
Appeal Decision

Site visit made on 13 December 2016

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 22 December 2016

Appeal Ref: APP/U5360/D/16/3159187

18 Lynmouth Road, Hackney, London N16 6XL

- 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 Shraga Stern against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/2039, dated 31 May 2016, was refused by notice dated 24 August 2016.
 - The development proposed is roof extension of a single family residential property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the appearance of the area.

Reasons

3. The appeal site is located on the south side of Lynmouth Road. It is a mid-terrace property in a row of similarly designed properties which all feature a large two storey bay with a semi-pyramidal roof on the front elevation. There are a number of small steps between properties within the overall terrace as the ground level reduces from east to west. Overall I found that the properties had a high level of uniformity and this makes this terrace, and one further to the east, distinctive. The development currently under construction further along the road does not affect this.
4. The Council has referred to its Residential Extensions and Alterations Supplementary Planning Document (the SPD) which was approved in 2009. The SPD explains¹ "the purpose of this SPD is to inform applicants on what is an acceptable standard of altering or extending their homes and to guide applicants in achieving high quality design outcomes." I consider that this purpose is consistent with national planning policy set out in the National Planning Policy Framework (the Framework) and therefore give the SPD significant weight.
5. The SPD indicates² that dormer windows will not normally be acceptable anywhere on the front roof slope of a house, but indicates exceptions will be permitted either when front dormer windows are an original feature of the

¹ Paragraph 1.6

² Paragraph 3.70

houses in the street or where other front roof extensions have already been constructed and this has altered the visual appearance of a number of streets. I have already found that the terrace has a high degree of uniformity without dormers and therefore neither given exception applies. However, decisions need to take all material considerations into account and the SPD should not be, of itself, decisive.

6. The proposal would provide a single dormer window which would extend either side of the semi-pyramidal roof. Even if constructed of materials to match the existing property it would appear bulky and out of keeping with the appearance of the property unacceptably breaking up the architectural rhythm of the terrace and would be intrusive into the street scene. Consequently it would not represent good design.
7. In this regard it would appear to be a different situation to the appeal³ referred to by the appellant where the Inspector found that development in the area had altered the original appearance of that street scene.
8. The proposal would therefore be harmful to the appearance of the area. Consequently it would be contrary to Policy 24 of the Hackney Core Strategy which seeks to enrich and enhance the built environment, identifying and respecting the architectural quality of the surrounding environment. It would be contrary to Policy DM1 of the Hackney Development Plan Management Local Plan which requires all development to be of high quality design, respecting the visual integrity and scale, massing and rhythm of frontages and street scenes and contrary to the terms of the SPD as set out above. It would also be contrary to Policies 7.4 and 7.6 of the London Plan which require development should provide a high quality design response and comprise details that complement the local architectural character. Finally it would be contrary to paragraphs 56 and 64 of the Framework which indicate good design is indivisible from good planning and that permission should be refused for development of poor design that fails to improve the quality of an area.
9. The appellant has set out a number of personal circumstances which flow from his cultural and religious identity. He explains that this results in a need for large properties in the area. The Public Sector Equality Duty contained in the Equality Act 2010 requires that due regard should be had to the three equality principles set out in section 149 of that Act. The appellant maintains that the SPD has the effect of limiting the choices available to him by restricting front dormer extensions. However, it seems to me that the SPD relates to all groups and does not affect any one group more than any other and therefore does not discriminate, prevent advancement of opportunity or inhibit good relations between groups.
10. While the SPD does restrict such dormer extensions it does not prevent all alterations to the property which might fulfil the cultural and religious requirements of the appellant. It has not been shown that other alterations to the property to provide the necessary accommodation, which would meet the policies of the development plan and the principles of the SPD, would not be possible. Certainly there is nothing to show that the requirements could only be met by a dormer extension in the front elevation.

³ APP/U5360/A/14/2224394

11. Having due regard to the Duty, which means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making, I consider that the appellant's cultural and religious requirements should be taken into account. However, they are of limited weight and are not such as to outweigh the harm to the appearance of the area which would be caused by the proposed development.

Conclusion

12. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR