



Appeal Decision

Site visit made on 7 September 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/U5360/W/21/3288803

49 Hacon Square, Richmond Road, Hackney, London E8 3QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Fortville Ltd against the Council of the London Borough of Hackney.
 - The application Ref 2021/1918 is dated 17 June 2021.
 - The development proposed is described as 'erection of a roof addition to provide 7 self-contained flats, alterations to Richmond Road elevation together with external works and landscaping to front and rear'.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Main Issue

2. Whilst the Council has not issued a decision, the appeal evidence submitted explains it has substantive concerns relating to the effects of the proposal on the host building, local area and the Mare Street Conservation Area (MSCA). Therefore, the main issue is the effects of the proposed roof addition on the character and appearance of the host building and local area, including the MSCA.

Reasons

3. The appeal site comprises a five-storey apartment block located at the junction of Richmond Road and Mare Street. The facing walls of the building are comprised of a mix of brick, cladding and expanses of fenestration of various styles. The existing roof level apartments are set back from each elevation of the host building by varying depths. The proposed roof extension would be set back from this existing roof section, with a significant gap to the east elevation of the building which faces Mare Street.
4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The MSCA derives its significance in part from the historic association with the development of the area as well as its architecture. Mare Street itself is a busy thoroughfare which includes a number of historic 19th and early 20th century two and three storey residential buildings which lend a sense of the historic spatial patterns of development. The CAA¹ advises that dramatic shifts of scale occur along perpendicular roads to the west of Mare Street, and the late 19th Century development of three and four storey factory and warehouse buildings

¹ Conservation Area Appraisal for Mare Street and Town Hall Square Conservation Areas (April 2000)

characterised the industrialisation of the area following the construction of the railway.

5. The opposite side of Richmond Road has a more residential character, with two-storey terraced dwellings facing the appeal site. Moving further west, the character of the area changes to a mix of residential and commercial, with some ground floor restaurants and cafes located beneath a converted apartment block alongside newer blocks of housing to both sides of the road. There is little consistency in architectural terms on the appeal site side of the road, although the sense of scale has some common traits, such as the stepping back of roof level apartments from the front elevations.
6. The host building is located in a prominent position on the corner of Richmond Road and Mare Street. The submitted photomontages (GML Architects – May 2021) demonstrate that the roof extension would not be visible from Views 2 (West Towards Mare Street) and 3 (Martello Street Towards Mare Street). This would align with my own observations on the site visit whereby views from nearby were not immediately probable given the oblique angle and proximity.
7. However, the photomontages only show views from Richmond Road, while proposed View 1 (East Along Richmond Road) clearly shows the roof extension would be highly visible even at the short distance. Moreover, I observed that when looking towards the host building from Mare Street close to the junction, the existing roof extension was also clearly visible. Although the proposed structure would be set back 20m from the east elevation, the set back from the Richmond Road elevation is only formed by the external terraces.
8. The CAA advises in paragraph 8.3.8 that roof extensions should be subordinate to the main building and should not interrupt the ridge line. The proposal would create a double height roof structure and over-complicate the roof form, adding substantial bulk and mass. While glass is the preferred lightweight material as per the CAA, this height would cause the building to appear somewhat top-heavy in this prominent location, rather than subservient. Consequently, the proposed extension would be a discordant addition to the host building and would harm the character and appearance of the local area.
9. The appeal building makes a neutral contribution to the significance of the MSCA overall. Given the harm I have identified to the building and local area, in part due to the harm to the sense of scale and increased prominence of the roof, this would in turn cause less than substantial harm to the character and appearance of the MSCA. This is despite the proposed landscaping and general improvements to the external elements of the building, such as cladding.
10. The National Planning Policy Framework (the Framework) states in paragraph 202 that 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. Although there are no benefits forwarded within the appeal statement, the proposal would add seven housing units to the Council's existing stock whilst making the effective use of urban land by upwards extensions which seek to optimise housing provision as well as socio economic benefits in terms of expenditure to the area from future occupants. However, on balance these public benefits would not outweigh the harm to the MSCA, contrary to the aims of the Framework.

11. Based on the foregoing, the proposal would harm the host building, local area and the MSCA. This would be contrary to Policies LP1, LP3 and LP17 of the Hackney Local Plan (LP) (adopted July 2020), D3 and HC1 of the London Plan (adopted March 2021) and guidance within the CAA. These seek, among other things, to ensure development proposals affecting Conservation Areas will be permitted where they preserve or enhance the character and appearance of the area, including the established local character including height, massing and scale and the rhythms and historical form of the area. The proposal would also be contrary to the heritage conservation aims of the Framework.

Other Matters

12. The Council has advised that in accordance with the S106 Planning Contributions Supplementary Planning Document, a contribution to affordable housing in the Borough in the amount of £50,000 per unit is required given the scale of the development under 10 units. The appellant initially indicated a willingness to pay this amount, however there is no completed planning obligation to secure this contributing before me. The submitted document² appears to comprise a pre-validation requirement for the planning application and does not meet the tests for a completed planning obligation. Subsequently, the appellant has questioned the necessity of a contribution for the proposal.
13. Had I otherwise been minded to allow the appeal, it would have been necessary to determine whether the agreement would secure the necessary contributions to mitigate the impact. However, as I am dismissing on other substantive grounds it is not necessary for me to consider this matter further. Accordingly, I am unable to give weight to any contribution towards affordable housing as a benefit of the proposal.
14. My attention is drawn to several Listed Buildings along Mare Street, for which I am provided with the relevant listing descriptions. Section 66(1) of the Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
15. The Council has not found that the proposal would affect the settings of any of these Listed Buildings and these are not given as reasons for refusal. From my own observations on the site visit, and with regards to potential impacts on the living conditions of occupiers of existing properties, transport and servicing, biodiversity and landscaping, I see no reason to disagree.

Conclusion

16. The proposal would harm the character and appearance of the host building, local area and the MSCA. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

C McDonagh - INSPECTOR

² Agreement to pay fees and to sign Unilateral Undertaking for Affordable Housing and/or Carbon Offsetting small sites contributions and/or Car-Free Development