



Appeal Decision

Site visit made on 19 April 2023

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2023

Appeal Ref: APP/U5360/W/22/3301477

Flat D, 97 Lower Clapton Road, Hackney, London, E5 0NP

- 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 Sam Deep Singh against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/0985, dated 14 April 2022, was refused by notice dated 10 June 2022.
 - The development proposed is erection of a mansard-style roof extension with rear and front dormer windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Clapton Square Conservation Area (CA).

Reasons

3. The appeal site is in the Clapton Square Conservation Area and relates to an upper storey flat in a terrace comprising ground floor shops with 2 storeys of residential flats above. The terrace is built of London stock brick and has high parapet walls which obscure the butterfly roofs and chimneys behind. The Clapton Square Conservation Area Appraisal (2007) (CSCAA) identifies the whole terrace as Buildings of Townscape Merit and as important examples of mid to late-19th century purpose built shops with living accommodation above. The Grade II* listed Round Chapel is opposite the site on Lower Clapton Road and the Grade II listed King's Hall Leisure Centre is located to the rear of the site.
4. The Supplementary Planning Document Residential Extensions and Alterations (2009) (SPD) advises that roof additions should reflect the original roof type, scale, and proportion. The CSCAA also advises that in CAs original roofs and chimneys should be preserved.
5. The proposed mansard roof would be set back from the front parapet wall such that it would not be visible from the Lower Clapton Road, and the rear butterfly roof would be retained as a parapet. However, the chimneys would be removed to accommodate the extension which would exceed the height of other roofs within the terrace and introduce a different roof form, thus interrupting the

rhythm created by the butterfly roofs. The proposed development would not be visible from the Round Chapel or seen from within the King's Hall Leisure Centre or in the context of its front façade, from which it derives its architectural significance. The proposed development would not therefore harm the setting or significance of either listed building. However, it would be visible from the King's Hall Leisure Centre car park, the rear of 25-32 St John's Mansions and in glimpses along the rear access to the terrace off Clapton Passage. From these views within the CA, it would appear incongruous and out of scale with other buildings within the terrace. It would therefore harm the appearance of the building and surrounding area and thus the CA.

6. Given the small scale of the development within the context of the Conservation Area as a whole, it would not harm its character. There would however be harm in terms of its appearance. The harm would be localised, limited and less than substantial but would nevertheless be contrary to Policies LP1 and LP3 of the Hackney Local Plan 2033 (2020), Policies D3, D4 and HC1 of the London Plan (2021) and the SPD which seek high quality development which preserves or enhances the significance of the historic environment.
7. Any harm to the significance of a designated heritage asset requires justification and, in accordance with paragraph 202 of the Framework, I must weigh the harm against the public benefits of the proposal. Although no public benefits have been put forward by the appellant, there would be modest benefits arising from short term employment during its construction. However, such benefits would not outweigh the harm to the appearance of the building and the Clapton Square Conservation Area.

Other Matter

8. I have considered the examples of other roof types and extensions provided by the appellant. However, they do not fall within that part of the terrace which has butterfly roofs, most of which remain unaltered except for roof lights. As such, the examples are not directly comparable with the current appeal proposal. In any case, I have come to my own view regarding the proposed development rather than relying on the approach the Council may have taken elsewhere.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR