



Appeal Decision

Site visit made on 22 August 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2025

Appeal Ref: APP/U5360/W/25/3366448

Flat 1, 21 Well Street, Hackney, London E9 7QX

- 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 Ms A Weller against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/1968.
 - The development proposed is described as: retrospective planning permission for the enlargement/ replacement of window and new flat roof finish to improve access to external services located on flat roof area.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal development is described as 'retrospective' and the application form states that the works have been completed. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character and appearance of the Mare Street Conservation Area.

Reasons

4. The appeal site is located along Well Street within the Mare Street Conservation Area (CA) wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
5. The Conservation Area Appraisal for Mare Street and Town Hall Square Conservation Areas (2000) (CAA) describes the character of the CA as historically characterised by Georgian ribbon development of villas and houses. Later Victorian and Edwardian development subsequently led to a more commercial and industrial character with areas being formed of terraces of shops and businesses.
6. The CAA goes on to describe the section of Well Street that includes the appeal site as a small, interesting group of brick buildings with shopfronts at ground floor and residential accommodation above. There is a variation in window styles of the buildings along this section of Well Street with many of the original windows having been replaced with those of a modern material. Nonetheless, there is a coherence

in that of each individual building, including the contemporary replacements, positively contributing to the character of the CA.

7. I observed a handful of examples of replacement windows and alterations to openings that deviate from the homogeneity of their host buildings, most notably the first-floor door of the adjoining dwelling. These appear discordant and disrupt the aforementioned consistency of windows and openings, detracting from the character and appearance of the CA.
8. The appeal development comprises an enlargement of one of the first-floor openings and installation of a side-hung casement with side panel. The materials are of a white UPVC construction matching the materials of the existing windows. Nevertheless, the design is a significant deviation from that of the other windows comprising the upper floors of the host building which form horizontal casement windows with a vertical central glazing bar. Further, the existing window openings are square with the appeal development's elongated form further emphasising its discordance. The enlarged opening and replacement window therefore appear out of keeping with the host building, disrupting the uniformity of the windows and openings of the upper floors, harming the character and appearance of the CA.
9. The upper floors of the appeal building are set back from the front ground floor elevation, providing some screening of the appeal development from street level. Nonetheless, the enlarged opening and replacement window can be observed in longer views along the highway, particularly from Tudor Grove.
10. Given the scale of the proposal within the context of the Conservation Area as a whole, I consider the harm to be on the lower end of less than substantial. Nevertheless, Paragraph 212 of the Framework directs 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.
11. Paragraph 215 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
12. The appellant contends that the appeal development would facilitate safe access to gas metres to two flats located on the external flat roof. The appellant considers this to improve the safety of residents, functionality, building maintenance, and facilitate the sustainable adaptation of an existing building. Nevertheless, these are private benefits mainly based on the convenience of residents and I have not been made aware of any public benefits arising from the development that would outweigh the harm to the character and appearance of the CA, to which I afford great weight.
13. Therefore, the proposal would fail to preserve or enhance the character and appearance of the CA. As such, the proposal would conflict with the relevant provisions of Policies D3, D6, and HC1 of the London Plan – the Spatial Strategy for Greater London (2021) and Policies LP1, LP3, and LP17 of the Hackney Local Plan 2033 (2020). When read together these policies require development to conserve the significance of heritage assets and for development affecting conservation areas to preserve or enhance the character and appearance of the area.

Other Matters

14. The appellant contends that the proposal would allow the location of the gas metres to comply with Regulation 12(4) of The Gas Safety (Installation and Use) Regulations 1998. Nonetheless, I have not been presented with any evidence as to why a less harmful scheme could not achieve this.
15. The appellant raises the precedent of the contemporary mansards at roof level of buildings opposite. The nature of these developments is fundamentally different to that of the appeal before me. Furthermore, their presence does not justify the above identified harm.

Conclusion

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

N Unwin

INSPECTOR