



Appeal Decision

Site visit made on 18 August 2022

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2022

Appeal Ref: APP/U5360/W/21/3283988

33 Rectory Road, Hackney, London, N16 7QL

- 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 C Schapira G & B Prop Company UK Ltd against the decision of London Borough of Hackney.
 - The application Ref 2021/0045, dated 17 December 2020, was refused by notice dated 1 April 2021.
 - The development proposed is Erection of five storey (plus basement) building containing 5 no. flats with associated bin and cycle storage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans have been submitted with the appeal. These plans have not been publicly consulted upon. Given their content and the number of changes proposed and the influence on the scheme, I am of the view that if I were to take them into account in my assessment, this would prejudice all other parties. Therefore, I have discounted them as part of my consideration.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the local area;
 - Whether or not the building is accessible to all;
 - The effect on the living conditions of the occupants of neighbouring dwellings and the future occupants of the building with regards to light levels and outlook; and
 - Whether or not there would be adequate cycle facilities to support the scheme.

Reasons

Character & Appearance

4. The appeal site is a cleared parcel of land located on the northern end of the terrace. The terrace consists of a short run of buildings with evidence of former commercial units at ground floor, now converted to residential. The local area consists of a mix of modern and traditional architectures although the defining character is of a Victorian vernacular.

5. There is some limited visual inconsistency to the terrace row. The Tate House at the far end of the terrace creates a dominant corner turning building with its very decorated appearance that is grander than the other properties with their more subtle finished decoration. Differing parapet heights are evident although there are unifying elements across the terrace including vertical fenestration patterns and widths to each building. Despite modern intervention at ground floor level, the terrace overall exhibits a good example of traditional Victorian style.
6. The end building is conspicuously absent although original photographs submitted with the appeal demonstrate a modest three storey building that paired with the attached property of 31 Rectory Road.
7. The proposal would add considerable bulk to the corner, on a very prominent junction with both Rectory Road and Evering Road. It would sit well above the adjacent three storey building with the additional floor and mansard roof protruding, made especially uncharacteristic as mansard roofs are not a typical feature along the row.
8. There is limited variation to heights along the terrace row. Even though the wider surrounding context consists of some mixed architectures and styles, nevertheless, the terrace is experienced as a short row where each end is clearly seen in context to one another. Irrespective of the heights of the parapets along the terrace, as an end building with the height, scale and mass proposed, it would appear incongruous. It would detract from the original character of the terrace and negatively compete with the Tate House which is a very distinctive building and the main architectural focus of the terrace.
9. The proposed side elevation along Evering Road would be visually exposed within the street scene given the corner junction it would be located upon. A very wide mass of development would fill most of this prominent corner with little relief from solid development, despite its stepping down approach and use of balconies. The wide expanse would dominate the corner position.
10. Fenestration across the terrace is of a vertical emphasis to which this would follow. However, as the proposal includes blind windows along the side with Evering Road, this would further emphasise the solidness of the building. In addition, this window arrangement would be at odds with the traditional pattern of openings, taken as a whole with a mix of window opening styles, therefore lacking a homogeneous approach.
11. Overall, its poor articulation would not respect the character of the terrace and detrimentally harm the character and appearance of the street scene as a consequence.
12. I have viewed the development at 1A Downs Road brought to my attention by the appellant. This is located away from the terrace and is a set piece of architecture. It does not compare to the proposal before me. In addition, the other developments that have been shown as comparable evidence demonstrate large original buildings. They however cannot be reasonably compared to the scheme before me for a new build attached to the end of the terrace in this specific situation.
13. Therefore, due to its large scale and poor articulation would not respond to the architectural composition of the terrace and would thus not harmonise with the

character and appearance of the street scene, contrary to policy D3 of the London Plan and policy LP1 of the Hackney Local Plan 2033 in their combined design aims. I however find no direct relevance to the proposal and the Hackney Residential Extensions and Alterations Supplementary Planning Document as its contents are not directly associated with a new building residential development such as this.

Accessibility

14. There is a local policy expectation that the scheme should be accessible to all. The flats may provide level access into each. However, there is no provision for a lift to gain access to the basement floor or the floors above ground level.
15. The London Plan 2021 makes reference to Building Regulation requirements and consequentially the need to make provision for wheelchair users. I am mindful of the appellant's suggestion to impose a planning condition to overcome this matter. However, without precise evidence before me to demonstrate this could be achieved and having considered the tests of paragraph 56 of the National Planning Policy Framework, I am not satisfied a planning condition would be appropriate in this circumstance.
16. To conclude on this main issue, the proposal would not provide inclusive access for all and thus not conducive to acceptable design, therefore contrary to the inclusive design aims of policies LP1 and LP17 of Hackney's Local Plan and policies D5 and D7 of the London Plan 2021.

Living conditions

31 Rectory Mews and 31 Rectory Road

17. Rectory Mews is located to the rear of the appeal site with Number 31 Rectory Road attached. The appellant has provided a further assessment of day light and sun light to the basement courtyards dated 28 September 2021. The findings of this conclude that the spaces currently experience very low levels of sunlight, without the development in place. Therefore, the proposal would generate no discernible change in circumstances. I have no information before me to contradict these findings. Therefore, I find no conflict with local planning policy in this regard.
18. In terms of W2 window of 31 Rectory Mews, the appellant cannot confirm what space this serves although they are of the view it is not a main living space, but is a secondary window that serves a room with a dual aspect. The proposal would impact upon this window and the consequences would render the day light levels similar to what other windows of this dwelling currently receive. This would be below BRE guidance.
19. I have genuine concerns that the proposal would detrimentally impact upon the occupants of this dwelling and without precise information on the contrary, I can only find conflict with local policy in this regard.
20. Therefore, to conclude on this main issue, the proposed development, by reason of a loss of light to the dwelling at no. 31 Rectory Mews would not safeguard the occupant's living conditions, contrary to the amenity protection aims of policy LP2 of Hackney's Local Plan 2033.

Living conditions- Flat A

21. Flat A within the scheme would be located to the rear of the building and has been designed with a single aspect outlook over a private courtyard area, surrounded by high retaining walls. The residential floors above would have balconies that extend over part of this flat. The windows of Flat A have been confirmed by the appellant's consultant expert to experience no vertical skyline component (VSL).
22. Even when the flat exceeds internal and external spacing standards and would have appropriate levels of day light, and irrespective of window sizes, that is not to say it would compensate for occupants' experiencing poor living conditions in other respects.
23. As this is a single aspect unit with the amount of visible sky experienced from the windows to be none, the occupants would encounter no sense of context to their surroundings from inside the flat, irrespective of whether or not a sense of context would be experienced from the courtyard area. I find this outlook would adversely affect their living conditions.
24. Therefore, to conclude on this matter, given the no VSL that would be experienced from inside the unit, the occupants would endure an adverse outlook, contrary to the housing quality standards of policy D6 of the London Plan and the Mayor of London's Housing SPG. However, I find no direct relevance to policies LP1 and LP17 of Hackney's Local Plan 2033 as they do not directly relate to living conditions

Cycle facilities

25. Cycle storage is identified within the basement area, accessed via interval stairs and two separate doorways. Despite the number proposed, this location would pose as an inconvenience to the user whether resident or visitor, by not providing good accessibility, with the resultant effect of a high potential for the space not being utilised.
26. Whilst I viewed public cycle racks located within a neighbouring street, these are uncovered with no security measures and are, as the appellant points to, more appropriate for use on a short-term basis for visitors to the local area. Nonetheless, even so, this would not compensate for not providing adequately located internal cycle facilities for the development. Neither would the appellant's commitment to providing folding bikes to each flat by way of a planning condition make up for this shortfall.
27. To conclude on this main issue, the location of cycle storage facilities within the basement area would not constitute an acceptably accessible location within the development. Therefore, the proposal would not meet the cycling expectations of policy T5 of the London Plan or policy LP42 of Hackney's Local Plan 2033 and both the national Cycle Infrastructure Design Guidance (2020) and London Cycling Design Standards (2016).

Other Matters

28. There are no objections from the Council to the principle of developing the site into residential units. The site is located within close range of public transport services and other local services. Due regard has been given to the likes of sustainable construction credentials, flood risk and air quality, with the Council

raising no objections. However, these are neutral matters in the overall consideration of the scheme and neither weigh for or against it.

29. Internal sizes would exceed Council standards. However, that alone would not convince me in favour of the proposal. There is nothing before me to substantiate the appellant's claim that the flats would be 'high quality'.
30. I note the objections raised by third parties. However, as I am dismissing the appeal, there is no requirement to comment further on their concerns raised.
31. Complaints from the appellant relating to the Council's service should be directed to them in the first instance and is not within my scope to comment upon.

Conclusion

32. To conclude, the proposal would thus lead to conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. In this case, for the reasons given, I conclude that appeal should not succeed.

Alison Scott

INSPECTOR

