



Appeal Decision

Site visit made on 1 August 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2023

Appeal Ref: APP/U5360/W/23/3314440

Flat 5, 149 Stoke Newington High Street, Hackney, London N16 0NY

- 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 Alliam Ltd against the decision of the London Borough of Hackney.
 - The application Ref 2022/1219, dated 17 May 2022, was refused by notice dated 12 July 2022.
 - The development proposed is installation of rear roof terrace at second floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates to the settings of listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. There was some uncertainty regarding the status of the Stoke Newington Conservation Area Appraisal (CAA). The Council has provided confirmation that it was adopted as supplementary planning guidance in 2004.

Main Issue

4. The main issue is the effect of the proposal upon the character and appearance of the host building and upon the character or appearance of the Stoke Newington Conservation Area (CA).

Reasons

5. The appeal property comprises a three-storey building within a terrace along Stoke Newington High Street. The ground floor is in commercial use, while the upper floors form six residential flats. Flat 5 is on the top floor, and its rear elevation faces the flat roof of an existing and very deep rear projection which is enclosed by an original short section of wall with chimney stack and further short parapet walls.
6. The proposal includes the removal of two timber framed sash windows which serve two bedrooms to the rear of Flat 5, and these windows would be replaced by timber framed French doors. The area of dispute concerns the scale and siting of the proposed terrace, which would occupy almost all of the extensive flat roofed rear projection, save for a narrow portion to the outer edge beyond an inner parapet wall, and a further strip along the northern edge of about 1.9m width. It would be some 70 square metres, enclosed in part by an

existing section of wall with chimney stack on the southern edge, while the remaining enclosure would be formed by the installation of metal railings.

7. The CAA sets out the significance of this part of the CA, characterised by its 19th century buildings arranged in continuous terraces, with a variety of heights and detailing, sitting tightly to the back of pavement, many with parapet roofs. The appeal property at No.149 is typical in this regard.
8. Importantly, the CAA sets out the significance of the High Street as a main street within the CA, where taller, more prestigious buildings are more common, and this is strongly evidenced by detailing to the front elevations. In this regard, the appeal property forms part of an almost continuous terrace of good quality buildings on the west side of the High Street which are listed, locally listed or have been identified as Buildings of Townscape Merit.
9. Having seen the site and surrounding area, I agree with the assessment of significance within the CAA. Consequently, the appeal building, and the continuous terrace within which it sits, makes a highly significant and positive contribution to the CA.
10. The CAA also sets out that the pattern of building means that extensions and alterations to rear elevations are largely hidden from public viewpoint. However, the rear part of the terrace within which the appeal site is located can be seen from the pedestrian route (Kynaston Avenue) that leads from the High Street towards Dynevor Road, and from Kynaston Gardens, which is a public open space accessed from the pedestrian route.
11. While there is limited evidence before me concerning the planning history of the site and the building, the appellant acknowledges that the extensive flat roofed area above the rear projection and the rear extension to serve Flat 5 are later additions. The proposed roof terrace and enclosure by metal railings would thus form a further addition.
12. However, the CAA does not identify roof terraces as a key or common feature within the CA. It does refer to a small number of first floor balconettes, and a continuous terrace of properties with balconies above porticoes, both of which are identified as relatively unusual features within the CA. The Hackney Supplementary Planning Document: Residential Extensions and Alterations 2009 (SPD) sets out that roof terraces and balconies are not characteristic features of the traditional residential housing stock of the Borough.
13. Consequently, the introduction of a roof terrace would form a discordant addition to the original building, to the CA and in terms of the wider character of the borough's traditional housing stock. While the extent of physical works would be relatively limited and the rear projection exists, the proposal would nevertheless result in a further addition. The sheer size of the proposed terrace and its enclosure would exacerbate the impact of the existing rear projection/extension as an incongruous feature within the CA.
14. The appellant draws my attention to examples of roof terraces and balconies within the CA. I have already described that such features are not typical features within the CA. However, the details of the examples are not before me, and I therefore cannot be certain of the circumstances which may have led to their installation or construction. Furthermore, I did not find them to be directly comparable. Some of the examples detail balconies (including

projecting balconies), rather than roof terraces. Generally, examples of roof terraces were of a much smaller scale, size, width and/or depth to that before me. Others demonstrated the adverse impact of such forms and enclosures in detracting from original features within the rear townscape of the CA and also inappropriate materials/designs that failed to respect the features of their host buildings. Wilmer Terrace was situated well away from the High Street and the surrounding built form was markedly different in context.

15. Views of the proposed terrace and railings would be largely limited to those from the rear elevations of surrounding neighbouring properties and from nearby Kynaston Gardens. However, even taking account of this limited public visibility, I am duty bound to consider the character or appearance of the CA as a whole.
16. Whilst rear additions along this section of the High Street have eroded some of the characteristic features of the CA, the rear elevations have clearly retained some elements of interest which contribute to the significance of the CA overall. In this sense, the reference within the National Planning Policy Framework (the Framework) to the irreplaceable nature of heritage assets, and the fact that they should be conserved in a manner appropriate to their significance so that they can be enjoyed by existing and future generations, is of relevance.
17. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
18. Given the above, I find that the proposal would fail to preserve the significance of the CA. I find the harm to be less than substantial in this instance given its siting to the rear of the High Street, but nevertheless of considerable importance and weight.
19. Under such circumstances, the harm must be weighed against any public benefits of the proposed development. The only benefit would be an improvement to residential amenity for the occupiers of the proposed development, which is not a public benefit.
20. Given the above and in the absence of any public benefits, I conclude that the proposal would fail to preserve or enhance the character or appearance of the Stroke Newington High Street CA and would cause less than substantial harm to its significance as a designated heritage asset. This fails to satisfy the requirements of the Act and the Framework.
21. The proposed development conflicts with Policy HC1 of the London Plan 2021 and Policy LP1 and LP3 of the Hackney Local Plan (2020) and the SPD. Taken together, these policies seek (among other things) to ensure that heritage assets are conserved in a manner appropriate to their significance; that the character and appearance of conservation areas is preserved or enhanced; and that development is of a high quality that respects and complements historic character.

Other Matters

22. The terraced row within the appeal site includes two grade II listed buildings within the same terrace as the appeal site, namely 157 High Street and The Rochester Castle Public House, 145 Stoke Newington High Street. The Act requires me to have special regard to the desirability of preserving their settings. While the Council did not refer to this matter in its report that considered the proposal, the appellant's submissions address the significance of these listed buildings for their townscape quality. I am satisfied that the effect on the settings of these listed buildings would be neutral given their physical and visual separation by intervening rear extensions.

Conclusion

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

J Moore BA (Hons) BPL MRTPI

INSPECTOR