



Appeal Decision

Site visit made on 14 April 2025

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2025

Appeal Ref: APP/U5360/D/25/3358571

97 Mortimer Road, Hackney, London N1 4LB

- 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 Denis against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/1850.
 - The development proposed is a replacement summerhouse to the end of the rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement summerhouse at the end of the rear garden at 97 Mortimer Road, Hackney, London N1 4LB, in accordance with the terms of the application, Ref 2024/1850, 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: 217 001, 217 025 Rev A and 217 SK 005 Rev B.

Main Issue

2. The main issue is the effect 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 De Beauvoir Conservation Area ('the DBCA').

Reasons

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing their character or appearance.
4. The DBCA covers an extensive area of fairly regularly laid out, primarily residential, streets. The attractive, largely Victorian architecture, and the buildings' set-back from the highway, often behind short front gardens and high quality boundary treatment, contribute to the streetscene and to the significance of the DBCA.

5. I observed that the rear elevation of the host property, and the other dwellings in this terrace, including the locally listed building at No 99, are less cohesive and plainer compared to their front face. The host has a modern two storey rear projection, which was granted permission in 2015, and whose form, black metal frame, and extensive glazing, contrasts with the appearance of the original building.
6. The Hackney Residential Extensions and Alterations Supplementary Planning Document 2009 ('the SPD') states that sheds, greenhouses and other structures in rear gardens can have a significant impact on the amenity and character of an area; and it discourages outbuildings in the gardens of conservation areas.
7. However, in this case, the proposed summerhouse would replace an existing outbuilding. Compared to it, the scheme would be wider, but its side wings, which would extend to the plot boundaries, would be set down below its central apex roof, which would give it a more articulated, less utilitarian appearance; and it would sit on a slightly lower ground level. These characteristics would reduce its apparent mass, and help to ensure that there would not be a significant impact on these gardens' sense of landscaped spaciousness.
8. The proposed summerhouse would not be visible in the streetscene, and it would be screened from many nearby properties' gardens by vegetation and boundary features. Viewed from their rear elevations it would typically be seen against the much taller commercial building, with its sawtooth roof, beyond. As it would be much smaller in scale and size compared to the host property and the terrace, it would appear suitably subservient to them.
9. The proposed slim metal frame, metal clad fascia and metal standing seam roof would respect the context of the adjacent commercial building, whilst also reflecting materials in the host's rear extension; and the extensively glazed front face would give it a fairly lightweight appearance. The stone walls would also reflect the colour and appearance of the painted render which is found throughout the area, including on the host's extension.
10. Given the scheme's modest scale, its discrete location at the end of the garden, and the presence of boundary walls and landscaping, I am not persuaded that its use as a summerhouse would give rise to significant light pollution.
11. For these reasons, the scheme would not harm the character and appearance of the host property, the terrace, or the area; and the setting of the heritage asset at No 99 would not be harmed. Having regard to the special duty contained in Section 72(1) of the Act, the significance of the DBCA would be preserved.
12. The proposal would not therefore conflict with Policies LP1 and LP3 of the Hackney Local Plan 2033 (2020), or with Policies D3 and HC1 of the London Plan (2021). Amongst other things, and in general terms, these require the highest architectural and urban design quality, which responds to local character and context, and which preserves or enhances the historic environment, including the character or appearance of conservation areas, having regard to matters such as height, massing, scale, form, design, materials and detailing.
13. Notwithstanding the general discouragement given to outbuildings in conservation areas, for the above reasons, this replacement structure would comply with the thrust of the advice at paragraph 4.12 of the SPD.

14. I have given great weight to the conservation of designated heritage assets, as required by the National Planning Policy Framework 2024. As I have concluded that the significance of the DBCA would be preserved, it is not necessary for me to go on to weigh any harm against public benefits.
15. Turning to the matter of conditions, in addition to the standard time limit, in the interests of certainty, I have imposed a condition requiring that the development be carried out in accordance with the approved plans.
16. The Council has also suggested a condition stipulating that the roof of the summerhouse shall not be used as a terrace, balcony or similar amenity area. However, as the roof is predominantly sloping, with only narrow strips of sedum either side, such a use appears to me to be highly unlikely, and the suggested condition is therefore unnecessary.
17. Finally, the use of the summerhouse as an independent dwelling, or a material change of use to a commercial activity, would require planning permission. The Council's suggested condition controlling such uses is therefore also unnecessary.
18. For these reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR