



Appeal Decision

Site visit made on 18 August 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1ST September 2022

Appeal Ref: APP/U5360/D/20/3253929

106 Chatsworth Road, Hackney, London, E5 0LS

- 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 A Varachia against the decision of the London Borough of Hackney Council.
 - The application Ref 2020/1034 dated 21 March 2020, was refused by notice dated 8 June 2020.
 - The development proposed is mansard roof extension, including raising of chimneys.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of this application in June 2020 the London Plan 2016, Local Development Framework Core Strategy 2010 and Hackney Development Management Local Plan 2016 have all been revoked. The policies referred to in the decision notice are no longer in force. The London Plan 2021 (LDN) was adopted in March 2021 and the new Hackney Local Plan 2023 (LP) was adopted in July 2020. As a result of this both parties have been given the opportunity to comment upon the impact of these changes upon this appeal. No written comments were received by either party within the allowed timescale of five working days.

Main Issue

3. The main issue is impact of the proposal upon the character and appearance of the host property and terrace of which it forms part.

Reasons

4. The appeal site is a three storey mid-terrace residential dwelling within a primarily residential area. The site benefitted from planning permission (2019/0867) for the erection of a mansard roof which was granted in May 2019. I have no information before me as to whether that permission was implemented, however, I note that this is stated to have been for a smaller roof extension with a lower front roof pitch. It does, however, demonstrate the Council's acceptance of the principle of a mansard roof extension at the appeal site applying the then same policy basis for assessment (at the point of determination in 2020) as well as against the same Hackney Council Supplementary Planning Document Residential Extensions and Alterations 2009 (SPD). The latter document is still a material consideration now.

5. The building at 102 Chatworth Road is both taller than the row within which the appeal site stands as well as stepping forward toward the street in terms of the building line. The roofline of the row within which the appeal site stands therefore presents as clearly visually separate. Whilst I note the appellant's reference to previous Council officer's assessments of the site I do not find this inferred the site being in the same row as, for example, 100 Chatsworth Road. I find that the report simply confirmed the presence of roof extensions in the general area as not being uncharacteristic.
6. I note approval is referenced at number 114, which is in the same row, but neither party have provided details or plans within this appeal. Reference has also been made to several other approvals and plan details but I have no further details before me, such as the approved plans or design details to enable me to make a judgement on them. Each case must be considered on its own merits in any case.
7. Standing on the pavement on the opposite side of the road from the appeal site I find that the chimney stack to the right of the site is visible. The proposed mansard extension would have a steep, tall front pitch, placed in very close proximity to the parapet. The proposed the mansard roof extension would extend forward of the chimney stack as well as being roughly the same height as the stack. The appellant has submitted an extrapolated visibility plan and I do not find that some visibility in principle, for proposals of this nature, is always an issue but this is dependent on the site characteristics. I am not convinced by the impression, contained in photograph 1 of the design and access statement, due its relationship with the existing chimney stacks.
8. Based upon the evidence before me, and my site visit, I find that the row within which it stands does not currently have other mansard roof extensions and presents as visually unbroken. The proposal would therefore result in unacceptable visual damage due to interrupting the rhythm of the terrace row and continuity of the parapet line within the street scene. In this case the appeal site stands within a row where there are no roof extensions before the increase in height at 102 Chatsworth Road. I find that its location within the terraced row would result in a feature which would introduce a roof extension into a terrace with an unbroken roofline.
9. The Council's report, and previous reports for this site, note the approval of mansard roof extensions in the area. In addition, as outlined previously, the appeal site is stated to have benefitted from a permission for a smaller extension with a lower front roof pitch which would have been partially hidden behind the front parapet and the existing chimney would have been retained, not raised as a result of increased scale. I have no evidence before me to support that the previous permission is still able to be implemented but the principle was previously considered acceptable against the same SPD guidance. In the interests of consistent decision making the principle of a mansard roof itself is not, therefore, the main issue – it is the scale and roof pitch of the revised proposals.
10. Even in the event this previous permission is still a fallback position for the appellant I find that the scale and roof pitch now proposed would result in unacceptable visibility compared to the remainder of the terrace row that I saw at the time of my site visit. There would be a notable protrusion within the

middle of the terrace which would look awkward as a design of the bulk, scale and massing described above.

11. At the time of my site visit I noted examples of roof extensions which were visible from street level including at 91/93A Chatsworth Road but this is at the end of a row and not in the middle of a uniform row as is the case with the appeal before me where the site is more sensitive to bulk, scale and massing. The appellant notes 100 Chatsworth Road but I did not find this to be highly visible at the time of my site visit as a result of both the height of the building and also a lower front pitch which is noted by the Council. The appellant has also referenced several examples of similar development on Chatsworth Road and Rushmore Road; however, each case must be considered on its own merits.
12. I note that the design, in terms of the context of the subject/host property itself, is broadly consistent with the SPD. Despite this the SPD is clear that its guidance extends further than impact to the host building itself and requires a consideration of the site context. Whilst it is acknowledged as guidance, the SPD has the overall objective of securing development that is appropriate and sympathetic to the character of the existing dwelling and surrounding area. For the reasons above, mainly unacceptable visibility as contrast to the immediately neighbouring development, I find the proposal is not consistent with this guidance.
13. The proposal would also be contrary to paragraph 130 of the National Planning Policy Framework 2021 (the Framework) which confirms that decisions should ensure that developments add to the overall quality of the area and are sympathetic to local character. Paragraph 120 a) of the Framework is noted to support opportunities to use the airspace above existing residential and commercial premises for new homes. This support is, however, where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene and is well designed (including complying with any local design policies and standards).

Other Matters

14. I note the appellant has provided a copy of an appeal decision (APP/U5360/A/06/2023751/WF) for 7 Lockhurst Street, London. Whilst the proposal is stated to be for a mansard roof extension no copies of plans or the site characteristics are before me. In addition that appeal was determined in 2006, some sixteen years ago, against a completely differing planning basis. I can attribute little weight to this appeal within the determination before me.

Conclusion

15. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR