



Appeal Decision

Site visit made on 5 June 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2024

Appeal Ref: APP/U5360/W/23/3334248

Flat 6, 1b Croston Street, London E8 4PQ

- 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 Jonathan Choat against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/1190.
 - The addition of set back terrace at roof level accessed via internal private stair.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issue is the effect on the character and appearance of the appeal building and whether it would preserve or enhance the character or appearance of the Broadway Conservation Area (Conservation Area) .

Reasons

4. The appeal site comprises the roof of a top floor flat contained within a mid-terraced property facing Croston Street. The rear garden of the site borders Trederwen Road, which is close to the corner with Lansdown Drive.
5. Although the Council has stated the appeal property is not listed, No's 1a, 1b and 1c Croston Street appear closely related in appearance at the front to the Grade II listed terraced buildings at No's 1- 4 Croston Street¹. Furthermore the Historic Listing description advises that these along with No's 6 -15 Croston Street form a group with No's 4 -18 and 5-23 Dericote Street.
6. The significance of the Conservation Area is derived from the historic street pattern, the architectural and historical quality of buildings. The use of traditional materials, the consistent rhythm of detailing and architectural features and the overall consistency of the design of groups of buildings in the

¹ Historic England List Entry Number: 1 – 4 Croston Street 1226424

area positively contribute to the significance of the listed buildings. Even if the appeal building is not listed because it portrays similar features it positively contributes to the uniformity of the setting of the listed terraced buildings and the Conservation Area.

7. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Although the Council has not found harm to the listed buildings, mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the settings of the aforementioned listed buildings.
8. The proposal would see the introduction of railings above the flat roof. The terraced area would be fairly modest in size and would be set back from the front and rear edges of the roof. Additionally, the design and materials of the proposed railings would be minimalist and would reflect the existing railings on the Juliette balcony at the rear of the appeal property. The appellant has also drawn my attention to the Hackney Residential Extensions and Alterations Supplementary Planning Document adopted 2009 (the SPD) which suggest that balconies and terraces may not always be unacceptable.
9. Nevertheless, the uncharacteristic siting of a roof terrace of this design, in this location and on a building of this style, would undermine the form of the host building and detract from its architectural composition. The structure is not entirely hollow and its discordance on the building would be compounded by the abrupt siting next to the gently sloping part of the roof and the activity generated by its use as an outdoor amenity space. The alterations to the roof would introduce an alien feature which would spoil the uniformity of the host building and terrace overall.
10. Whilst it would not be visible in certain views its use and the resultant harmful effects, would be readily conspicuous in views from adjacent public routes at the rear and the front of the site. The rear of the site is relatively open and the adjacent flat roof at No 1a Corston Street would allow for greater views of the development and any associated domestic paraphernalia and activity.
11. Paragraph 205 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The proposed development would be harmful to the architectural merit of the host building and thus the significance of Conservation Area and listed buildings. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
12. The proposed terrace would provide a small area of outdoor amenity space. Whilst I sympathise that this would provide an additional space which would enhance the living conditions of the appellant, this is a private benefit. There would be some economic gains that would flow from its construction which would constitute benefits to the public at large. However, given the limited scale of the development proposed, they would not be sufficient to outweigh the identified harm to the significance of the Conservation Area.

13. I conclude that the proposal would be harmful to host building, the setting of listed buildings and would not preserve the character and appearance of the Conservation Area. It would be contrary to HC1 of The London Plan (adopted 2021) and Policy LP1 and LP3 of the Hackney Local Plan 2033 (adopted 2020). Together and insofar as they are relevant to the appeal these seek to conserve the significance of heritage assets and ensure new development respects and compliments historic character.
14. The Council has not referred me to any specific conflict with the SPD, therefore I am unable to find conflict with this document. In any event, this does not outweigh the harm identified above.

Conclusion

15. The proposal conflicts with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR