



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/25/3358496

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 2024/1731.
 - The development proposed is alterations to the external front areas to the property, including a relocated entrance door at lower ground floor with a replacement sash window in its place, a new portico, a new and relocated main front door at upper ground level, reconfigured entrance steps, and alterations to the boundary treatment.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to the external front areas, including a relocated entrance door at lower ground floor with a replacement sash window in its place, a new portico, a new and relocated main front door at upper ground level, reconfigured entrance steps, and alterations to the boundary treatment at 97 Mortimer Road, Hackney, London N1 4LB, in accordance with the terms of the application, Ref 2024/1731, 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 SK 002, 217 SK 020-Rev A, 217 SK 021-Rev A, 217 SK 022 and 217 SK 023.
 - 3) Prior to their implementation on site, details of the proposed capping to the piers, and the proposed black metal railings, shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details, and shall be retained as such thereafter.

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 area of fairly regularly laid out, primarily residential, streets, along with the landscaped De Beauvoir Square. The attractive, largely Victorian architecture, and the buildings' set back behind short front gardens and high quality boundary treatment, contribute to the significance of the DBCA. I concur with the submitted extract from the De Beauvoir Conservation Area Appraisal 2008 which describes Mortimer Road as an attractive street, containing a typical mix of pairs and terraces, some with stucco to the ground floor and others plainer with brick.
5. The host forms a mid terrace, three storey property, with a basement. With their yellow London brick finish, fine detailing, and regular fenestration which is picked out with white stucco, it and No 95, form an attractive, largely symmetrical pair, which make a positive contribution to the streetscene and to this part of the DBCA.
6. As a result of this scheme, the piers on the front boundary, which have inconsistent dimensions, would be changed from stucco to a reclaimed London yellow brick finish. They would be of a matching height, and two would be topped with a ball finial. One additional pier would be installed where the repositioned entry gate would be. The appellant also states that the railings, which the Kingsland Conservation Areas Advisory Committee comments are not of a design usually seen in the DBCA, could be replaced.
7. I observed on my visit that the exact detailing of the boundary treatment in this part of the Mortimer Road streetscene is varied. However, the proposal would respect the prevailing mix of black metal railings, with walls and piers finished in London brick, rather than stucco. Whilst I did not observe any nearby ball finials, those proposed would not appear out of place in the context of the architectural embellishments that characterise the area.
8. Although the entry gate would be moved, I have no cogent evidence that its current position, where it is off-set slightly relative to the front door, is original. Indeed, as evidenced at Figure 1 of the appellant's statement of case, that alignment is not typical in this stretch of the streetscene. As proposed, the entry gate would align neatly with an existing ground floor window, and with a proposed matching lower ground floor sash window, which would replace a non-original door, thereby restoring balance to that part of the front façade.
9. The proposed rough concrete steps leading to the upper ground floor front door would be replaced with steps made of stone, which would be a more sympathetic, natural material, and which would thereby constitute a modest enhancement to the property and to the DBCA. The proposed columns either side of the widened front door would be slender features, and this three storey part of the host, which is finished in brick, shares little in common with No 95 which has a plainer entrance in its single storey, white rendered adjunct. Thus, the proposed front door and portico, which would be modest in scale against the backdrop of this tall building, would not disrupt the balance or harmony of the pair; and they would still be more discrete compared to the entrance to the locally listed adjacent building at No 99.

10. For these reasons, the scheme would not harm the character and appearance of the host property, the terrace, or the area. Having regard to the special duty contained in Section 72(1) of the Act, the significance of the DBCA would be preserved.
11. The scheme 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 the frontage to the street, materials and detailing.
12. Neither would it conflict with the stance in the National Planning Policy Framework 2024 ('Framework'), which requires great weight to be given to the conservation of designated heritage assets. As the significance of the DBCA would be preserved, it is not necessary for me to weigh harm against public benefits.
13. Turning to the matter of conditions, I have considered those suggested by the Council and the appellant against the Framework's tests. As well as the standard time limit, in the interests of certainty, a condition is necessary requiring that the development be carried out in accordance with the approved plans. Although the Council has suggested a condition requiring that materials match those in the existing building, that is not entirely appropriate given that much of the proposal relates to the front boundary and the approach to the building. As materials are set out on the approved drawings, my second condition addresses this matter.
14. Given the importance of high quality boundary treatment to the significance of the DBCA, I have imposed a condition, as suggested by the appellant, requiring the provision of details of the proposed capping on the piers, and details of the proposed black metal railings if these are to be replaced.
15. Finally, as the scheme only involves alterations to the design and appearance of the property, a scheme of drainage and flood resilience measures is unnecessary.
16. Subject to those conditions, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR