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# Appeal Decision

Site visit made on 5 March 2024

**by F Rafiq BSc (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12.04.2024**

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**Appeal Ref: APP/U5360/W/23/3326730**

**Flat C, 82 Colvestone Crescent, Hackney, London E8 2LJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr & Ms Paul and Katharina Jasper and Theil against the decision of the Council of the London Borough of Hackney.
  - The application Ref is 2023/0166.
  - The development proposed is the replacement of first floor PVC rear window with timber framed French doors, fenestration to match original adjacent windows, with an internal metal balustrade.
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## Decision

1. The appeal is allowed and planning permission is granted for the replacement of first floor PVC rear window with timber framed French doors, fenestration to match original adjacent windows, with an internal metal balustrade at Flat C, 82 Colvestone Crescent, Hackney, London E8 2LJ in accordance with the terms of the application, Ref 2023/0166, 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: Site Location Plan (Drawing No. 123-00-01), Existing and Proposed Second Floor Plan (Drawing No. 123-10-01 Rev A) and Existing and Proposed Rear Elevation (Drawing No. 123-10-02 Rev A).
  - 3) Detailed drawings of the design of the development hereby permitted, including joinery details shall be submitted to and approved in writing by the local planning authority prior to their installation. The development shall be carried out in accordance with the approved details and retained as such thereafter.

## Preliminary Matter

2. A revised National Planning Policy Framework (Framework) was published in December 2023. I have had regard to this in reaching my decision.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the appeal building and whether it would preserve or enhance the character and appearance of St Marks Conservation Area.

## Reasons

4. The appeal site forms part of a four-storey property situated in the St Marks Conservation Area (Conservation Area) and identified as a Building of Townscape Merit. A variety of large properties, set back from the road in an elevated position can be seen. The use of bay windows, gable fronts at roof level and architectural detailing around windows and doors provide for a formal, unified townscape that positively contribute to the character of the Conservation Area.
5. Although the windows of the building are considered to be significant architectural features, and the Council consider the replacement of one of these with a door would be unacceptable, the existing window that is due to be replaced is not original and is formed in unsympathetic UPVC material. Whilst the loss of architectural features such as windows has been identified as a weakness of the Conservation Area, the removal of the window in this instance would not be detrimental to the conservation of a historic feature of the building.
6. The design of the casement style doors would differ from the timber sliding sashes that can be seen on some nearby properties. However, the development would make use of a sympathetic material and it would not appear discordant on the rear elevation of this terrace where there is variation in the window materials and styles, and more widely in relation to other alterations such as the use of a coarse plaster finish on the rear elevation of the appeal building over the original brick work. As such, and given that there are limited views from the public realm towards the proposal, and that the uniform qualities of the front elevation of the appeal property would be unaffected, I do not consider the significance of the Conservation Area would be adversely impacted.
7. I therefore conclude that the appeal proposal would not have an unacceptable impact on the character and appearance of the appeal building and it would preserve the character and appearance of the Conservation Area. Consequently, it would accord with Policies LP1, LP3, LP33 of the Hackney Local Plan 2033 or Policies D4 and HC1 of The London Plan, which seek, amongst other matters, development that responds to local character and to conserve the significance of heritage assets. It would also accord with advice in section 16 of the National Planning Policy Framework.

## Other Matters

8. I note the concerns raised in relation to privacy. The doors would however replace an existing window and I do not consider that they would give rise to unacceptable overlooking. The doors would also be largely glazed and as such, would not result in an unacceptable loss of light or overbearing impact on neighbouring residential occupiers.
9. Reference has been made to the addition of a balustrade, but an external balustrade does not form part of the appeal proposal. I note reference to damage to the property, but structural matters are addressed by Building Regulations. Although noise could emanate from swinging doors, there is no firm evidence that suggests that this is likely to occur, particularly as any such noise would also impact the occupants of the appeal property. In any event,

these matters do not have a bearing on my decision-making with regards to the main issue.

### **Conditions**

10. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. A condition requiring the submission of detailed drawings of the development is necessary to ensure a satisfactory appearance of the proposal on the appeal building and in order to preserve the character and appearance of the Conservation Area.

### **Conclusion**

11. I conclude, for the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeal is allowed.

*F Rafiq*

INSPECTOR