



Appeal Decision

Site visit made on 5 November 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2024

Appeal Ref: APP/U5360/W/24/3345485

29 Beck Road, Hackney, London E8 4RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Patrick Michell against the Council of the London Borough of Hackney.
 - The application Ref is 2023/2955.
 - The development proposed is the erection of a roof extension to create an additional storey.
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Decision

1. The appeal is dismissed and planning permission for the erection of a roof extension to create an additional storey is refused.

Preliminary Matters

2. The description of development in the banner above has been taken from the appeal form, as the appellant has indicated that it has changed from that stated originally on the application form.
3. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has provided a statement setting out how they would have determined the application. This forms the basis of the main issue that I have identified.

Main Issue

4. Accordingly, the main issue is the effect of the proposed development on the character and appearance of the host property, the terrace of properties, and the Beck Road Conservation Area (the CA).

Reasons

5. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) 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. At paragraph 203, the Framework, sets out matters which should be considered, including sustaining, and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. 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.

6. The Beck Road Conservation Area Appraisal and Management Plan (BRCAAMP), dated July 2021, describes the CA as linear and a surviving example of late Victorian two-storey terraces, many retaining their original architectural features, opening directly onto the street, and which are said to positively contribute to the significance of the CA. There is a railway viaduct running approximately midway across Beck Road, that divides the terraces into two distinctive forms. On the side of the appeal site, the properties in the terraces on either side of the road have butterfly roof forms, which are visible from their rear sides but hidden to the front by a parapet wall. Whereas the terraces on the opposite side include pitched roof properties. The BRCAAMP also describes the CA as being notable for the absence of roof extensions.
7. Furthermore, the BRCAAMP states that threats to the CA include roof extensions that are visible from the public realm along with the loss of architectural features. Moreover, it expressly states that unsympathetic roof extensions to buildings in the CA that occurred prior to its designation should not be used as a precedent for further inappropriate extensions.
8. The appeal property's butterfly roof form along with others in the terrace of properties, and their gabled rear wings (paired with a neighbouring property) are visible from Bush Road that runs along its rear boundary and also seen above their tall rear boundary walls that abut the road. These features positively contribute to the significance of the heritage asset, and notwithstanding the roof alteration undertaken at no.23, the terrace the appeal property is part of, is an example of a virtually unaltered terrace roof form. To the front of the property, the distinctive parapet wall is a strongly defining feature on this part of the CA, and whilst there was a small view of part of no.23's roof alteration from Beck Road, I did not notice any other roof alterations visible above the parapet roofs on my site inspection.
9. I saw on my site inspection that Bush Road, was open to the public, including pedestrians, and vehicles, and whilst only a snapshot in time, I saw that it was in frequent use. The appellant has made me aware of proposals¹ to close Bush Road in the future, said to be part of a masterplan for the area, prepared by the Council. Nevertheless, at the present time it is a public road, and I have not been made aware of the precise date that it would be closed to the public or indeed whether it is certain to occur at all.
10. Hackney's Supplementary Planning Document, Residential extensions and alterations, dated April 2009 (REA), says at paragraph 3.85 that roof extensions are not normally acceptable in terraces where an unbroken roof line remains, and it recognises the significant contributions that roof forms of properties in a street make to the character of the area.
11. The proposed roof extension would be much higher than the appeal property's existing butterfly roof, parapet wall, and its existing chimneys. Even though it is set behind the butterfly roof line on the property's rear side, its raised pitched roof design, together with its scale which would extend across most of the main roof, would appear incongruous against its inverted pitched roof, adding a wholly discordant addition above the existing roof. Furthermore, the proposal would unacceptably alter the line of unbroken butterfly roofs, harmfully contrasting against their current appearance, and introducing a harmful design feature to the host property, and the terrace it is part of.

¹ In reference to Hackney Central and Surrounds Masterplan Supplementary Planning Document (2017)

12. The proposal would also be seen from Bush Road, and its scale and design would appear as an incongruous feature, particularly in the context of the other mostly unaltered butterfly roof forms on the terrace the appeal property is part of. Such views would be harmful to the character and appearance of the CA.
13. Although, it is accepted that there would be limited, if any, public views of the proposed roof extension from Beck Road itself, and that it would be unlikely to disturb the mainly unaltered parapet roof form of the terrace the appeal property is part of, this does not in itself justify its poor design. Furthermore, there would also likely be private views of it from within the first-floor front facing windows of the properties opposite the appeal property, from adjoining gardens, from Bush Road, and also from passing trains.
14. It is acknowledged that paragraph 124 e) of the Framework, which is an important material consideration, supports opportunities to use the airspace above existing residential and commercial premises for new homes, including upward extensions, and that amongst other things, such proposals should be consistent with the prevailing height and form of neighbouring properties and the overall street scene. In this case, the design and the increased height of the proposal has been found to be harmful to the host property, the terrace and the CA. As such the support offered by paragraph 124 e), does not in this case alter my findings as set out above.
15. The appellant has made me aware of other roof extensions on Beck Road, including details of their planning permissions, were relevant. Based on the evidence before me, the roof alterations at no's 23, 30², and 32³ were all undertaken before the CA was designated, as such the planning considerations would have been much different. Moreover, it is uncertain whether no.23's roof extension has any permission. I also saw that the rear elevations no's 30 and 32 are not visible from the public road behind them, and although there would be some views from adjoining properties and passing trains, they would most likely have less effect on the character and appearance of the area than the proposal. I note the references to roof alterations to properties on the opposite side of the viaduct, but these have much different roof forms, and they are seen separately from the appeal site.
16. It is also noted that an appeal for a proposed roof extension was dismissed⁴ at no.43, which was also before the CA was designated, due to its harmful effect on the character and appearance of the area. The Inspector in that case commented that it would be seen from nearby roads, including Sheep Lane and that no.23's location was different due to it being nearer to the viaduct. It is accepted that the appeal site is nearer to the viaduct than no.43, however, it would still be seen in the context of the other unaltered butterfly roof forms and be harmful to the character and appearance of the area.
17. The appellant has also drawn my attention to an appeal decision⁵ at Flat 4, 42 Chesterton Road, Royal Borough of Kensington and Chelsea, in that case the Inspector concluded the loss of a butterfly roof form, and the addition of a mansard roof extension to constitute a neutral effect upon the CA, and

² Appeal Ref: APP/U5360/D/18/3203775

³ Ref 2021/1417

⁴ Appeal Ref, APP/U5360/D/19/3238105

⁵ Appeal Ref: APP/K5600/W/23/3329833

referred to paragraph 124 e) of the Framework in support of their decision. The context to that appeal site was much different to the one before me, as the Inspector in that case sets out that there has been a similar mansard roof extension on both an adjoining and adjacent property, and that 4 of the 7 terraced properties opposite had also had such alterations, with a further said to be under construction. That proposal, including its surrounding context of roof alterations, is much different to the appeal scheme before me, and so is the weight that can be attributed to paragraph 124 e) of the Framework in this case.

18. It is also noted that the proposal would be constructed of sympathetic materials, but this does not outweigh the harm identified above.
19. I therefore conclude that the proposed development would be harmful to the character and appearance of the host property, the terrace, and the area, and that it would neither preserve or enhance the character or appearance of the CA, contrary to the duty in the Act. For the same reasons, the proposal would conflict with Policies D3 and HC1 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP), and Policies LP1 and LP3 of the Hackney Local Plan 2033, adopted July 2020, which amongst other things, collectively require development to be high quality that responds to, and preserves distinctive local character and context, and ensures the significance of heritage assets are preserved and not harmed.
20. The Council referred to the proposal conflicting with LP Policy D1, as this policy is aimed at plan making, I did not find it to be directly determinative on this issue.

Other Matters

21. I have been made aware of correspondence relating to the planning application, and whilst I can understand the appellant's frustration at the delay, I have focussed on the planning merits of the appeal proposal.
22. I have had regard to the comments raised in favour of the proposal (in addition to those raised regarding the main issue), including, but not limited to the following; that it would improve the sustainability of the property and use modern materials and insulation; that it would not be harmful to the living conditions of neighbouring occupiers; and that the proposed roof extension would be an effective and efficient use of the building. These are noted, but they are mostly requirements for any such well-designed development.
23. It has also been said that the proposal would enable a family to remain in the immediate area and contribute to the local community including local services such as schools, some of which are said to be closing. Be that as it may, it is unclear whether there are other suitable houses with the required accommodation nearby, that could be occupied by the appellant's family, enabling them to stay in the area. Consequently, these arguments have not outweighed the above identified harm.
24. It has been said that proposals for 6-8 storey high development is proposed near to Beck Road. Whether this be so, such a proposal would need to be considered on its planning merits, and from the information provided its location would appear to be outside of the CA.

Planning Balance and Conclusion

25. For the reasons outlined above, I find that the proposed development fails to preserve or enhance the character or appearance of the CA. The proposal would also conflict with policies of the development plan, I give this harm significant weight in the planning balance of this appeal.
26. I find the harm to constitute less than substantial harm owing to its effect being localised. Although, I consider the harm to the CA would be less than substantial, it is nonetheless a level of harm to which significant weight should be attached. Paragraph 208 of the Framework requires public benefits to outweigh such harm.
27. The proposal would utilise air space above the property to provide an additional bedroom and ensuite, and there would be some, albeit small economic benefits associated with the construction of the proposed roof extension. The proposal would allow the appellant's family to remain at the appeal property and for the appellant's children to attend the local school, and for the family to contribute to the community. In this case, many of the benefits of the proposal as outlined above would be private benefits for the occupiers of the host property, at most I can only attach minimal weight to these points.
28. Against this background, these collective public benefits are very limited, and they do not outweigh the harm identified above to the significance of the designated heritage asset. Accordingly, there is conflict with the heritage protection policies of the Framework.
29. The proposal conflicts with the development plan taken as a whole. There are no material considerations, including the Framework which indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

A Hunter

INSPECTOR