
Appeal Decision

Site visit made on 6 December 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 6 January 2017

Appeal Ref: APP/U5360/W/16/3155935

9A Legrave Street, Hackney, London E5 9QX

- 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 Ms Nicola Hirst against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2015/4575, dated 21 December 2015, was refused by a notice dated 15 February 2016.
 - The development proposed is the erection of a rear roof dormer.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear roof dormer at 9A Legrave Street, Hackney, London E5 9QX in accordance with the terms of the application, Ref 2015/4575, 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: Site Location Plan; Roof Extension Block Plan; Roof Extension Plans; and Roof Extension Elevations.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.

Main Issue

2. The main issue in this case is the effect on the character and appearance of the host property, 9a Legrave Street, and the adjoining terrace.

Reasons

3. The proposed dormer would be constructed on the rear roof slope of a two-storey residential terrace which spans the northern side of Legrave Street. No 9A sits centrally within the terrace and its rear elevation is not visible to public views. Occupiers of neighbouring properties on Lea Bridge Road and Hillstowe Street do however have clear views over the backs of properties on Legrave Street.
 4. The Council's adopted Supplementary Planning Document (SPD) on Residential Extensions and Alterations, 2009 provides detailed guidance for undertaking
-

extensions and alterations to private dwellings. It advises that dormer windows will normally be acceptable on rear roof slopes and as a general guide, dormers should normally be set a minimum 0.5m below the ridge, a minimum of 1.0m above the eaves line and the height of any dormer should be no more than half the height of the roof or half the width of the roof. The guidance does accept that where a number of larger rear box dormers already exist within the immediate vicinity, then subject to a number of other criteria, a larger rear dormer might be acceptable.

5. The Council accept the principle of a rear dormer on this property. However, by reason of its size, which would not comply with the guidance set out above, they consider that the dormer window would be a dominant and incongruous feature within the existing rear roof slope of the terrace.
6. At the time of the Council's decision there were no rear dormer windows on the terrace. However, the Council has subsequently approved a larger rear dormer window at 1A Leagrave Street. This dormer window had been constructed at the time of my site visit, and although the dormer is marginally smaller than this proposal in respect of its height, it is of a similar scale and it too would not comply with the guidance set out above. Furthermore, from within the rear garden of the appeal site, I was also able to see similar larger roof dormers on the rear of properties on the adjoining Lea Bridge Road and Hillstowe Road. It seems to me that there are a number of larger rear dormers already existing within the immediate vicinity of the site, and moreover an almost identical dormer on the rear roof slopes of this terrace. The appeal proposal would not therefore be the first such feature within the rear of this terrace, and consequently would not appear unduly incongruous.
7. I have had regard to a previous appeal decision in respect of a similar rear dormer on this property, Ref: APP/U/W/15/3008353. However, it is clear that since that Decision the Council has permitted a similar dormer on this terrace. I consider the existence of the dormer at 1A Leagrave Street to be a significant material consideration in my determination of this appeal. Furthermore, the height of the dormer extension now proposed has been marginally reduced to ensure that its roof sits below the ridge line of the terrace. The cases are not therefore directly comparable, and each case must be considered on its own merits.
8. Despite a technical breach of the general guidelines for rear dormer extensions within the SPD, the proposed dormer would be positioned centrally within the property's rear roof slope and recessed from the ridge, eaves and sides of the roof. The form and character of the original roof slope would therefore remain discernible. Furthermore, the proposal would not conflict with any of the additional criteria set out in the SPD for consideration where, as in this instance, there are already larger box dormers in the immediate vicinity of the site.
9. I conclude that the proposed development would not have a harmful effect on the character and appearance of 9A Leagrave Street or the adjoining terrace. I therefore find no conflict with the development plan, and in particular Policy 24 of Hackney's Core Strategy, 2010 or Policy DM1 of the Development Management Local Plan, 2015 which are consistent with Policies 7.4 and 7.6 of the London Plan and seek to secure high quality design and, amongst other things, respect the visual integrity and established scale, massing and rhythm

of buildings. Furthermore, I find no conflict with the SPD the aims of which are set out above.

Conclusion

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

Elizabeth Pleasant

INSPECTOR