



Appeal Decision

Site visit made on 19 July 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2022

Appeal Ref: APP/U5360/W/21/3283548

31 Forburg Road, Hackney, London N16 6HP

- 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 Samin Shaikh against the decision of the London Borough of Hackney.
 - The application Ref 2021/0886, dated 19 March 2021, was refused by notice dated 2 June 2021.
 - The development proposed is the erection of a rear roof extension together with the installation of rooflights.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the address in the header above to remove reference to the basement which does not form part of this appeal.
3. There was an initial discrepancy over the name of the appellant. A written confirmation has been received that the appeal is by the original applicant.
4. I have taken the description of development from the decision notice. Although different to that on the application form, confirmation that a change was agreed upon has been provided.

Main Issue

5. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Northwold and Cazenove Conservation Area (CA).

Reasons

6. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. The significance of this part of the Northwold and Cazenove CA, which the site is within, stems from its attractive and well-preserved, Victorian terraces, which typically contain a raised ground floor over basement accommodation. The area was developed as a suburb in the late Victorian period, and the properties were designed to appeal to the urban middle classes.
7. 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 bay styles and pilastered, stepped entrances.

8. To the rear and in common with nearby properties in the area, many have a distinctive roof design whereby the main roof is dual pitched and a valley is formed with the roof to the rear outrigger which has a lower ridge height. Although there is a variation in the roof design with not all properties having an outrigger and a smaller number of dormer extensions, a strong sense of rhythm nevertheless exists across the rear roof level of this part of the terrace. Consequently, the distinctive roof design of the properties, as well as the rhythm and continuity of the largely unaltered rear roof level of the terrace, make an important contribution to the character and appearance of the CA.
9. The development would introduce a new dormer and would infill the valley between the outrigger and main roof. Notwithstanding the dormer being set down from the main ridge and set up from the eaves by modest degrees, its sizeable bulk, across the main roof and out-rigger would dominate the original roof form of the dwelling.
10. Furthermore, in combination with the infilled valley, the original pitched roof design of the dwelling would become flat roofed. As such, the distinctive roof design of the property would be lost, and the rhythm and continuity of the largely unaltered rear roof level out-riggers of the terrace would be conspicuously disrupted. The development would therefore cause significant harm to the character and appearance of the host property.
11. I acknowledge that the out-rigger portion of the dormer would not be visible from Forburg Street itself. Nonetheless, it would be clearly visible from many private views including from the rear windows of numerous houses and gardens on Osbaldeston Road in which it would appear dominant and intrusive to the character and appearance of the host dwelling and the terrace.
12. For the purposes of the National Planning Policy Framework (Framework), the CA is a designated heritage asset. The proposal would lead to less than substantial harm to the significance of the CA. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.
13. No evidence has been submitted to show any public benefits. The appellant is seeking to create a larger family home and even if this were a public benefit, given the scale of the scheme the benefit would be small and as such, the public benefits do not outweigh the identified harm in this case.
14. My attention has been drawn to other roof extensions in the area. While those schemes similarly infilled the valleys to the rear outriggers and also included full width or near to full width rear dormers, I do not have full details of these schemes, or their planning history, before me. In any case, the presence of these roof extensions, which appear unsympathetic from the image provided, do not justify the introduction of a new harmful element within the conservation area. Even if I was to agree there was no harm to living conditions to nearby occupiers this would be a neutral factor and would not overcome the harm to the CA I have identified.
15. The development would therefore be contrary to policies D4 and HC1 of the London Plan (2021) as well as policies LP1 and LP3 of the Hackney Local Plan

2020. Amongst other things, these policies seek to ensure, high-quality design and development in conservation areas preserves or enhances the character or appearance of the area. The proposal would also conflict with the provisions of paragraph 130 of the Framework, which seeks to ensure that development is sympathetic to local character. It would also be contrary to the guidance contained within the Hackney Residential Extensions and Alterations SPD 2009 which guides dormers to be proportionate with the existing roof of the host building.

Other Matters

16. My attention has been drawn to other roof extensions in the area. While those schemes similarly infilled the valleys to the rear outriggers and also included full width or near to full width rear dormers, I do not have full details of these schemes. Even if the details had been provided it would not justify the harm that would arise from the appeal proposal which has been considered on its own merits and with regard to its particular location and the respective pattern of development.
17. Even if I was to agree there was no harm to living conditions to nearby occupiers this would be a neutral factor and would not overcome the harm to the CA I have identified.

Conclusion

18. For the above reasons, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR