

Appeal Decision

Site visit made on 13 September 2016

By Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 September 2016

Appeal Ref: APP/U5360/D/16/3153873
16 Wattisfield Road, London E5 9QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Daniel Joseph against the decision of the Council of the London Borough of Hackney.
The application Ref: 2016/0561 dated 16 February 2016, was refused by notice dated 25 April 2016.
 - The development proposed is single storey rear/side extension and basement.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear/side extension and basement at 16 Wattisfield Road, London E5 9QH in accordance with the terms of the application Ref:2016/0561 dated 16 February 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 182 A001; 182 A002; 182 A003; 182 A004; 182 A005; 182 A006; 182 A007; 182 A008; 182 A101 R2; 182 A102 R1; 182 A103 R3; 182 A104 R2; 182 A105 R1; 182 A106 R2; 182 A109.
 - 3) Except for the approved green roof to the extension hereby permitted, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building, including brickwork to match the existing red brick banding.
 - 4) No development shall take place until a scheme for the protection of the two street trees on Cotesbach Road, adjoining the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for the protection of these trees shall be implemented prior to the commencement of development and retained until the completion of development or as otherwise provided for in the approved scheme.
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Main Issues

2. The main issues in this appeal are:
 - a) the effect of the proposal on the character and appearance of the existing property and on the local area, and
 - b) the effect of the proposal on the health and amenity value of the street trees adjoining the site on Cotesbach Road.

Reasons

Issue a) Character and Appearance

3. The appeal property is an attractive and distinctive three storey end of terrace property (with a two storey rear outrigger) which fronts onto Wattisfield Road and turns the corner into Cotesbach Road, within a predominantly residential area. The three storey element with the front entrance to the property also faces onto Cotesbach Road. The dwelling has an imposing presence in the street scene, both by virtue of its scale with its additional storey compared with most of the properties in the surrounding area, as well as its detailed design. The property is of stock brick with red brick banding courses. The property occupies an irregular shaped site which tapers towards the rear and the side boundary of the adjoining property in Cotesbach Road. The properties in Wattisfield Road face onto the Metropolitan Open Land of Millfields Park.
4. The proposal would wrap a single storey extension part way along the Cotesbach Road elevation and around the rear of the property, following the removal of an existing projecting bay on the Cotesbach Road elevation. The proposed materials for the extension would be predominantly red brick to match the red brick banding courses on the existing property, with a green roof.
5. I have taken account of the Council's guidance in its Supplementary Planning Document 2009: Residential Extensions and Alterations (SPD). The SPD, for example, sets out at paragraph 3.2 that *much of Hackney's townscape and urban form are composed of areas with unified streetscapes retaining their visual integrity and of individual buildings or groups of buildings forming distinct unified terraces*. The appeal property, in my view, does not conform with this general pattern and is, as existing, a distinctive and individual property in the local townscape. Furthermore, and whilst I appreciate that the SPD cannot be specific to every individual building, I do not consider that the more specific guidance on front and side extensions and even in relation to corner buildings directly relates to the particular characteristics and siting of this property.
6. I consider that the length, height and depth of the proposed extension in relation to the bulk and massing of the existing property, as well as its siting which would correspond with the length of the rear outrigger rather than extend forward to compromise the principal elevations of the three storey element, would combine to provide an extension that would be read as a subsidiary element to the main property. The design and proposed materials would, in my view, add visual interest to the extension whilst relating to the materials found on the existing building and in the local area. The green roof

- would also serve to soften the effect of the flat roof and add visual interest to the street scene.
7. I conclude that the extension proposal, albeit of a contemporary and individual design, would complement and respect the character and appearance of the existing building including in terms of its siting, scale as well as detailed design and choice of materials. The proposed extension would be seen in street scene views, particularly along Cotesbach Road. However, this is, as existing, an individual and distinctive building in the local context and in my view the proposed extension would be sympathetic to and re-enforce that individuality. Although the extension would project further forward than the front building line of properties further along Cotesbach Road, there is an adequate break in built development and a change in form with the appeal property that I do not consider that this would detract from the rhythm of development along Cotesbach Road. There would also remain space for planting around the proposed extension.
 8. The proposed basement extension would rely for its light on a light well across the width of the bay on the Wattisfield Road frontage and three 'pavement' lights on the frontage to Cotesbach Road. Although a light well has recently been granted permission on appeal along Wattisfield Road (Ref: APP/U5360/D/15/3140101), I agree that light wells are not a general feature of this local area. However, the proposed light well and lights would be very modest in extent and would not intrude significantly into the garden area around the property facing towards both Wattisfield Road and Cotesbach Road. They would not, in my view, result in a significant visual impact either on the appearance of the house or on the street scene or significantly reduce the scope for planting, which are the principal relevant concerns raised in the SPD under its section on basement extensions.
 9. I am therefore satisfied that the scheme proposals and in particular the proposed extension and light wells/lights serving the proposed basement would respect the character and appearance of the existing property and would not harm the character and appearance of the local area. There would be no conflict with Policies 7.4 and 7.6 of the adopted London Plan; Policy 24 of the adopted Hackney Core Strategy 2010 and Policies DM1 and DM2 of the Council's adopted Development Management Local Plan 2015 (DM Local Plan) as well as the National Planning Policy Framework, all of which seek for a high quality of design which respects the local context and re-enforces local distinctiveness. Whilst I have noted that the proposal would not accord with some of the detailed guidance in the Council's SPD, in the particular circumstances of this case and taking into account the individual character and appearance of the property in the local area, I do not consider that this would on its own justify refusal of planning permission.

Issue b) Trees

10. There are two London Plane trees on Cotesbach Road outside the appeal property. No works are intended to these trees as a result of the proposals but I agree with the Council that given the proximity of these trees to the proposed works, and particularly the one further away from the corner with Wattisfield Road, the potential effect of the proposal on the future health and amenity value of the trees requires to be assessed.

11. At the appeal stage the Appellant has submitted an Arboricultural Development Statement. This assesses the potential effect on both street trees from first, the proposed development and resultant damage to the root systems and secondly potential structural damage to the trees from the construction works. I agree with the findings of the Statement that subject to the employment of appropriate protection proposals, the trees would be afforded adequate protection to ensure their safe and healthy retention during the construction process.
12. Some of the proposals put forward would relate to works outside the control of the Appellant, including the recommended tree boxes around the trunks of the trees. As these works are promoted to protect the future health of the trees, it is difficult to foresee that the Council would raise an objection to these proposals. However, in these particular circumstances, rather than requiring compliance with the submitted scheme, I consider that it would be more appropriate to require the works to protect the trees to be agreed with the Council, as owners of the trees. This approach also accords with the condition requested by the Council at the appeal stage in respect of these trees.
13. I am therefore satisfied that subject to the imposition of an appropriate condition requiring protection measures during construction, the future health and amenity value of the street trees would be safeguarded. There would as a result be no conflict with Policy 7.12 of the London Plan or Policy DM35 of the DM Local Plan both of which seek to retain trees of amenity value.

Conditions and Conclusion

14. In terms of conditions I agree with the Council and as set out above that a condition should be imposed relating to protection measures to safeguard the health and amenity value of the street trees. Given the nature of the works and the need to protect the trees at the outset of any development commencing, this condition requires to be imposed as a 'pre-commencement' condition. I also agree that a condition should be imposed relating to materials to protect the character and appearance of the property and local area but because of the nature of the scheme proposals I have expanded the proposed condition to make specific reference to the green roof and brickwork to match the red brick banding on the existing property to accord with the scheme proposals. Finally I have imposed a condition to list the approved plans to provide certainty in respect of what has been approved.
15. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be allowed.

L J Evans

INSPECTOR