



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: 8th September 2022

Appeal Ref: APP/U5360/D/20/3254840

23 Durlston Road, Hackney, London, E5 8RP

- 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 George Barnett against the decision of the London Borough of Hackney Council.
 - The application Ref 2020/0042 dated 5 January 2020, was refused by notice dated 8 April 2020.
 - The development proposed is erection of rear roof extension, alterations to rear addition roof to form roof terrace; two new front rooflights; replace existing ground floor rear door with new door.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. Since the determination of this application 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Plan 2016, Local Development Framework Core Strategy 2010 and Hackney Development Management Local Plan 2016 have all been revoked. The policies referred to in the decision notice are no longer in force.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 Local Plan 2023 (LP) adopted in July 2020. The Hackney Supplementary Planning Document Residential Extensions and Alterations 2019 (SPD) remains a material consideration.
4. As a result of this both parties have been given the opportunity to comment upon the impact of these changes upon this appeal. The appellant's agent has responded to state that it was the appellants position that the proposal accorded with Policies 24 & 25 of the Core Strategy 2010 and Policies 7.4, 7.6 and 7.8 of the London Plan 2016. Against the same basis of case, it is the appellants position that the proposal accords with Policies LP1, LP2 and LP3 of the Hackney Local Plan 2023 and Policies D4 and HC1 of the London Plan 2021 respectively. No further commentary was made. The Council have provided no further comments in light of this request.

Main Issue

5. The main issue is the impact of the proposal upon the character and appearance of the host property, street scene and the Northwold and Cazenove Conservation Area (CA).

Reasons

6. The appeal site is within a Victorian terraced row in a residential area which stands within the CA. With the exception of the two front rooflights the proposals are restricted to the rear of the appeal site. On this basis I do not find the proposal would result in impact upon the character or appearance of the street scene given that the front elevation would remain essentially unchanged and the Council confirm that they have no objections to the front rooflights in terms of location, design and appearance. The Council also confirm no objections to the replacement door on the rear ground floor and I have no reason before me to conclude differently on these elements. The refusal reason is therefore based upon the proposed changes to the roof form and creation of the roof terrace.
7. Character and appearance are two separate matters. Appearance is the outward, visible qualities whereas character is the sum of all the qualities which distinguish an area. Whilst the proposal and appeal site may be limited in visibility this does not prevent impact upon character as a separate matter to appearance. The SPD is clear that alterations should be designed to complement the individual house too. The existing roof is an M shaped roof and the existing two storey rear addition is attached to the main house which creates a gap between the two roofs. The proposed extension would be full width and cover the vast majority of the original roof. The predominant issue relates therefore to design, position and location.
8. The proposal breaches guidance within the SPD as far as it spans more than 50% of the roof width and has limited set back from the roof ridge. I find that the proposal would result in a bulky appearance at roof level and whilst I note that there are other French doors in the terraced row I find that the bulk and massing of the roof extension, combined with the volume of glazing proposed at roof level, would result in a design that would conflict with the existing character of the host dwelling and not preserve or enhance the character of the CA. The proposal would give the appearance of a taller building with a flat roof at the rear. The combination of these findings means that I find that the proposal would result in less than substantial harm to the character of the CA.
9. The Council's report notes other roof extensions within the terrace but provides no further information other than noting that there is limited information as to whether these other extensions mentioned are approved or not. The appellant has not provided any evidence to address this point within their statement. I noted at the time of my site visit, one example of a roof extension, two doors down from the appeal site. The neighbouring example, noted at the time of my site visit, is also visible in the aerial image in the appellant's original design and access statement where the appellant discusses permission ref: 2014/0844.
10. The Council's report states that the approved rear elevation provided (within the appellant's design and access statement for application ref: 2014/0844) is not that approved by the Council. The appellant has not provided any evidence to counter this point within their statement. Despite this, if this had been an approved elevation, I still find that the design differs with a reduced level of glazing, set down from the ridge and set in from party walls which reduces the impact of the proposals by comparison to the proposal before me. No details of application reference 2009/0998 have been provided though reference to this is noted in the appellant's original design and access statement.

11. The National Planning Policy Framework 2021 (the Framework) states, in paragraph 199, 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. I find the proposal would result in less than substantial harm to the CA as a result of the impact to the character of the host building itself and the area due to design and position.
12. In accordance with the Framework, paragraph 202, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The proposal is for alterations to a single residential dwelling and I have no evidence before me to support that the proposal would result in any public benefits or is securing optimal viable use to outweigh the weight which should be given to the harm which has been identified.
13. The proposal would be contrary to Hackney Local Plan 2020 (LP33) Policy LP1 which requires development is of the highest architectural quality and must respond to local character and LP33 Policy LP3 which confirms that development that leads to less than substantial harm to heritage assets should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use and will not be permitted unless such benefits outweigh the harm.

Other Matters

14. The appellant's submission is acknowledged to confirm that the SPD is guidance and this is noted and has been applied as such within my assessment. The guidance does allow for assessment of each case upon its own merits as it cannot take into account all individual sites and circumstances. Departure from such guidance can be justified if the proposals which do not comply are, overall, consistent with the overarching objectives which are to ensure good quality, appropriate, design for both the host building and wider area which also maintains an appropriate level of residential amenity.
15. For the reasons outlined I do not find the proposals before me are consistent with such objectives nor takes into account the SPD guidance. Whilst, subject to condition, impacts to residential amenity could be controlled to an acceptable level paragraph 134 of the Framework confirms that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Conclusion

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

Eleni Randle

INSPECTOR