

Appeal Decision

Site visit made on 7 November 2016

by A U Ghafoor BSc (Hons) MA MRTPI

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

Decision date: 22 November 2016

Appeal Ref: APP/U5360/W/16/3153865

20 Cazenove Road, London N16 6BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr T Klein against the Council of the London Borough of Hackney.
 - The application ref 2015/4602 is dated 21 December 2015.
 - The development proposed is demolition of existing rear extensions and erection of three storey rear extension at lower ground, ground, and first and second floor level to provide one new additional 1 x 2 bed property at lower ground, extended retail and dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing rear extensions and erection of three storey rear extension at lower ground, ground, and first and second floor level to provide one new additional 1 x 2 bed property at lower ground, extended retail and dwelling at 20 Cazenove Road, London N16 6BD in accordance with the terms of the application, ref 2015/4602, dated 21 December 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15-1171-01C same prefix digits ending with 02D.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reasons

2. No. 20 is not situated in the Northwold and Cazenove conservation area but its front elevation is visible from it although the proposed extension would be positioned to the rear. There is a group of locally listed buildings to the rear but the Council confirm that it does not object to the effect of the development on the heritage asset. I concur.
 3. There is no in principle objection to the proposal. Had the Council determined the application for planning permission, the evidence presented indicates to me it would have been refused on character and appearance and amenity grounds.
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4. The **main issue** is the effect of the proposed development upon: (1) character and appearance of the host building and that of the locality and (2) living conditions of nearby residents, having particular regard to outlook from no. 18 Cazenove Road.

Character and appearance

5. No. 20 is a four storey terraced property set amongst a small parade of commercial and retail outlets within Stoke Newington's District Town Centre. The ground floor is in retail use with residential accommodation above. The surrounding area is mainly residential in character interposed by commercial development. Guidance found in the Council's supplementary planning document¹ suggests that rear extensions should be at least one storey lower than the eaves height being no more than half the width above ground floor level.
6. The extension would extend across the full width of the host property's rear elevation rising to its main roof. Its design would reinforce the existing building's fenestration detail and improve its external appearance. Its size, scale and height would successfully integrate with the adjoining buildings. The rear elevation is not directly visible from public vantages, though it is clearly noticeable from the rear. The bulk, mass a volume of the new extension would not be out of keeping with the residential and commercial quality of buildings in the surrounding area.
7. An Inspector found that a two-storey full width extension at no. 16 is unacceptable as it results in a crammed development leaving hardly any outside space to the rear². In comparison, this scheme is materially different because it would not occupy the entire rear garden. In my planning judgement the design and scale of the extension would not appear overly dominant to the host building or out of keeping with the character of the area.
8. In all circumstances I find that the development would harmonise with the adjoining properties and maintain the character of the street scene. Accordingly, the development would not conflict with the purposes of policies 7.4 and 7.6 of The London Plan 2015 as it would respond to local character and would be high architectural quality, and policy DM1 of the Council's Development Management Local Plan 2015.

Living conditions

9. The Council is concerned that the first and second floor rear windows to the adjoining property would be perceived as being enclosed. The appeal enlargement would extend to 3.8 m. In my assessment it would not affect outlook from the rear elevation because of its location, positioning and setting. The design would maintain adequate daylight reaching adjoining buildings.
10. The Council say that the existing arrangement with the adjacent dwelling is one in which a kitchen and a stairwell are overlooked. Its concern is that the extension would permit direct views into habitable rooms. In this compact urban environment, however, there is already significant degree of overlooking properties. The development would not materially increase the sense of being overlooked given the extension's layout.

¹ Local Development Framework SPD: *Residential extensions and alterations*, adopted 2009.

² Appeal ref: same prefix as this case ending with /2108427 issued in 2010.

11. I conclude that the proposal would be appropriate to its location and it would not have an adverse impact on residential amenities. Accordingly, it would comply with DMLP policies DM1 and DM2, and Core Strategy policy 24.

Conditions and conclusion

12. It appears that the appellant is well aware of his responsibility to remedy and control spread of Japanese knotweed on the site. I do not need to impose a specific condition as this matter is addressed by other provisions.
13. It is necessary to have control over the commencement of development and materials. For the avoidance of doubt, a condition specifying the approved plans is necessary.
14. Having regard to all other matters, I conclude that the appeal should be allowed.

A U Ghafoor

Inspector