



Appeal Decisions

Site visit made on 19 July 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2022

Appeal A Ref: APP/U5360/D/21/3272732

64 Clifden Road, Hackney, London E5 0LJ

- 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 Aidan Kelly against the decision of the London Borough of Hackney.
 - The application Ref 2020/3637, dated 20 November 2020, was refused by notice dated 15 January 2021.
 - The development proposed is described as "the applicant seeks a householder planning permission to make alterations of their terraced home. The proposed works comprise of a side infill extension at the existing Lean-to structure, the construction of a mansard roof loft extension housing a new master bedroom, and a single-storey rear roof extension forming a new study."
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Appeal B Ref: APP/U5360/D/21/3273935

64 Clifden Road, Hackney, London E5 0LJ

- 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 Aidan Kelly against the decision of the London Borough of Hackney.
 - The application Ref 2021/0261, dated 29 January 2021, was refused by notice dated 25 March 2021.
 - The development proposed is described as "the applicant seeks a householder planning permission to make alterations of their terraced home. The proposed works comprise of a side infill extension at the existing Lean-to structure, the construction of a mansard roof loft extension housing a new master bedroom, and a single-storey rear roof extension forming a new study."
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Since the application subject to Appeal A was refused, the latest version of the London Plan (2021) has been adopted. The appellant was invited to provide further representations on the new London Plan policies. No further comments have been submitted.
4. The National Planning Policy Framework (Framework) was revised on 20 July 2021. It replaces the version from 2019 that the Council considered when it determined the application. Both the main parties were invited to provide representations in relation to the revised Framework. Where parties have commented I have taken this into consideration.

5. At the time of my site visit, a mansard roof had been erected and an infill extension was built. The development on-site was smaller in size, without an out-rigger extension and did not reflect the design of this appeal. Accordingly, I have considered the appeal on the basis that the development is proposed as shown on the application drawings.
6. I have taken the description of development for both appeals from the application forms. Although different to that on the decision notices, no confirmation that a change was agreed upon has been provided.
7. As set out above there are two appeals on this site. The proposals before me are broadly similar in terms of the location, massing and bulk of the out-rigger extension which differ only in the detail of the design of the proposed extensions. However, I have considered each proposal on its individual merits.

Main Issue

8. The main issue in respect of both appeals is the effect of the proposed development on the character and appearance of the area.

Reasons

9. Clifden Road, in the vicinity of the appeal site, is an urban street fronted by terrace rows of two and three-storey dwellings. A small number of properties also have mansard roofs, however, these are generally set back from the front roof elevation and not readily visible from street level. The rear of the properties many of which have first-floor out-riggers have largely retained their consistent building line and pitched roof form together with coherent design features and materials which provide a pleasant character and uniformity to the area.
10. Given the setback from the existing roof line, alongside other mansard roof extensions on this side of the terrace, I do not find that the design element of this part of the proposed scheme harms the character or appearance of the area.
11. Similarly, regarding the infill ground floor extension, I find this element of the scheme would be well screened behind existing boundary treatments and also in keeping with the variety of other ground floor rear elevations in the area.
12. Whilst the proposed out-rigger roof extension as part of both appeals would be set below the main roof, it would project outward beyond the generally consistent building lines and roof forms of the out-riggers at the rear of the terrace row. Despite the use of matching materials with the proposed mansard roof, the roof extension would be an unduly dominant and incongruous feature due to its depth and bulk disrupting the existing general consistency of the outriggers. Although views of the out-rigger roof extension from the street would be limited with both schemes, it would be clearly visible from a number of neighbouring properties and their gardens and also from the grounds of the hospital which abuts the site. Therefore, both the proposed developments would adversely affect the character and appearance of the area.
13. The schemes granted at no's 5 and 7 Clifden Road are located on a different part of the street with a back-to-back relationship with Dunlace Road. They are therefore materially different to the appeals before me, which would introduce

an incongruous form of development into the undisturbed out-riggers on the rear of this section of the terrace.

14. In respect of both appeals, I conclude that the proposed developments would result in unacceptable harm to the character and appearance of the area. Accordingly, the proposals would conflict with the relevant provisions of policy D4 of the London Plan 2021 and policies LP1 and LP2 of the Hackney Local Plan 2033. Those policies seek, amongst other things, high-quality design which responds to local character and context. The proposals would also conflict with the provisions of paragraph 130 of the Framework and guidance contained within the Residential Extensions and Alterations Supplementary Planning Document (2009) which seek to ensure that development is sympathetic to local character and that new development is in keeping with the host building.

Other Matters

15. The proposed scheme would provide additional living space for occupiers. However, this would be a private benefit and would not overcome the harm I have identified.
16. Specific details on the sustainability of the property have not been supplied. Nevertheless, even if these were provided, I am unconvinced that any benefits would overcome the identified harm.

Conclusion

17. The proposed developments subject to Appeals A and B would conflict with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
18. Therefore, I conclude that Appeals A and B should be dismissed.

A Hickey

INSPECTOR