



Appeal Decision

Site visit made on 9 December 2024

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th February 2025

Appeal Ref: APP/U5360/D/24/3347694

187 Brooke Road, Hackney, London E5 8AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Francesca Van Haverbeke against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/2840.
 - The development proposed is a full planning application for the demolishing of existing rear extensions, and the construction of a ground floor and first floor rear extension together with the construction of an outbuilding, the excavation of a basement including a sunken garden, alterations to the roof as well as alterations to the side and rear fenestration and removal of the drainage pipes of the rear elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to comment further. Where references are made to paragraph numbers of the Framework, these are references to the most recent version.

Main Issue

3. The main issue is the impact of the proposed development on the character and appearance of the host property, including whether it would preserve or enhance the character or appearance of the Northwold and Cazenove Conservation Area (NCCA).

Reasons

4. The Conservation Area Appraisal explains that the NCCA is centred on the Tyssen-Amhurst Estate, which occupies an important place in the architectural history of Hackney. The overall architectural style has a uniformity that gives this late Victorian suburb a distinct character and integrity. The almost universal building material is buff London stock brick, with painted architectural embellishments such as window architraves, cills, stringcourses, and eaves cornices. Within this context the Victorian homes are of high quality and the fine detail of the external decoration is especially significant. Paragraph 4.3 of the NCCA refers to the rear outriggers of properties which give the terraces a 'distinct architectural rhythm'. Further, the generous and well maintained front gardens give the area a verdant feel and are identified as making a positive contribution to the character and appearance of the NCCA.

5. The appeal site occupies a prominent position opposite the junction of Brooke Road and Nightingale Road. The late Victorian end of terrace townhouse is three storeys and built in the characteristic stock brick, with decorative window surrounds. The property, along with the terrace that it forms part of, is set back from the road allowing for a generous front garden. The architectural characteristics that are exemplified by 187 Brooke Road (No 187) make a positive contribution to the significance of the NCCA.
6. All the buildings in the terrace retain their original paired rear outriggers which contribute positively to the rhythm and cohesiveness of the terrace. Based on the evidence before me, they have no other extensions at first floor level. The upper half of the rear of the terrace is visible from neighbouring properties and a large section is visible from Ickburgh Road. The proposed first floor extension would result in an incongruous addition by reason of its size, shape and projection which would engulf the existing rear outrigger, despite being slightly lower than it. This would result in the loss of its defined shape and legibility. Consequently, the first floor extension would be unsympathetic to the host building and diminish the uniformity to the rear of the terrace that it forms a part of.
7. It is acknowledged that there are a number of extensions on the rear elevation that are inconsistent in terms of their design. While the proposed development would bring the benefit of a more unified design approach, I am not certain that the first floor extension is necessary to achieve this.
8. The appeal scheme also includes several alterations to the fenestration of the property including the enlargement of the original central second floor window, the replacement of a timber sash and case window on the rear elevation and the introduction of several large rooflights on the main roof, as well as a window on the side elevation. These alterations would result in the removal and erosion of elements of the building which are compatible with its age and style, harming its historical and architectural character and detracting from the uniformity of the terrace.
9. The proposal also includes alterations to allow for the creation of basement accommodation. The basement would have an entrance to the front of the property with retaining walls forming a lightwell and allowing for a steel spiral staircase to the basement level. The front entrance to the basement would introduce a feature that is uncommon on the terrace and, despite the proposed raised planter, would be visible from the street. The introduction of the basement entrance and lightwell would not reflect the original architectural style of the host property and the terrace that it forms a part of, resulting in an incongruous element within the street scene.
10. As detailed above large front gardens are noted as having a positive impact on the character and appearance of the NCCA. A significant area of the front garden would be taken up by the lightwell and would result in reduced opportunities for planting and greenery. As such, it would have a harmful impact on the character and appearance of the host property and the positive contribution it makes to the NCCA. Given the proportion of the garden that would be developed, my concerns in this regard are not addressed by the introduction of a narrow raised planter or the incorporation of a sunken garden at basement level. Further, it has not been clearly demonstrated that the proposed areas of planting would have a positive impact on biodiversity over what is existing.

11. While the rear elevation of No 187 is not clearly visible from the public realm, the quality of the architecture is a defining feature of the NCCA, and this is not limited to elements of buildings close to public vantage points. Although not listed, the appeal property is a well preserved example of late Victorian architecture that utilises a palette of traditional local materials. The proposed development would erode the historical architectural character of the building and, in doing so, would fail to preserve the character and appearance of the NCCA.
12. As such, the development would harm the character, appearance and significance of the NCCA as a whole. Paragraph 215 of the Framework explains that where, as I find in this case, the harm to the significance of the NCCA would be less than substantial, that harm should be weighed against the public benefits. The proposed development would provide improved living and working conditions for the appellants and would accommodate their future housing needs. There may also be economic benefits associated with carrying out the development. However, any specific public benefits there may be in this case, would be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage asset.
13. I conclude that the proposed development would harm the character and appearance of the host property and would fail to preserve or enhance the character, appearance and significance of the NCCA. Therefore, it would conflict with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies D3, D4 and HC1 of the London Plan 2021 and Policies LP1 and LP3 of the Hackney A Place for Everyone Hackney Local Plan 2033 Strategic Planning Adopted July 2020. When read together these policies seek high quality design, which enhances local context; that the cumulative impacts of incremental change from development on heritage assets and their settings should be actively managed; and where less than substantial harm to a heritage asset is identified it should not be permitted unless the public benefit of the proposal outweighs the harm. As a result, the proposal would be contrary to the development plan taken as a whole and the heritage protection aims of the Framework.

Other Matters

14. The appeal scheme before me was amended to reflect pre-planning application advice given by the Council. I appreciate that the appellant has attempted to overcome the concerns raised initially but the amended scheme would still result in a proposal that would be contrary to the development plan for the reasons I have already outlined.
15. The Clapton Conservation Areas Advisory Committee have submitted a representation which supports the proposed development, only raising concerns in relation to the retention of the original rear outrigger. While their support is a material consideration it is of insufficient weight to outweigh the harm to the identified heritage asset and the development plan as a whole.
16. The Council have raised no concerns regarding the proposed contemporary design and consider that the ground floor wrap around extension would be acceptable. Further, it raised no concerns regarding the impact of the development on amenity, transport, waste or trees. Based on the evidence before me I have no reason to disagree with the Council on these matters. However, the absence of harm in these

respects form neutral factors in my assessment of the appeal, weighing neither for nor against the development.

17. My attention has been drawn to two examples of basements in the area. However, the planning history of these developments have not been provided. Therefore, I cannot be certain that they were approved under the current development plan, and they reflect the circumstances before me in this instance.

Conclusion

18. For the reasons given above the appeal should be dismissed.

C Livingstone

INSPECTOR