
Appeal Decision

Site visit made on 24 February 2026

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2026

Appeal Ref: APP/U5360/W/25/3376418

Flat B, 15 Winston Road, Hackney, London N16 9LU

- 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 Emmanuelle Kaltenbach against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2025/1631.
 - The development proposed is mansard roof extension to a three-storey terrace house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to conflict with the Kingsland Conservation Area Appraisal. However, the evidence states that the appeal site is not within a conservation area, and the Council has subsequently confirmed that the above document is not applicable to this case. I have determined the appeal accordingly.
3. The appellant has submitted amended plans with the appeal related to pre-application discussions with the Council. These include revisions to the form of the proposed extension to the rear and the roof terrace. The Procedural Guide: Planning appeals – England (2026) is clear that the appeal process should not be used to evolve a scheme and there are no provisions for amendments to be submitted. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the Local Planning Authority and by interested parties at the application stage.
4. I note the appellant's reasons for the submission of the amended plans with the appeal. For the avoidance of doubt, the revised plans would result in a substantial difference to the application in terms of the design of the proposal. Accepting the revised plans could also deprive those who were entitled to be consulted of the opportunity to make any representations as part of an appeal that they may have wished to make. In this case, the appeal should be determined on the basis of the plans upon which the Council based its decision, and which have been subject to consultation. I have determined it accordingly.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and the area; and

- the effect of the proposed rear roof terrace on the living conditions of occupants of neighbouring properties, with particular reference to overlooking, noise and disturbance.

Reasons

Character and appearance

6. The appeal site comprises a flat that currently occupies the first and second floors of a three-storey property within a predominantly residential area. Whilst two-storey terraced properties are prevalent for the majority of Winston Road, the appeal site, along with Nos 17, 19, 21 and 23 Winston Road, are taller three-storey terraced properties. The property features a traditional butterfly roof form concealed behind parapet detailing, which is characteristic of other properties on Winston Road and also visible to the rear of the site on Lidfield Road. This contributes to the building's character and the overall local context. There are variations in the appearance of properties and the extent of roof alterations and rear extensions on Winston Road and in the surrounding area, including a number of mansard roof extensions.
7. The proposal would introduce a new mansard roof to the property, which would retain the front parapet with dormer windows and rooflights to its front section. However, the rear wall of the property would be built up as part of the proposal below the new mansard roof, which would incorporate large, glazed window openings that would be recessed, allowing for access to a roof terrace area.
8. Whilst retaining the parapet detail and appearing as a mansard extension to the front, similar to other nearby additions, to the rear the proposal would appear as a more built-up extension that increases the height of the rear elevation. This would remove the existing butterfly roof form that is a notable feature of the appeal site and properties in the terrace close to the site. The large, glazed openings and roof terrace elements would also be at odds with the established form of development and the arrangement of openings to the rear of the appeal property, the terrace and surrounding buildings.
9. It would appear that the rear part of the extension would not be visible within public views from surrounding streets, however, it would be seen from the rear of neighbouring properties. Due to the loss of the butterfly roof form, the proposed roof terrace and large area of glazing to the rear, the proposal would introduce a visually intrusive and discordant form of development to the property. The proposal would therefore have a detrimental impact on the character and appearance of the host building and the area.
10. The appellant references other roof extensions in the terrace at Nos 1, 3 and 5 Winston Road, which I could not view the rear of from the appeal site or public highway. I do not know the circumstances under which these were constructed, although the Council states that Nos 3 and 5 predate current design guidance and there is no recorded planning history for No 1. The property and development referenced at 25 Winston Road also appears to be materially different to the appeal property in terms of its character and appearance. I therefore cannot draw any direct comparisons with the proposal that would weigh in its favour, and their presence does not justify the identified harm.
11. I conclude that the proposed development would be unduly harmful to the character and appearance of the host property and the area. It would therefore conflict with

Policies D3 and D4 of The London Plan (2021) (the LP) and Policy LP1 of the Hackney Local Plan 2033 (2020) (the HLP). Amongst other things, these seek to ensure that development achieves high quality design and responds to local distinctiveness, character and context. It would also be contrary to the Supplementary Planning Document Residential Extensions and Alterations (2009) (the SPD), which amongst other things aims for proposals to complement the property, employ high quality design and reflect the original type of roof.

Living conditions

12. The proposed roof terrace would be situated to the rear of the new roof extension, accessed from the bedroom at third floor level, creating a modest sized area of external amenity space for occupants of the enlarged flat. Currently, there is intervisibility between neighbouring properties, as is common in terraced properties in an urban context. At the appeal property, this comprises views of adjacent properties and their garden areas to the side and rear from upper floor windows serving a kitchen, bedroom and staircase.
13. The roof terrace would be situated at a high level on the property, and as an area of useable outdoor space, it would provide increased opportunity for overlooking of surrounding properties in comparison to views from windows. Due to its elevated position, the proposed roof terrace would also facilitate an increase in the availability of views from the property across neighbouring gardens, including those to the rear on Lidfield Gardens.
14. The intervening section of staircase within the proposed extension would mitigate the effect of some views from the roof terrace towards the rear garden of No 17 to a moderate degree. In addition, other sections of wall to the opposite side and rear would provide some enclosure to this area, thereby limiting some further views. However, the roof terrace would create an accessible space at a high level with direct lines of sight down and across towards neighbouring properties and their gardens, resulting in a significant increase in the opportunity for overlooking.
15. Although the extent of some garden areas are more limited due to existing rear extensions, including to Nos 13 and 15, this overlooking would likely still adversely impact upon the available space for users. Whilst there is visibility as existing from windows, a substantial increase in the opportunity for direct overlooking towards the properties and garden spaces adjacent to the site would be intrusive for the occupiers of adjacent neighbouring properties and significantly detract from their living conditions. The proposed plans do not indicate provision for other features that would adequately mitigate the potential for such effects. I also have no satisfactory information before me to demonstrate that a suitable scheme could be achieved.
16. Notwithstanding this harm, given the modest size of the roof terrace there is no compelling evidence that its use would cause significant noise and disturbance for neighbouring residents. Furthermore, despite my findings on character and appearance, any potential for direct overlooking from the third floor bedroom windows would be sufficiently mitigated by their set back from the existing rear wall of the property and the enclosure around the terrace.
17. Roof terraces or balconies do not appear to be prevalent to the rear of properties in the immediate area of the appeal site. The appellant references a terrace at No 25, part of which I observed from street level. However, there are limited details

before me regarding the circumstances in which it was constructed, what use or accommodation this relates to, or how it fully relates to neighbouring properties. In addition, a terrace at No 19 appears to be a materially different form to the appeal scheme and at a lower level on that property. I therefore cannot draw any direct comparisons with the proposal that would weigh in its favour, and their presence does not justify the identified harm from overlooking.

18. For the above reasons, I conclude that the proposed rear roof terrace would be unduly harmful to the living conditions of occupants of neighbouring properties, with particular reference to overlooking. It would therefore conflict with Policy D3 of the LP and Policy LP2 of the HLP. Amongst other things, these aim to ensure that proposals deliver appropriate privacy and amenity and that there are no significant adverse impacts on the amenity of neighbours. For the same reasons it would also conflict with the SPD. Given my findings on noise and disturbance, the proposal would not conflict with Policy D14 of the LP, which aims to avoid significant adverse noise impacts on health and quality of life.

Other Matters

19. The proposed roof terrace would provide a modest amount of useable external amenity space for the occupants of the flat and would assist in optimising site capacity, which would draw some support from the development plan. However, any benefits of this provision would be limited and would not outweigh the harm I have identified or alter my conclusions on the main issues.
20. Whilst the proposal has been found to be acceptable or no objections are raised in other respects, including the standard of accommodation, sustainability and biodiversity, these are neutral matters that do not weigh in favour of the development. Furthermore, the representation in support from a neighbour is not sufficient to persuade me that the development would be acceptable.
21. Concerns over elements of the Council's handling of the application and pre-application advice are not matters that I can consider under this planning appeal. These do not alter my findings, in which I have had regard solely to the planning merits of the development as proposed.

Conclusion

22. Notwithstanding my findings on noise and disturbance, the proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR