



Appeal Decision

Site visit made on 22 January 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2024

Appeal Ref: APP/U5360/W/23/3321468

Top Floor Flat, 70 Allen Road, Hackney, London N16 8RZ

- 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 Mrs Helen Doll against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2022/2208 dated 12 September 2022, was refused by notice dated 4 November 2022.
 - The development proposed is installation of rear roof terrace at first floor level including 1.7m obscure glazed balustrade.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council changed the description of development from that stated on the application form. In the interests of clarity, I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the host property and area in general.

Reasons

4. The appeal property comprises a four-storey (including basement) building situated on the southern side of Allen Road, near its junction with Milton Grove. Allen Road has a number of commercial ground floor uses. The surrounding area is predominantly residential in character with buildings ranging in height from two to five storeys.
5. The Hackney Residential Extensions and Alterations Supplementary Planning Document (2009) (the SPD) highlights that roof terraces and balconies are not a characteristic feature of the traditional residential housing in the Borough.
6. The SPD also highlights that roof terraces and balconies should relate to the architectural conventions of the existing building and should not compromise existing openings and architectural features.

7. The proposed development would include changing the existing window for a door to access the terrace. However, this would not compromise the existing opening or architectural features.
8. I understand an application has been approved for a two-storey dwelling (plus basement) to the rear of the appeal site¹. A roof terrace has been proposed on the first-floor northern side of the dwelling facing the appeal site with privacy louvres. The louvres along with the side wall will provide a degree of screening of the terrace, and whilst the property was under construction at the time of my site visit it is unclear how obvious this terrace would be once complete.
9. The Appellant has drawn my attention to the approved development at the ground and basement levels of No. 70 Allen Road for a two-storey rear extension with lightwells to provide 2 x additional flats². The appellant contends that the approved drawings include a terrace/platform serving the ground floor flat, whilst this maybe the case, this would not be visible from public vantage points.
10. The Appellant has also drawn my attention to roof terraces within the row of terraced properties in which the appeal site is located. Whilst most of these roof terraces are unobtrusive from public vantage points the terrace at No. 50 Allen Road is clearly visible as it is located on an end terraced property.
11. Although the balcony/terrace at No. 50 is clearly visible, during my site visit I noted that the presence of balconies or terraces are not an obvious or common feature.
12. I find that the proposed development would introduce a prominent and incongruous first floor external terrace which would be out of keeping with the host property and area in general.
13. I conclude that the proposed development would harm the character and appearance of the host property and area in general. There is conflict with Policy LP1 of the Hackney Local Plan 2033 (2020); and Policies D3 and D4 of the London Plan 2021 which seeks to ensure development are of a high standard, responding to local character and context.

Conclusion

14. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR

¹ Ref: 2020/3477

² Ref: 2019/2396 & 2022/1291