSPECTOR