



Appeal Decision

Site visit made on 20 March 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2023

Appeal Ref: APP/U5360/W/22/3309567

First Floor Flat, 67 Barretts Grove, Hackney, London N16 8AP

- 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 Ian Mitchell against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/1905, dated 2 August 2022, was refused by notice dated 27 September 2022.
 - The development proposed is the creation of a loft conversion with a dormer to the rear of the property and installation of x3 Velux roof lights to the front of the property and x2 new warehouse style windows with top opening windows.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and the local area.

Reasons

3. The appeal property is a first floor flat in a mid-terrace building that lies within a tightly knit urban area with which residential terraces predominate. The site is not within a conservation area. The appeal property is not a listed building.
4. The proposal is to erect a dormer extension on the rear roof slope of the main building with 3 new roof lights placed at a high level on the front roof slope. The new dormer and roof lights would serve additional living accommodation within the converted roof space. The walls of the new dormer would be clad with hanging tiles to match those of the host building.
5. Although set back from all 4 edges of the host roof, the new dormer would extend across almost the full width of the main building, with the top set just below the ridgeline. It would, therefore, be a sizeable addition with a flat roof that would visually accentuate its considerable width and bulk. The expanse of glazing proposed would also establish a visually strong horizontal feature in a prominent high-level position on the building. This arrangement would conflict unsatisfactorily with the vertical emphasis of the rear elevation and its pattern of fenestration where smaller windows in portrait orientation broadly line up between the floors of the property. Due to its scale, mass and large windows, the new dormer would appear as an overly large 'box-like' addition that in my

view would relate poorly to the traditional style, proportions, fenestration, and the pitched roof of the host building.

6. The Council's Supplementary Planning Document, *Residential Extensions and Alterations* (SPD) states that additions to the roof form should be in scale with and proportionate to the existing roof. For the reasons given, the proposal would not adhere to this guidance.
7. While the new dormer would be at the back of the host building, away from public view, it would nonetheless form part of the character of the local area as it is experienced from nearby properties. From some rear windows and gardens of the buildings just beyond the rear of the site, the new dormer would draw the eye as overly large unwieldy feature in the rear elevation of the host building and a dominant and visually disruptive aspect of the wider terrace and the local area.
8. I note that the Council has previously granted planning permission for a dormer extension on the rear roof of the appeal property. From the plan extract provided, the approved dormer would be noticeably smaller than the proposal before me. Consequently, it would sit more comfortably on the host roof and the visual impact would be less harmful than the development now sought.
9. There are also sizeable rear dormers further along Barretts Grove notably at Nos 59 and 65. As the proposal would be alongside the rear of No 65, the new built form would provide a counterbalance to this adjacent dormer, to some extent. The appellant also states that a certificate of lawfulness (CoL) has recently been issued in relation to a rear dormer at 63 Barretts Grove that has yet to be implemented. Nevertheless, planning permission is sought in this instance, which involves different considerations to that of the CoL application process. Even if the scheme at No 65 were to come forward, it seems to me from the photographs and details provided that the presence of other roof level extensions would not compromise the character or appearance of the wider terrace or the area more generally to the degree that would justify an unsatisfactory dormer extension, as proposed.
10. Each of the new roof lights would be modest in size and fit close to the plane of the front roof slope. Although visible from the road, these features would not unduly clutter or visually dominate the host roof nor look out of place given the significant number of properties on Barretts Grove and nearby streets that have multiple front roof lights. In those circumstances, a conflict with that part of Council's SPD, which advises that the maximum number of roof lights on a road facing roof slope would normally be 2, would be insufficient to withhold planning permission if the appeal scheme were otherwise acceptable.
11. On the main issue, I conclude that the proposed development would materially harm the character and appearance of the host building and the local area. As such, it conflicts with Policy D1 of The London Plan and Policy LP1 of the Hackney Local Plan 2033. These policies aim to ensure that development achieves high quality design, responds to local character and context and is compatible with the townscape.
12. The appeal scheme is also at odds with the Council's SPD insofar as roof level extensions is concerned, and contrary to the policies of the National Planning Policy Framework (The Framework), which state that development should be sympathetic to local character and add to the overall qualities of an area.

Other matters

13. Once complete, the proposal would provide additional accommodation that would enhance the living conditions of the appellant. I appreciate that a smaller dormer to that proposed may be impractical to build given the position of the existing internal staircase and the restricted head height within the existing loft space. That others raise no objection does not necessarily mean that the proposal is therefore acceptable. These matters do not outweigh the significant harm that I have identified.
14. The appellant also states that if the appeal property was in use as a house, then a 'full-sized dormer' and 3 front roof lights could come forward through the exercise of permitted development (PD) rights. That prospect was a consideration in another appeal decision in which the Inspector noted that although the property in that case was a flat, a loft conversion with a dormer would be similar to what could be achieved if the building were a terraced house using PD rights with much the same visual impact. However, the Inspector in that case went on to conclude that the new dormer would be reasonably discreet and not at all intrusive or incongruous, which is not a finding that would apply here.

Conclusion

15. Overall, the proposed development would conflict with the development plan, as a whole. There are no material considerations, including the policies of the National Planning Policy Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
16. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR