
Appeal Decision

Site visit made on 4 July 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/U5360/D/23/3322308
50D Amhurst Road, Hackney, London E8 1JH

- 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 Lionel Mill against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2023/0156, dated 23 January 2023, was refused by notice dated 20 March 2023.
 - The development proposed is the erection of an additional storey over the existing two storey modern residential building at 50D Amhurst Road, E8 1JH. The proposed scheme would provide an additional bedroom and bathroom to the existing two-bedroom house with covered and protected waste storage and cycle parking.
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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 local area.

Reasons

3. The appeal property is a 2-storey dwelling of individual design that is nestled into a restricted plot just beyond the rear of properties on Amhurst Road within the Clapton Square Conservation Area (CA). From what I saw, the CA derives its significance as a designated heritage asset from its public open spaces and the rich variety of historic buildings that contribute to an attractive townscape. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.
4. The appeal dwelling is not a listed building, nor is it identified on the Council's Conservation Area Plan (CAP) as a Building of Townscape Merit (BoTM). Due to its modest height and back-land position, No 50D is an inconspicuous element in the street scenes of which it forms part and within the local area. In my view, No 50D neither adds to nor detracts from the character and appearance of the CA. As such, it has a neutral effect on this designated heritage asset.
5. The site does, however, fall within an area that contains several attractive buildings that date from the Victorian era and many of these are identified on the CAP as a BoTM. While this area has changed over time with examples of recent development such as Kenmure Yard, and existing properties vary in

scale and height, a unifying feature is the consistent way in which buildings of traditional style line the road and positively contribute to a well-mannered streetscape. In that context, No 50D belongs to an area that makes a positive and significant contribution to the character and qualities of the CA.

6. The proposal is to extend the appeal building upwards to provide additional living accommodation under an asymmetrical pitched roof that includes a flat section. The new addition would continue the modern rectilinear style of the host building with matching external materials. Purely in itself, the proposal would be a sympathetic and proportionate addition to the existing dwelling.
7. However, the proposal would be evident from various locations due to its elevated position. From a short section of Kenmure Road, the completed dwelling would be noticeably taller than the existing modern style building that is attached to No 50D in the foreground. It would also project well above an existing garage and the built projection at the side of 1 Kenmure Road. From Kenmure Yard, the finished dwelling would also be evident with the new addition roughly aligning with and set back from the top storey of a neighbouring 3-storey historic building. As a result of the new built form, No 50D would become more conspicuous within the immediate area to which it belongs, and it would gain prominence in the street scenes.
8. By raising the height and profile of No 50D, the proposal would draw the eye even among the varied built form in the local area. Unlike the existing dwelling, the proposal would compete for attention with the larger traditional style buildings nearby that are a hallmark of the CA. In doing so, it would be a visually disruptive element in the street scene and the local area. Although there are tall buildings in the vicinity of the site, and elsewhere in the CA, these tend to directly address the highway or form part of a larger courtyard and are not unexpected features in historic built-up areas. In contrast, buildings of some substance and height that occupy small, confined backland plots, as proposed, are a far less familiar aspect of the CA.
9. Having carefully considered the appellant's historical analysis of the area, and recognising that the locality has evolved with extensions and new development in locations that are away from the main highway introduced over time, I find that the appeal scheme would be an unwelcome addition to the CA. It would be a discordant element in the streetscape and the local area even among the varied built form with which the new extension would be visually 'read'. The main outcome would be significant harm to the character and appearance of the CA, which would fail to be preserved.
10. The harm caused by the proposal would be localised and so the effect on the CA would be less than substantial. Even so, the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of such assets, which I have done. The Framework also notes that the harm should be weighed against the public benefits of the scheme. In this case, benefits such as creating additional living space would appear to be largely private. No other public benefits are identified, and none would outweigh the significant harm that I have identified.
11. On the main issue, I conclude that the proposed development would materially harm the character and appearance of the local area. As such, it conflicts with Policies D3 and HC1 of The London Plan, Policies LP1, LP3 and LP17 of the Hackney Local Plan 2033 and the Council's Supplementary Planning Document,

Residential Extensions and Alterations. These policies and guidance aim to ensure that new development achieves high quality design; responds to local character and distinctiveness; protects heritage assets; and is compatible with the existing townscape. It is also contrary to the policies of the Framework, which state that development should be sympathetic to local character, safeguard heritage assets and add to the overall qualities of an area.

12. The Officer's report notes that an interested party has raised additional concerns about the effect of the proposal on the living conditions of others. I have carefully considered these objections along with all the submitted evidence. However, given my findings on the main issue, these are not matters that have been critical to my decision.

Conclusion

13. Overall, the proposed development would conflict with the development plan, when read as a whole. There are no material considerations, including the policies of the Framework, which indicate that the decision should be taken other than in accordance with the development plan.
14. 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