
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: U5360/D/16/3154170

22 Ashted Road, London E5 9BH

- 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 Shermount Properties Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2016/0490, dated 9 February 2016, was refused by notice dated 19 April 2016.
 - The development proposed is erection of a part single part two storey rear extension, change from hipped roof to gable and erection of a front and rear dormer roof extension and single roof light to front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a part single part two storey rear extension, change from hipped roof to gable and erection of a front and rear dormer roof extension and single roof light to front elevation. at 22 Ashted Road, London E5 9BH in accordance with the terms of the application, Ref: 2016/0490 dated 9 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: Site location plan; 15009/01 PL100; 15009/01 PL101; 15009/01 PL102; 15009/01 PL103; 15009/01 PL104; 15009/01 PL105 and 15009/01 PL106.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The roofs of the ground floor and first floor rear extensions hereby permitted shall not be used for any other purpose other than as a means of emergency escape or for maintenance of the building, and shall not be used as a balcony, roof terrace or other amenity area.
 - 5) The extensions hereby permitted shall not be occupied until the two proposed windows in the side elevation at first floor level have been fitted with obscured glazing and no part of those windows which is less than 1.7m above the floor level of the room in which it is installed shall be capable of
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being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the windows are installed and once installed in accordance with the approved details, the windows shall be retained in that condition thereafter.

- 6) Prior to its installation, details of the proposed roof light in the roof dormer hereby permitted on the front elevation of the property shall be submitted to and approved in writing by the Local Planning Authority. The roof light shall be installed in accordance with the approved details.

Preliminary Matters and Main Issue

2. The proposed extensions include for a full width single storey rear extension of some 6m in depth with a full width first floor rear extension of 3m in depth, together with a hip to gable roof extension and front and rear dormers, together with other alterations including to the front porch.
3. Prior approval has been granted for a ground floor rear extension with a depth of 6m, eaves height of 3m and ridge height of 4m under the Council's reference 2015/4067 and planning permission for a rear extension at ground and first floor; hip to gable roof extension and front and rear dormer under reference 2015/3006.
4. The Council's decision notice specifically references the first floor rear extension and front dormer, although the officer's report notes that the size of the rear dormer would not accord with its guidance in its Supplementary Planning Document: Residential Extensions and Alterations 2009 (SPD).
5. From my site visit and the information before me, including the earlier approval and permission, I agree with the Council that the proposed ground floor rear extension; hip to gable extension and proposed alterations to the front porch would be acceptable in terms of effect on the character and appearance of the property and on the local area.
6. I shall therefore focus my consideration on the first floor rear extension and front and rear dormers and the cumulative effect of all the proposed extensions taken together. I consider that the main issue raised in this appeal is the effect of the proposed development on the character and appearance of the existing property and on the local area.
7. I have before me Plan 15009/01 PL104 and Plan 15009/01 PL104A. The Council's decision notice refers to PL104 only. The difference between the two plans relates to a note on Plan PL104 referring to a skylight which has been removed from Plan PL104A. However, as a roof light is referenced in the description of development and on the floor plan (PL103) I shall refer to Plan 104. Despite the note on the plan, the roof light is not shown on the elevation and I address this below.

Reasons

8. The appeal property is an end of terrace property on the western side of Ashted Road within a predominantly residential area comprising terraces of similar character and appearance. Many of the properties have been extended with large front and rear dormers and ground floor rear extensions being found on many of the surrounding properties.

9. In respect of the proposed works to the front roof slope, I agree that the proposed change from a hip to gable roof would accord with similar changes which have been made to many of the other end of terrace properties in the vicinity, including the immediately adjoining property (No 24). The SPD sets out that large or full width box dormers will not be permitted. However, where front dormers have been built in the street and immediate surrounding area, it is my assessment from my site visit that many of them are full or almost full width and such dormers are now, in my view, a characteristic feature of the street scene, although the front dormer on the adjoining property at No 20 is more modest in size. Moreover although the margins would be very small, the proposed front dormer would sit within the roof slope and, as a result, would not appear as an over dominant feature. Similarly the rear dormer would follow the characteristic form of large rear dormers found within the vicinity.
10. The full width rear extension would be a depth of 3m. Although first floor rear extensions did not appear to be a characteristic of the immediate local area, I am advised that the Council has already granted permission for a first floor rear extension at the appeal property, albeit of smaller dimensions. The depth of 3m would in my view be modest in relation to the scale and massing of the property. Furthermore, although taken all together the proposed extensions would represent a substantial enlargement of the existing property, I consider that they would all relate well to each other and the first floor rear extension would provide a stepped appearance between the deeper ground floor extension and the proposed roof dormer. The first floor extension would not be readily seen in street scene views but would be seen from neighbouring properties where a wide variety of extensions to individual properties have been undertaken.
11. I therefore conclude that the proposed development would not harm the character and appearance of the existing property and 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 Council's adopted Core Strategy and Policy DM1 of the Council's adopted Development Management Local Plan 2015 as well as the National Planning Policy Framework all of which seeks 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 local context, I do not consider that this would on its own justify refusal of planning permission.

Other Considerations

12. Taking into account the existing extensions at adjoining properties and the fenestration and use of rooms in the adjoining properties, with particular reference to Nos 20 and 24 Ashted Road, I agree with the Council that the proposed development would not materially harm the living conditions of adjoining neighbours in respect of loss of outlook or enclosure as well as loss of light.
13. There would also be no increased overlooking or loss of privacy given the siting of windows in relation to adjoining properties, but I do agree that given the flat roofs over both the ground and first floor extensions, a condition should be imposed to prevent access to these roofs for any purpose other than

maintenance or emergency escape. I also consider that the side windows proposed should be in obscured glazing and non-openable below 1.7m to protect the living conditions of the neighbours.

14. A detailed explanation has been provided of the Appellant's needs for the additional accommodation. However, as I have concluded, on the planning merits of the scheme before me, that the proposed extensions would not harm the character and appearance of the existing property and of the local area there is no need for me to address these personal circumstances further.

Conditions and Conclusion

15. With regard to conditions I agree with the Council that the proposed materials should match the existing in the interests of protecting the appearance and character of the property and the local area. I also agree that a condition to list the approved plans should be imposed to provide certainty and clarity in terms of what has been approved. I have indicated above that I also agree that a condition to prevent access to the flat roofs areas for any purpose other than maintenance or emergency escape should be imposed to protect the living conditions of surrounding neighbours but I consider that it should relate to both the roof over the ground floor extension as well as over the first floor extension.
16. I have also added a condition to require the side windows at first floor to be in obscured glazing and non-openable below 1.7m to safeguard the amenities of the neighbours. As the proposed roof light in the front dormer is not shown on the submitted plan, I have added a condition to require approval prior to its installation.
17. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR