



Appeal Decision

Site visit made on 26 July 2022

by Ann Veevers BA(Hons) PGDip (BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2022

Appeal Ref: APP/U5360/W/22/3294314

Flat C, 90 Lauriston Road, Hackney, London E9 7HA

- 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 Stephen Lawrence against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/2240, dated 21 July 2021, was refused by notice dated 15 September 2021.
 - The development proposed is Provision of a new private balcony on the rear elevation at half-landing level above first floor; includes lowering the cill of an existing window opening for a French casement to access the balcony and the provision of a new window in an existing opening.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Victoria Park Conservation Area (VPCA); and,
 - the effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular regard to overlooking.

Reasons

Character and appearance

3. Situated within VPCA, the appeal property is a first and second floor flat within a four-floor terraced period building. The VPCA boundary encompasses residences, churches, post war developments, commercial buildings and green spaces such as Well Street Common and Victoria Park. The character is therefore diverse and illustrative of the historic development of the area. The Appraisal¹ comments that the appeal property is located within Character Area Three of the VPCA, known as Victoria Park Village. The significance of this part of the VPCA is derived, in part, from the variety of building types and lively central area surrounded by historically planned and architecturally detailed terraces of period buildings.
4. Properties along Lauriston Road present a well-preserved and strong uniform character facing the street, making a positive contribution to the significance of

¹ Victoria Park Conservation Area Appraisal (November 2012)

the VPCA. At the rear, the appeal property and its neighbours have more modest elevations, incorporating less architectural detailing of their front façades and incremental alterations and additions of varying designs and sizes. Nevertheless, the rear elevation of the terrace still retains a consistent form of two storey flat roof outriggers with few alterations above.

5. The proposed balcony would project from an existing half-landing window, which would be altered to French doors and sit above an existing flat roof outrigger on the rear of the property. Due to the materials proposed and design of the balcony, it would not sit cohesively within the terrace. Whilst there are various scales and designs of rear extensions on the rear of the terrace, together with different fenestration details and external finishes, the balcony would project awkwardly on a diagonal frame with a timber finish, atypical of the area. Although the size of the balcony would be modest and its design and construction is related to the site's constraints, its form would add visual clutter to the rear elevation, drawing the eye. The proposed balcony would therefore read as an incongruous addition to the terrace.
6. The proposed fenestration alterations replace non-original openings and would represent an improvement to the appearance of the rear elevation. Nevertheless, this positive aspect of the proposal is insufficient to overcome the overall adverse effects of the design and materials of the balcony that I have described. Consequently, the proposal overall would unacceptably harm the character and appearance of the VPCA.
7. My attention has been drawn by the appellant, to several other terraces and modern developments in the area. However, the examples put to me involve different developments with different styles or materials to that proposed. I have also not been provided with the full details or the background of these individual examples. I have therefore considered the appeal proposal on its own merits.
8. In finding harm, I consider the proposal would have a negative effect on the significance of the period terrace and VPCA as a whole and would result in "less than substantial" harm in the context of paragraph 202 of the Framework². The resultant harm needs to be weighed against the public benefits.
9. In this case, it is noted that the occupants of Flat C do not have access to private outdoor space and the appellant refers to balconies being commonplace, external space increasingly being needed due to Covid-19 and the outdoor space guidelines from the London Plan 2021. However, those guidelines relate to new residential development and whilst I empathise with the appellant, the need for private outdoor space is a private benefit. Although the balcony would provide space for planting and other measures which would increase local biodiversity, the scale of the development indicates that the benefit would be limited. It seems to me that there are also alternative ways of enhancing biodiversity. As such, the public benefits do not outweigh the identified harm to the designated heritage asset.
10. On the above basis, the proposed development would not preserve the character or appearance of the VPCA. It therefore conflicts with the design and conservation aims of Policies D3 and HC1 of The London Plan 2021 and Policies LP1 and LP3 of the Hackney Local Plan 2033 (2020). It is also contrary to the

² National Planning Policy Framework 2021

heritage protection policies of the Framework and the Hackney SPD³ (SPD) which seeks to ensure balconies relate to the architectural conventions of the existing building and do not compromise existing openings and architectural features.

Living Conditions

11. The modest projection of the proposed balcony, the existence of the flank wall of the four-storey rear extension at 88 Lauriston Road (No.88) and proposed use of a high privacy screen ensures views from the proposed balcony would be limited. Moreover, elevated views into the rear gardens and accommodation of neighbouring properties already exists to a degree at the appeal site and surrounding properties. The projection of the proposed balcony is less than that of the adjoining extension at No. 88, which includes windows on the rear facing elevation. Therefore, the scale of the balcony together with its positioning would not result in any significant additional overlooking than already exists. The proposed fenestration alterations utilise existing window openings and would not give rise to any additional overlooking.
12. Furthermore, I am not persuaded that the levels of noise and disturbance arising from the use of this area as a modest and screened balcony would be significant. Nor would its scale and design result in significant overshadowing of neighbouring properties.
13. For the reasons given, I conclude that the proposal would not harm the living conditions of the occupiers of neighbouring properties, with particular regard to overlooking. As such, it would not conflict with Policy D3 of the London Plan 2021 or Policies LP1 and LP2 of the Hackney Local Plan 2033 (2020) as well as the SPD which together seek to secure good design and standards of amenity, including, amongst other things, privacy.

Other Matters

14. My attention has been drawn to a number of other matters, including methods of construction, damage to neighbouring property and rights of access. However, given my conclusions on the first main issue and that the appeal is dismissed, there is no need for me to address these in further detail.

Conclusion

15. Whilst I find no harm to the living conditions of the occupiers of adjoining properties, the proposal fails to preserve the character or appearance of the VPCA. The proposed development therefore conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Accordingly, the appeal is dismissed.

Ann Veevers

INSPECTOR

³ Hackney Supplementary Planning Document Residential Extensions and Alterations 2009