The Planning Inspectorate

Appeal Decision

Site visit made on 3 October 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2023

Appeal Ref: APP/U5360/D/23/3325619
4 Englefield Road, Hackney, London N1 4LN

- 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 Satyajit Das against the decision of the Council of the London Borough of Hackney.
- The application Ref 2023/0907, dated 19 April 2023, was refused by notice dated 13 June 2023.
- The development proposed is the construction of a part single part three storey rear extension and installation of rooflights on the main roof slope, along with rear fenestration alterations.

Decision

1. The appeal is dismissed.

Procedural matter

2. The description of development in the above heading is taken from the Council's decision notice. It is a clearer and more succinct description of the proposal than that given on the application form lodged with the Council.

Main issue

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

Reasons

4. The appeal dwelling is one of a pair of 3-storey properties, which are 2 and 4 Englefield Road, that belong to a short terrace within a predominantly residential area. Among the many shared characteristic features of Nos 2 and 4 are the front parapet, which conceals the roof behind; a 2-storey half width rear outrigger; and a main butterfly roof with its distinctive V shape that is evident at the back of the property. There are other properties in the same terrace as No 4. However, it is with No 2 that the appeal property is primarily seen and mostly closely relates.

5. The site falls within the Kingsland Conservation Area (CA) and close to the De Beauvoir Conservation Area. The CA covers the Kingsland Road corridor and is mixed in character. It partly derives its significance as a designated heritage asset from the wide range and high architectural quality of the historic buildings within it and the regular patterns of terraces that form well-mannered streetscapes. From what I saw, there is greater variation in the built form at

the rear of buildings in the CA partly due to various external changes that have been carried out. The terrace of which No 4 forms part is one such example.

6. The single storey element of the proposal would infill the recess at the back of the building and wrap around the side and rear of the outrigger. According to the Council, it would project outwards from the main rear wall by more than 6-metres. It would also span the full width of the existing dwelling with a depth that would exceed by some margin the maximum of 3-metres for this type of extension that is advised within the Council's Supplementary Planning Document, *Residential Extensions and Alterations* (SPD). It would, therefore, be a sizeable addition.

7. The appeal scheme would also enlarge the outrigger to create 3 levels in all with a new mono-pitched roof set down from the main roof. The resultant outrigger would be taller, larger, and so gain some prominence in the rear façade of No 4. In doing so, it would no longer visually 'read' as a subordinate element to the principal building, in conflict with the advice within the Council's SPD. As the new roof would be just below that of the main butterfly roof, the proposal would also visually compete with, and thus detract from, the historic roof form of the main building, which is a distinctive original feature. In this way, the proposal would also fail to adhere to the advice within the SPD, which states that rear extensions should be at least 1-storey lower than the eaves height of the building.

8. None of the proposal would be evident from the road given its position at the back of the appeal property and the screening provided by existing buildings, boundary walls and vegetation. For similar reasons, views of the new extensions from nearby properties would be limited particularly given that the single storey element would be partly below ground level. Even so, the new outrigger extension would be visible from the rear garden of No 2 and the upper rear windows of some other nearby properties. In these views, the proposed outrigger extension would draw the eye as an unsympathetic and discordant feature at the rears of Nos 2 and 4 and out of keeping with the character and appearance of the local area. As a result, the character and appearance of the CA would fail to be preserved. While there is some variety in existing built form in the rear elevation of the wider terrace, it is in the context of No 2 that the proposed outrigger extension would be mainly seen.

9. I recognise that buildings must evolve with alterations made to reflect the changing needs and circumstances of users over time. The process of change is evident throughout the CA where I saw examples of alterations and additions made to buildings, to which the Design and Access Statement also refers. However, that process does not in itself justify inappropriate development.

10. The National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Given that the effects of the proposal would be localised, the harm to the CA would be less than substantial. In those circumstances, the Framework states that the harm should be weighed against the public benefits including, where appropriate, securing its optimum viable use.

11. The appellant states that the proposal would improve the quality of the housing stock and make use of innovative, durable, and sustainable materials as well as salvaging and re-using brick. Once complete, the dwelling would provide

additional living accommodation with rooms that would exceed minimum space standards. It would also enable the existing property to be better insulated and the internal layout to be remodeled. In doing so, the living conditions of current and future occupiers of No 4 would be improved. The new green roof above the single storey projection would also offer an opportunity to enhance biodiversity. However, to the extent that these would amount to public benefits, they do not outweigh the identified harm nor is there any persuasive evidence that the optimum viable use of the property would be secured.

12. In addition, new roof lights are to be placed onto the main roof that would not be seen from ground level given the upward angle of view or from any nearby properties. As such, this element of the appeal scheme would be inconspicuous with no material effect on the character and appearance of the CA. Furthermore, as the rear of No 4 is visually contained by existing buildings and vegetation, there would be limited intervisibility between the proposal and the De Beauvoir Conservation Area. Consequently, the proposal would have no discernible effect on the setting of this nearby conservation area.

13. Nevertheless, I conclude on the main issue that the proposed development would cause significant harm to the character and appearance of the host building and the local area. As such, it is contrary to Policies D1, D3, D4 and HC1 of The London Plan, Policies LP1 and LP3 of the Hackney Local Plan 2033 and the guidance within the Council's SPD. These policies and advice aim to ensure that development achieves high quality design; responds to local character; is compatible with the townscape; and safeguards designated heritage assets.

14. There is also a conflict with the policies of the Framework with regard to the protection of heritage assets and with the statutory duty. This duty requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the CA, which I have done.

15. I acknowledge that the proposal provides an opportunity to improve the appearance of the existing rear façade and arrange the windows of No 4 to enable more natural light to penetrate the dwelling. However, there is nothing before me to indicate that these benefits could only be achieved by extending and altering the building, as proposed. I also note that the front garden is to be landscaped with new steps introduced and that the Council's assessment did not include a site visit. However, these considerations do not outweigh the significant harm that I have identified.

Conclusion

16. 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 otherwise than in accordance with the development plan.

17. 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