



Appeal Decision

Site visit made on 11 September 2024

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/U5360/D/24/3346219

49 Listria Park, Hackney, London N16 5SW

- 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 John Harding against the decision of The London Borough of Hackney Council.
 - The application Ref is 2024/0144.
 - The development proposed is alterations to side and rear fenestration, to facilitate the installation of a balcony amenity to the side elevation, and a Juliette style balcony to the rear elevation at second floor level.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to side and rear fenestration, to facilitate the installation of a balcony amenity to the side elevation, and a Juliette style balcony to the rear elevation at second floor level at 49 Listria Park, Hackney, London N16 5SW in accordance with the terms of the application, Ref 2024/0144, 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: LTAPK-L101, LTAPK-S101, LTAPK-S102, LTAPK-P101, LTAPK-P102, LTAPK-P103, LTAPK-P104 and LTAPK-E101.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building.

Main Issue

2. The main issue is the effect on the character and appearance of the appeal dwelling, the terrace of which it forms part and that of the local area.

Reasons

3. The appeal dwelling is a palisaded mid terrace two storey late Victorian dwelling with a two storey rear outrigger and small rear garden. The rear boundary of the garden is a tall wall, that forms part of the boundary between the gardens of houses in the terrace with the open green space of Abney Park Cemetery.

4. Abney Park Cemetery is listed as a Grade II listed park on Historic England's register of parks and gardens of historic interest and is Hackney's largest area of woodland with many mature trees. It is further designated as a Site of Importance for Nature Conservation (SINC) of metropolitan importance and sits within the boundary of Stoke Newington Conservation Area (the CA), the boundary of which is defined, in this part, by the rear wall to the gardens in the terrace of which the appeal dwelling forms part.
5. The CA encompasses three distinct elements: the commercial area of Stoke Newington High Street, the residential area Church Street, and wooded area of Abney Park Cemetery. The significance of that part of the CA bounded to the appeal property rests predominantly in the character and appearance of the wooded Grade II listed Abney Park Cemetery.
6. The proposal would introduce a wrought iron balcony to the first floor flank elevation and Juliette balcony to the rear elevation of the rear outrigger. This would involve the alteration of existing windows to create doors that would open to these balconies. The proposed door openings would reflect the proportions of existing window openings in the rear part of the appeal dwelling and the proposed balcony on the flank would sit above the recessed side passage, with the proposed Juliette balcony sitting flush with the rear elevation of the outrigger. The application form states that the proposed doors and windows would match the existing and be timber framed and painted white.
7. The proposals would result in changes and additions to the rear of the appeal dwelling that, due to their limited scale, matching proportions and recessed position, would not compromise existing openings and features and would relate to the architectural conventions of the existing buildings. Consequently, the proposal would accord with the design guidance for balconies, window frames and doors set out in Paragraphs 4.7 and 4.8 of the Council's Residential Extensions and Alterations Supplementary Planning Document (2009).
8. As such, the proposal would not appear as an incongruous, obtrusive or an uncharacteristic form of development. Rather, I find that the proposed alterations and additions would appear as congruent, secondary and subservient to the character and appearance of the appeal dwelling and the terrace of which it forms part.
9. The terrace of which the appeal property forms part, is visible through the heavily wooded part of Abney Park Cemetery nearest to the boundary wall at the rear of the terrace gardens. These are short views and are limited and fleeting in nature. In these views, the proposal would be seen in the context of the existing extensions and garden structures and paraphernalia that are part of these views. Within this context, the limited scale of the proposals and their congruence with the appeal dwelling would result in them having a very limited visual presence. As such, I find that the proposals would not result in any significance change or difference to the existing setting of the Grade II listed park or that the CA.
10. For these reasons I find that the proposal would not result in any significant harm to the character and appearance of the appeal dwelling, the terrace of which it forms part, or the character and appearance of the local area. Thereby, the proposal would preserve the setting of the of both the Grade II listed Abney Park Cemetery and result in no significant harm to their significance, character or appearance. The proposal would not, therefore,

conflict with Policies LP1 and LP3 of the Hackney Local Plan (2020), Policies D3, and HC1 of the London Plan (2021) and Sections 12 and 16 of the National Planning Policy Framework (2023). Collectively, these seek to ensure that development is of high design quality, respond to local character and context and is compatible with the existing townscape, having due regard to the importance of preserving or enhancing heritage assets, conserving their significance, including their setting.

11. The Council's decision finds that the proposal would be contrary to policy D4 of the London Plan (2021). I have not come to this same conclusion, as policy D4 relates to design management procedures and policy guidance for London planning authorities.

Conditions

12. I have had regard to the conditions suggested by the Council should I be minded to allow this appeal. I find that there are no exceptional circumstances regarding design quality that would require any pre-commencement conditions in this instance. I have not, therefore, included a condition requiring the pre-commencement submission and approval of details relating to the balconies, doors and windows. Compliance with the terms of the application and the conditions I have attached for matching materials and compliance with approved drawings, satisfy the requirements in this regard. I have also attached the standard condition for the time limit on implementation of the development.

Conclusion

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

Victor Callister

INSPECTOR