



Appeal Decision

Site visit made on 9 July 2024

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/U5360/D/24/3341222

13 Southgate Grove, Hackney, London N1 5BP.

- 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 Martin Michlmayr against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/2577.
 - The development proposed is replacement of existing lower ground floor window with French doors.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area, including the locally listed host building at 13 Southgate Grove and the De Beauvoir Conservation Area.

Reasons

3. Occupying the former land of the Beauvoir family's Hackney estate, the De Beauvoir Conservation Area (the conservation area) was designated to its current extent in 1998 and an Article 4 Direction was confirmed in November 2008. Commencing soon after the opening of the nearby Regent's Canal, planned middle-class speculative development within the conservation area dates from 1821 onwards. However, many of its characteristic short terraces and semi-detached villas were built to pattern book designs between 1835 and 1850. Indeed, the De Beauvoir Conservation Area Appraisal (May 2008) describes the conservation area as being notable for the excellent survival of its high quality short terraces and houses dating from 1830 – 50, with emphasis being placed on the unique character of individual streets.
4. Located within the conservation area, Southgate Grove is a short street, largely occupied by four locally listed terraces in a Classical style set behind front gardens. Dating from around 1840, each short terrace has four three-storey houses designed in pairs. Most of the houses have yellow London stock brick elevations, pediments at roof level over paired houses, plaster stucco detailing, and recessed central brick panels with arched heads between each pair. Each of the terraced houses has three floors visible from the street, with the lower ground floors set behind their respective front gardens and partially obscured by the gardens, boundary treatments, and the steps up to each front door.
5. The fenestration of the front elevations of the terraced houses includes a short window at lower ground floor level behind a lightwell and sometimes a small

- door or window, a larger segmented moulded arch window and front door with decorative surrounds at upper ground floor, and two windows at first floor with flat brick arches. Based on their architectural features and historic interest as part of a planned estate, the terraces have considerable significance as non-designated heritage assets. For the same reasons, the terraces also make a positive contribution to the character and appearance of the conservation area.
6. While the lower ground floor of each terraced property on Southgate Grove is only partially visible from the street due to their sunken nature and the presence of lightwells, boundary walls, and vegetation in gardens, the majority of these properties retain their original smaller and shorter lower ground floor window openings. There has been some change over time with the windows varying in terms of glazing bar arrangements, window type, paint colour, and use of security grills, but considerable unity of fenestration remains.
 7. Wider windows are present only at the lower ground floors of 7 and 10 Southgate Grove, while French doors have replaced the lower ground floor window at 11 Southgate Grove. The Council has confirmed that the French doors at No 11 did not form part of planning permission Ref: 2020/1366 and are subject to an enforcement investigation (Ref: 2021/0332/ENF). The appellant disputes this and considers the doors to have formed part of the aforementioned consent and to have no enforcement notice. Changes to front gardens and boundary treatments have also occurred in Southgate Grove.
 8. Forming part of a terrace with 14 – 16 Southgate Grove, the house at 13 Southgate Grove has a relatively unaltered front elevation. Though planning permission (Ref: 2021/1225) was granted in March 2022 for a range of extensions and alterations, including lowering the existing front lightwell to form a bike store and a new access to the lower ground floor, the front elevation's brickwork, plaster stucco detailing, and windows at upper ground and first floors are being retained. The appellant has confirmed that works to the front garden would introduce new landscaping and planting. The proposed development comprises the replacement of the existing lower ground floor window on No 13's front elevation with timber French doors of the same width as the window. This would allow access from No 13's kitchen to the front lightwell and the street via steps.
 9. Although extensions and alterations have occurred in Southgate Grove, the four terraces retain a large degree of homogeneity and considerable elements of their historic fabric. The introduction of French doors where there is currently a significantly shorter window would see the loss of an original architectural feature at No 13. It would be at odds with the coherence of No 13's front elevation and with the wider pattern of fenestration across Nos 13 - 16 and the wider four terraces of locally listed buildings. Though it would be partially masked by the lightwell and storage structure for bikes and bins, it would have a negative effect on No 13 as it would alter the visual hierarchy of fenestration. While No 11 on the neighbouring terrace has been altered to provide a pair of French doors, they serve to highlight the incongruity of French doors in a street where the lower ground floor window openings have largely been preserved.
 10. Though the appellant has referred me to case law¹ and Historic England Advice Note 1: Conservation Area Appraisal, Designation and Management (February

¹ South Lakeland District Council v Secretary of State for the Environment [1992] 2 AC 141; Barnwell Manor Wind Energy Limited v East Northamptonshire District Council & Others [2014] EWCA Civ 137.

2019); Historic Environment Good Practice Planning Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment' (2015); Historic England Advice Note 7: Local Heritage Listing (2021); and Historic England Advice Note 2: Making Changes to Heritage Assets (2016), these documents do not alter my concerns. It is also recognised that the appellant has sought to engage proactively with the Council to find a solution, but this does not overcome the harm I have found. The property at 68 Downham Road is not directly relevant as it is not of the same architectural style and group of buildings as the appeal property.

11. Consequently, the proposed development would have a harmful effect on the significance of the locally listed host building at No 13 and would also cause less than substantial harm to the significance of the conservation area. In line with paragraphs 208 and 209 of the National Planning Policy Framework, it is necessary to weigh the harm to the conservation area against the public benefits of the proposed development and to take a balanced judgement having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.
12. The appellant has not referred me to any specific public benefits. The works to No 13 to introduce French doors would improve the quality and use of the accommodation. Though rational, the proposed development would represent a purely private benefit for the occupiers of the property. Therefore, the harm to the conservation area would not be outweighed by the public benefits of the proposed development, and there are no considerations that lead me to conclude that the harm to the non-designated heritage asset would be justified.
13. In conclusion, the proposed development would have a harmful effect on the character and appearance of the area, including the locally listed host building at 13 Southgate Grove and the De Beauvoir Conservation Area. It would neither preserve nor enhance the character or appearance of the conservation area. Accordingly, it would conflict with London Plan 2021 policies D4 and HC1 and Hackney Local Plan 2033 (adopted 2020) policies LP1, LP3, and LP4. These policies address design quality, local character and development affecting designated and non-designated heritage assets.

Conclusion

14. For the reasons given above, the appeal should be dismissed.

Joanna Gilbert

INSPECTOR