



Appeal Decision

Site visit made on 19 September 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/U5360/W/20/3261983

21 Hillstowe Street, Hackney, London E5 9QY

- 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 Nicholas Clough against the decision of London Borough of Hackney.
- The application Ref 2020/1449 is dated 15 May 2020.
- The development proposed is erection of rear dormer, first floor and ground floor extension.

Decision

1. The appeal is allowed and planning permission is granted for erection of rear dormer, first floor and ground floor extension at 21 Hillstowe Street, Hackney, London E5 9QY in accordance with the terms of the application, Ref 2020/1449, dated 15 May 2020 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: E-2019.02.001 (location Plan), E-2019.02.001-Rev. A, E-2019.02.002-Rev. A, E-2019.02.003-Rev. A, E-2019.02.005-Rev. A, E-2019.02.006-Rev. A, P-2019.02.100-Rev. A, P-2019.02.102-Rev. A, P-2019.02.103-Rev. A, P-2019.02.104-Rev. A, P-2019.02.105-Rev. A, P-2019.02.300-Rev. A and P-2019.02.301-Rev. A.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on approved plans: P-2019.02.300-Rev. A and P-2019.02.301-Rev. A.

Background and Main Issue

2. Although there is no formal decision from the Council, it has offered putative reasons for refusal. In summary, the first reason relates to the effect of the proposed rear dormer and first-floor rear extensions on the character of the appeal property and the character and appearance of the Lea Bridge Conservation Area ('CA').
3. The second putative reason for refusal relates to the effect of the proposed balcony along the front roof slope on the appeal property and the character and appearance of the CA.
4. However, the first reason for refusal matches that used in the assessment of another application at the appeal site (ref: 2021/0939) which was refused but subsequently allowed on appeal (ref: APP/U5360/D/21/3280619). The Council

has also confirmed that this application matches the proposal under the current appeal, aside from the inclusion of the proposed balcony, set within the front roof slope.

5. Therefore, on the information before me, the appellant already has approval for the bulk of the scheme before me, including the rear dormer and first-floor rear extensions, as referred to in the Council's first putative reason for refusal. I have also considered the extent of these extensions and other approved alterations to the property and I concur with my colleague, that these would read as high-quality modern extensions and alterations to the historic terrace. They would not prevent the historic form and purpose of the terrace from being appreciated and would complement the existing traditional finishes of the appeal building and contemporary neighbouring buildings elsewhere within the CA. Therefore, these extensions and alterations would preserve the character and appearance of the CA as a whole.
6. Against the above background, the main issue is the effect of the proposed inset balcony on the appearance of the appeal property and the character and appearance of the CA.

Reasons

7. The appeal property is a two-storey end of terrace house dating from the early twentieth century which forms part of a small cluster of buildings of various styles, sizes and ages centred around an historic core of former industrial buildings next to a key crossing of the River Lea. The appeal site is bordered by Millfields Park to the south, and contemporary three storey buildings to the northeast, all of which are part of the CA.
8. The Council's appraisal¹ of the CA refers to the distinctive character and coherent townscape of the cluster of buildings which is informed by its compact form of settlement and the mix of former industrial buildings next to the river, accompanied by short domestic terraces. It identifies the domestic terraces of Hillstowe Street and Leagrave Street as positive buildings within the CA, suggesting they would have provided housing for workers in the nearby riverside industries, but making no reference to their architectural style or appearance.
9. The front elevations of the terrace along Hillstowe Street, have undergone some alterations. This includes changes in roofing materials and the addition of rooflights and solar panels. Nevertheless, these retain similar arrangements of doors and fenestration, roof forms which incorporate features such as parapets and chimneys. Collectively, these elements give a cohesive and distinctive appearance to the front elevations of the terrace on Hillstowe Street, which makes a positive contribution to the CA's significance.
10. The second floor of the appeal property is intended to be used as a home office and spare bedroom for visitors (Bedroom 4). This also features a balcony, which would be inset within the roof space of the property and is designed to function as an open amenity space and provide light.
11. To facilitate the balcony a new opening is required along the front roof slope of the appeal property. This opening would only occupy part of the roof and is of a similar size and location to the roof lights associated with the previous approval

¹ Lea Bridge Conservation Area, Character Appraisal and Management Plan

at the appeal property. Therefore, this arrangement would not unacceptably dominate the front roof slope. Moreover, these alterations do not alter the pitch size or overall shape of the roof and retain the parapet and chimney features.

12. The terraces' parapets would to an extent obscure views of the roof opening, which would be visible from limited vantage points along parts of Hillstowe Street and Leagrave Street. In such views only glimpses of the roof opening and internal walls and glazing associated with the balcony would be visible from the street. Furthermore, the proposed modest roof alteration would not be significantly more conspicuous than nearby roof lights and solar panels and would be absorbed by the overall scale of the prevailing roof form of the appeal property and the wider terrace.
13. For the above reasons, the proposed inset balcony would assimilate with the appearance of the appeal property and not unacceptably alter its original form and appearance. As such, this element of the proposal would also preserve the character and appearance of the CA. Consequently, the proposal accords with policies D4 and HC1 of the London Plan 2021, policies LP1 and LP3 of the Hackney Local Plan LP33 (2020). Amongst other things, these policies require development to comprise high-quality design and attractive materials, and to preserve or enhance the character and appearance of conservation areas, conserving the significance of heritage assets.
14. Accordingly, I find no conflict with the Council's Residential Extensions and Alterations - Supplementary Planning Document 2009. Whilst this does not provide any specific guidance for the type of roof alteration proposed, this seeks to safeguard against roof alterations which result in a significant alteration to the size and shape of the roof.

Conditions

15. In specifying conditions, I have had regard to the National Planning Policy Framework and the Planning Practice Guidance. I have imposed the standard timescale condition for the implementation of the permission and a condition specifying the relevant plans as this provides certainty. I am satisfied that the finishing materials referred to on the approved drawings would preserve the character and appearance of the CA. Therefore, I have specified a condition requiring that the development is constructed in these materials.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR