



Appeal Decision

Site visit made on 28 January 2025

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

an Inspector appointed by the Secretary of State

Decision date: 13 March 2025

Appeal Ref: APP/U5360/D/24/3347312

37 Penshurst Road, Hackney, London E9 7DT

- 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 Lucy Attwood against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/0680.
 - The development proposed is a rear roof loft extension.
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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 and the area, including whether it would preserve or enhance the character or appearance of the Victoria Park Conservation Area (VPCA).

Reasons

4. The appeal property is a three-storey mid terrace dwelling located within the VPCA. The terrace comprises of six dwellings all of which are well-preserved examples of Victorian architecture, including original decorative detailing and an absence of any dormer roof extensions. The layout of properties in the area is such that the rear elevation of the terrace is visible from Edenbridge Road.
5. The significance of the VPCA is, in part, derived from the architectural and historic interest of the area's buildings, which include planned residential streets that are centred around the park. The majority of the properties in the area are part of housing developments dating from the late Victorian period, which have largely retained their original form and appearance. The lack of any significant alterations gives the VPCA a traditional appearance which contributes greatly to its importance as a designated heritage asset. The appeal property is a typical form of development within the VPCA and so contributes positively to its significance as a whole.

6. The proposal is for the erection of a large box dormer extension, which would extend from most of the rear roof plane and would be set in, only slightly, from the ridge, side and eaves. The dormer would be of a simple contemporary design and would include a single and a large triple window.
7. It has not been clearly demonstrated that the dormer would be 0.5m below the ridge, 0.5m from the edge of the roof and a minimum of 1m above the eaves. Therefore, it would fail to comply with the guidance provided within the Council's Residential Extensions and Alterations SPD (SPD). Also, the proposed contemporary design would not reflect the architectural character of the host property. Although the triple window is centred on the windows below it, it would be much wider and fails to suitably reflect the existing fenestration of the building.
8. Despite being set in from the edges of the roof, the dormer would be overly large in terms of scale and massing and would dominate the host property. It would also erode the uniformity of the rear roof of the terrace, which is visible from Edenbridge Road. As such, the dormer would be visible from the public realm where it would be a prominent addition in contrast to the remaining terrace which is relatively unaltered. Although established trees provide some screening, this is not sufficient to resolve the harmful effect of the development on the street scene and views from within the VPCA.
9. Within paragraph 3.80 of the SPD the Council accepts that there may be occasions where a large box dormer could be considered acceptable. However, this is subject to a number of criteria, which includes instances where there are a number of them in the 'immediate' vicinity. While it is acknowledged that there are properties within the surrounding streets that have large box dormers, they are not visible from the rear of the host property. As detailed above the appeal property is within a terrace where none of the other dwellings have large box dormers and very few are visible on surrounding properties, from within the rear garden. Given the context of the appeal site it is considered that the proposed development would fail to accord with the exceptional circumstances in which a large box dormer would be considered acceptable, based on the guidance within the SPD.
10. Consequently, the proposal would result in an overly dominant and incongruous element within both the terrace and within the established street scene in views from Edenbridge Road. In light of this, the appeal scheme would fail to preserve the character and appearance of the VPCA. The use of external materials to match the existing dwelling does not address my concerns in this regard.
11. As such, the development would harm the character, appearance and significance of the VPCA as a whole. Paragraph 215 of the Framework explains that where, as I find in this case, the harm to the significance of the VPCA would be less than substantial, that harm should be weighed against the public benefits. The proposed development would provide improved living conditions for the appellants. 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.
12. 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 VPCA. Therefore, it would conflict

with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies D3 and D4 of the London Plan 2021 and Policies LP1, LP3 and LP17 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 in accordance with the Residential Extensions and Alterations SPD, which enhances local context; requiring development to preserve or enhance the significance of the historic environment; 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

13. The appeal scheme before me is a resubmission of a preceding application refused by the Council¹. I appreciate that the appellant has attempted to overcome the concerns previously raised but the amendments would still result in a proposal that would be contrary to the development plan for the reasons I have outlined.
14. The Council raised no concerns regarding residential amenity, biodiversity and sustainability. Based on the evidence before me I have no reason to disagree with the Council. However, the absence of harm in these respects form neutral factors in my assessment of the appeal, weighing neither for nor against the development.
15. My attention has been drawn to several examples of large box dormers in the wider area that were approved by the Council in recent years. Full details and drawings were not provided for all of the examples. Therefore, I cannot be certain that all of the examples provided meet the criteria set out in the SPD, including the criteria listed in paragraph 3.81. As such I cannot be certain that the circumstances are directly comparable to the appeal before me.
16. I note that the appellant is aggrieved with the Council's handling of their application. However, this is a matter between the parties that does not fall within the remit of this appeal. I have therefore given it no weight in my determination.

Conclusion

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

C Livingstone

INSPECTOR

¹ 20232022