
Appeal Decision

Site visit made on 28 February 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th April 2023

Appeal Ref: APP/U5360/D/22/3310589

33 Osbaldeston Road, Hackney, London N16 7DJ

- 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 Mendel Cik against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/2180, dated 7 September 2022, was refused by notice dated 2 November 2022.
 - The development proposed is the erection of a rear side roof extension.
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Decision

1. The appeal is dismissed.

Procedural matters

2. An application for costs was also made by the appellant against the Council. This application will be the subject of a separate decision.
3. While the appellant has described the proposal as in the above heading, the Council has additionally referred to the installation of 4 front roof lights. From my inspection of the plans, I consider that the Council's description more fully reflects the development sought. I have assessed the proposal on that basis.
4. The appellant has provided additional plans at the appeal stage, which show a different window arrangement in the rear elevation of the new dormer extension. The Council has neither considered the revision nor consulted others on it. Compared to the scheme illustrated on the drawings that were refused planning permission, the revision does not, in my view, result in a development that differs in substance insofar as the effect on the character and appearance of the host building and the local area are concerned. On balance, I am satisfied that no injustice would be caused if I were to consider the additional plans. Accordingly, I shall deal with the appeal based on the drawings provided at both the application and appeal stages.

Main issue

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

Reasons

6. The appeal property is a substantial terrace dwelling that falls within the Northwold and Cazenove Conservation Area (CA), which covers a large area and is predominantly residential in character. To my mind, the CA derives its

significance as a designated heritage asset largely from the rich variety and the architectural quality of the Victorian terraced properties within it.

7. The appeal dwelling addresses Osbaldeston Road which is lined by residential terraces that appear to be well preserved with examples of well-detailed buildings that form a broadly harmonious streetscape. From what I saw, there is greater variety in built form at the rear of the terraces on either side of the site and further along Osbaldeston Road where properties include sizeable roof level additions at the side and rear that are partly visible from the road.
8. The appellant places some reliance on several planning decisions in which developments that he considers to be similar to the proposal have been approved elsewhere on Osbaldeston Road with background details and photographs provided. Having considered this evidence, I agree that several cases share some common features with the appeal scheme. Nevertheless, a key planning principle is that each development should be assessed on its own merits. To my mind, the approved schemes cited by the appellant and the high-level extensions and alterations that I saw serve to illustrate that changes to a building at roof level can and do have a significant impact on the character and appearance of that property and the local area to which it belongs.
9. A new dormer extension is proposed on the main rear and side roof slopes of No 33. The new addition would be set back from the eaves and ridge of the main roof. Nevertheless, it would still be a sizeable addition covering most of the rear roof slope with a largely flat roof that would visually accentuate its bulk. One side of the new dormer would also project well beyond the corner of the hipped roof. This arrangement would result in an incongruous detail in which new addition would appear overly wide and large on the host roof slope. The visual effect would be unconvincing and contrived because the scale and position of the new dormer and its largely flat roof would relate poorly to the traditional style and hipped roof form of the existing building.
10. 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. The SPD also advises against box dormers that intersect with the corner of a hipped roof. For the reasons given, the proposed development would not adhere to this guidance.
11. While the new dormer would be at the back of the host building, mostly away from public view, it would nonetheless form part of the character of the local area as it is experienced and appreciated from nearby properties. From the back gardens of neighbouring buildings, the new dormer would form an unwieldy feature in the new rear elevation. It would draw the eye as an overly dominant, uncharacteristically large, and poorly fitting structure even among the varied built form at the rear of the terraces on either side of the site. In reaching this conclusion, I have taken into account the use of materials to match those of the existing dwelling.
12. On the issue of consistency, several planning decisions have been drawn to my attention, which I agree involve roof level extensions that are similar to the proposal. To reiterate, my own conclusion in relation to the particular merits of this case is that the scale, position, and design of the proposed dormer would unduly compromise the form and appearance of the host building and there would be a significant adverse impact on the surrounding area. Even if the Council has been inconsistent in its decision taking, and similar developments

have been allowed at appeal, this is not in itself an appropriate reason to find in favour of a development that would cause significant harm.

13. The National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation. Given the modest scale of the proposal relative to the considerable size of the CA, the harm would be less than substantial. No public benefits have been put forward and none would outweigh the significant harm that I have identified.
14. On the main issue, I therefore conclude that the proposed development would materially harm the character and appearance of the host building and the local area. The character and appearance of the CA would fail to be preserved. As such, it conflicts with Policies D1, D3 and HC1 of The London Plan and Policies LP1 and LP3 of the Hackney Local Plan 2033. These policies aim to ensure that development achieves high quality design; responds to local character and enhances the context; is compatible with the townscape; and safeguards heritage assets.
15. There would also be a conflict with the guidance in the SPD, the policies of the Framework with regard to the protection of heritage assets and with the statutory duty. This duty requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas, which I have done.

Other matters

16. The proposal would provide valuable additional living accommodation that would improve the living conditions for the appellant and family. However, this consideration does not outweigh the significant harm that I have identified.
17. The new roof lights would be modest in size and arranged on the front roof slopes of No 33 to avoid any sense of visual clutter. As such, this element of the appeal scheme would not detract from the character and appearance of the dwelling or the streetscape. However, from my inspection of the plans, the new roof lights are not clearly severable to the proposed dormer extension, which is objectionable. Therefore, I am unable to issue a split decision that grants planning permission solely for them.

Conclusion

18. 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.
19. 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