



Appeal Decision

Site visit made on 15 September 2025

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2025

Appeal Ref: APP/U5360/D/25/3370753

2A Gayhurst Road, Hackney, London E8 3EH

- 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 Arita Andrews against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2025/0752.
 - The proposed development is described as a first floor extension and some alteration to the existing dwelling.
-

Decision

1. The appeal is dismissed.

Background

2. The scheme followed the previous refusal of an application for a first floor extension to the property, which was dismissed at appeal¹ ('the previous appeal'). The previous appeal is a material consideration, but I have considered this scheme on its planning merits, having regard to the differences in its form and design.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Graham Road and Mapledene Conservation Area; and
 - the living conditions at 76 Malvern Road, with particular regard to outlook.

Reasons

Character and appearance

4. 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.
5. Paragraphs 212 and 213 of the National Planning Policy Framework ('Framework') state that great weight shall be given to the conservation of designated heritage

¹ APP/U5360/D/24/3342325

- assets, such as conservation areas, and that any harm to their significance requires clear and convincing justification.
6. The appeal site falls within the Graham Road and Mapledene Conservation Area ('the GRMCA'). In the previous appeal the Inspector set out that the GRMCA is primarily made up of a grid of Victorian terraced housing. That decision refers to the Council's Conservation Area Appraisal, which notes that the overriding feature of the area is its uniformity of proportion, scale and style of built fabric and that there is a remarkable homogeneity in the houses and a surprising variety of architectural details. It continued that the terraces in Gayhurst Road and Malvern Road neighbouring the appeal site are good examples of these key characteristics and, together with the mature trees in the street and gardens, they make a positive contribution to its appearance.
 7. I agree with that broad summary of the GRMCA's significance, although I note that there are also scattered examples of contemporary infill development, some photographs of which are included at pages 6 to 11 of the Design, Access and Heritage Statement.
 8. No 2A comprises a single storey, flat-roofed dwelling, which is finished in London stock brick, and which abuts the pavement on Gayhurst Road. Its form, style and proportions differ markedly from the neighbouring terraces on Gayhurst Road and Malvern Road, but its modest scale ensures that it is clearly subordinate to them. Notwithstanding its prominent siting and contrasting appearance, given its limited scale and bulk, it is a fairly discrete feature in the streetscene, and it provides an appropriate transition between the taller, locally distinctive, buildings either side.
 9. Whilst the proposal would be finished in matching brickwork, it would significantly increase the host's scale and bulk. Unlike the previous appeal, the first floor addition would be set back from the ground floor on its front face, and its roof would be chamfered to one side. However, given the height of its parapet, which would be only just below the eaves of 2 Gayhurst Road, and as it would project forward of that property and the general building line, it would be a prominent feature in that streetscene.
 10. Whilst prominence does not equate to harm, and contemporary designs can be successful in an historic setting, the resultant building's bulk and contrasting design and form, in such close proximity to the adjacent terraces, would be at odds with the rhythm, grain, and largely homogenous style of the buildings on Gayhurst Road. Consequently, it would appear incongruous, and it would not respect key characteristics of the GRMCA which contribute to its significance. The provision of a 'green wall' on its flank would not overcome that harm.
 11. I observed many of the infill schemes elsewhere in the GRMCA referred to by the appellant. However, some appear to occupy larger plots, or have larger gaps to the buildings either side, some are in less sensitive locations where the immediate context is less coherent, some are finished in contrasting materials, and all are of a different design compared to this proposal. Moreover, whilst they illustrate that the GRMCA includes a few buildings whose style, form and design differ from its prevailing character, some of those integrate more successfully with their surroundings than others.
 12. Having considered this proposal in this location on its planning merits, it would have a harmful impact on the character and appearance of the area, and in harming this

typical, fairly homogeneous streetscene, it would fail to preserve or enhance the character and appearance of the GRMCA as a whole.

13. I have not been provided with the Hackney Residential Extensions and Alterations Supplementary Planning Document (2009), and neither principal party makes detailed reference to it in their evidence. However, for the above reasons, the scheme would conflict with Policies D3 and HC1 of the London Plan 2021 ('LP'), and with Policy LP1 of the Hackney Local Plan 2033 (2020) ('HLP'). Amongst other things, and in general terms, these require proposals to respond positively to local character and distinctiveness, to be compatible with the existing townscape, and to conserve the significance of heritage assets.
14. Given the relatively modest size of the scheme, and in the language of the Framework, the harm to the GRMCA would be less than substantial. In accordance with Framework paragraph 215 and HLP Policy LP3, I am therefore required to weigh it against the public benefits of the proposal. I return to this later.

Living conditions

15. The host's flank forms the rear boundary of the garden at 76 Malvern Road. The proposed first floor extension would be set in slightly from that boundary, and it would feature a living wall. However, as depicted on drawing No 150-83, the scheme's overall height, and the distance from its side wall to the window in the lower ground floor flat at No 76A, would be the same compared to the previous appeal. Additionally, although this scheme would have a chamfered roof, its side wall would not step in towards the rear and, in comparison to the previous appeal, that part of the scheme would therefore be closer to No 76.
16. Consequently, the overall impact on those adjacent properties and the garden, which is sunken relative to the highway and is already very enclosed, would be broadly similar compared to the previous appeal. Given its siting, height and depth the scheme would cause the occupiers to suffer an unacceptable reduction in outlook and a significant sense of enclosure from the lower floor rear windows and garden.
17. The scheme would therefore have a harmfully adverse impact on those occupiers' living conditions. It would thereby conflict with HLP Policy LP2 and LP Policy D6 which, amongst other matters, state that development should be designed to ensure that there are no significant adverse impacts on the amenity of neighbours, having regard to matters including outlook, and should maximise the usability of outside amenity space.

Other considerations

18. As the scheme would provide an additional bedroom, it finds a limited measure of support from development plan and Framework policies which seek to make an efficient use of land to provide additional living accommodation.

Planning Balance and Conclusion

19. Having regard to the statutory test, I have found that the proposal would fail to preserve or enhance the character and appearance of the GRMCA. It would also have a harmful impact on adjacent occupiers' living conditions.

20. The scheme's limited public benefits would not outweigh the harm that it would cause to this designated heritage asset. Thus, whilst it would make an efficient use of the land, it would conflict with the development plan when considered as a whole. It would also conflict with the Framework, and does not benefit from its presumption in favour of sustainable development.
21. Having regard to all other matters raised, I therefore conclude that the appeal should be dismissed

Chris Couper

INSPECTOR