

Appeal Decision

Site visit made on 16 August 2023

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023.

Appeal Reference: APP/U5360/D/23/3321190
165 Osbaldeston Road, Hackney, London N16 6ND

- 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 G. Klein against the decision of the London Borough of Hackney Council.
 - The application (reference 2022/2881, dated 28 November 2022) was refused by notice dated 14 April 2023.
 - The development proposed is described in the application form as follows: "*Erection of a hip to gable roof extension and a rear roof dormer extension*".
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the host building and its surroundings in the Northwold and Cazenove Conservation Area.

Reasons

3. The appeal site is located in a closely built up part of North London, where there is a predominance of Victorian development, although some more modern buildings are also accommodated within the street pattern. Indeed, the area to the south of the appeal site (including most of Osbaldeston Road) is dominated by substantial Victorian terraces of houses, within the Northwold and Cazenove Conservation Area.
4. Number 165 Osbaldeston Road lies just within the northern boundary of the Conservation Area. It has two-storeys above a basement and is constructed of brickwork under a steeply pitched slate roof. The front elevation incorporates various architectural embellishments, including decorative features at the windows and main doors and coloured brickwork in the external walls. A large bay structure dominates the front elevation and this feature is repeated along the terrace.
5. The rear elevation of the property is clearly visible from Oldhill Street, through a gap in the frontage development that provides access to a car park. Indeed, the pedestrian route through the car park, connecting Osbaldeston Road and

Oldhill Street appears to be well used. In any case, the rear elevations of properties fronting Oldhill Street are visible from the rear of those in Osbaldeston Road. It is obvious that various alterations have been carried out over the years to the rear of the properties, notwithstanding the relative consistency of the front elevations.

6. Although the appeal building is sited at the end of a terrace of similar properties on the north-west frontage of Osbaldeston Road, it adjoins a very different building on its north-eastern flank. This adjoining building is a large four-storey block of flats, constructed of brickwork with a pitched, gabled roof, forming part of a larger development scheme that dates, apparently, from the 1950s.
7. The main roof of the appeal building is finished with a hip, leaving a space between the roof of the Victorian building and the higher gable of the block of flats. This break in the roof line is not very noticeable in views along Osbaldeston Road, being masked, to some extent, by the large two-storey forward projecting bay and the gable wall of the flats. It is, however, very obvious in the view from Oldhill Street, as has been pointed out in a previous appeal decision.
8. It is now proposed to erect a "hip-to-gable" roof extension that would create a main rear roof slope abutting the adjoining gable of the flats. In addition, a new dormer is proposed to be added to this extended rear roof slope.
9. Provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 impose obligations on those considering whether to grant planning permission for development that would affect a conservation area. In such cases, decision makers are required to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas affected by development proposals.
10. Those formal requirements are reinforced by the 'National Planning Policy Framework', especially at Section 16, which emphasises the importance of conserving and enhancing the historic environment, though it also points out the desirability of putting a heritage asset to its "optimum viable use" as does the 'Planning Practice Guidance'.
11. The 'National Planning Policy Framework' also emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history, although it is also recognised that appropriate change may include increased densities.
12. An emphasis on the importance of good design is also to be found in the Development Plan. In particular, Policies D1 and D3 of 'The London Plan' (dated March 2021) focus on the importance of achieving high standards of design, while Policy HC1 draws attention to the need to protect and enhance heritage assets (which include conservation areas).
13. The same planning principles are expressed in the 'Hackney Local Plan 2033 Strategic Planning' (which was adopted in July 2020). Policy LP1 emphasises

the importance of “Design Quality and Local Character”, while Policy LP3 focusses on “Designated Heritage Assets”.

14. Attention has also been drawn to the Council’s Supplementary Planning Document (the ‘Hackney Residential Extensions and Alterations SPD 2009’) which also addresses relevant design criteria and considerations, although it does not have the same force as Policies in the Development Plan.
15. The house at number 165 Osbaldeston Road appeared to be undergoing some building works at the time of the site visit but this current appeal relates specifically to the proposals for alterations to the roof structure. As proposed, the finished roof would link the existing building (and the terrace as a whole) more clearly to the rather larger block of more modern flats. The change would not have a significant impact on the front elevation or on the streetscene but it would be noticeable at the rear of the property, however.
16. Even so, design considerations can be somewhat subjective and, notwithstanding previous comments, I am not convinced that the maintenance of a visual gap at roof level is critical to the preservation of the character or appearance of the Conservation Area. I am persuaded that the rear elevation of the building could be adapted in this way, if the scheme as a whole were satisfactory.
17. In addition, however, a dormer construction would be added to the rear roof slope. The new dormer would be smaller than previously proposed but it would introduce a strong horizontal architectural element and it would occupy more than half the width of the roof slope, contrary to the Council’s supplementary design guidance. Moreover, the detailed design would be awkward, with a window pattern that would be alien to the historic architecture, unattractive and clumsy in its context.
18. I am conscious that high design standards must apply in conservation areas and I have formed the opinion that the appeal scheme would neither preserve nor enhance the character or appearance of the Northwold and Cazenove Conservation Area. I am aware that other houses in the vicinity have previously been altered in ways that can now be regarded as unsatisfactory but I have considered this scheme on its own merits, having regards to current planning policies.
19. Evidently, the appeal site lies within an established urban area, which is “sustainable” in planning terms, and the proposed development would make a useful (if rather small) addition to the existing house. Nevertheless, I am convinced that the harm that would be done to the character and appearance of the existing house and its surroundings (including the Northwold and Cazenove Conservation Area) outweighs the benefits of the project.
20. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
21. In reaching these conclusions I have considered whether the appeal could be allowed but subject to conditions that might overcome the design concerns that

I have identified. In view of all the uncertainties involved, however, I have formed the opinion that it would not be possible to frame precise conditions to deal with the objections that I have identified and that therefore the appeal must be dismissed.

Roger C. Shrimplin

INSPECTOR