

Appeal Decision

Site visit made on 20 February 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 06 March 2017

Appeal Ref: APP/U5360/D/16/3164795

131 Bouverie Road, Hackney, London N16 0AA

- 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 Chloe Diski against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/3100, dated 17 August 2016, was refused by notice dated 11 October 2016.
 - The development proposed is described on the application form as a proposed rear ground floor extension to extend the existing kitchen room. The proposed project will extend 2.4 meters from the rear wall of the existing kitchen house, incorporating 3 Velux windows on the side pitched roof and a sedum roof over the rear flat roof.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed rear ground floor extension to extend the existing kitchen room. The proposed project will extend 2.4 metres from the rear wall of the existing kitchen house, incorporating 3 Velux windows on the side pitched roof and a sedum roof over the rear flat roof at 131 Bouverie Road, Hackney, London N16 0AA in accordance with the terms of the application, Ref 2016/3100, dated 17 August 2016, 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, Block Plan Dwg No: EW201600079 BP1, Ground and First Floor Plans Dwg No: EW201600079 01, Ground Plan Dwg No: EW201600079 02, Loft and Roof Plans Dwg No: EW201600079 03, Section A-A Dwg No: EW201600079 04, Section B-B Dwg No: EW201600079 05, Elevations Dwg No: EW201600079 06, Side Elevation Dwg No: EW201600079 07.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided
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written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are the effect of the proposal on:
- (i) the character and appearance of the surrounding area; and
 - (ii) the living conditions of the neighbouring occupiers at 129 Bouverie Road, with particular regard to enclosure and outlook.

Reasons

Character and Appearance

4. The appeal site comprises of a two-storey, mid terrace dwelling on the western side of Bouverie Road. The surrounding area is predominately residential, with variety in terms of design and scale of dwellings. To the rear of the appeal site there is a two-storey outrigger, a single storey lean to and an extended side return extension. I consider that all of the additions are subordinate to the main dwelling.
5. The single storey rear extension would extend across the full width of the dwelling and link with the existing side return extension. Although the Council consider that the existing side return extension is acceptable on design grounds, concern has been raised as it is considered that the existing extensions represent the maximum scale of extension appropriate to the host dwelling.
6. In support of their appeal the appellants have drawn my attention to the fact that a single storey rear extension with a depth of 3 metres from the back of the existing outrigger would benefit from permitted development. This would project a similar distance to that which forms part of the appeal proposal. There would appear to be a reasonable possibility that such an extension may be implemented should the appeal scheme not proceed. This is a fallback position to which I give significant weight.
7. Guidance contained within the Hackney Local Development Framework Supplementary Planning Document: Residential Extension and Alterations 2009 (the SPD) confirm that rear extensions should be subordinate to the host dwelling. Large rear extensions will only be permitted where the application site adjoins an existing larger rear extension or where a number of such extensions already exist within the immediate locality.
8. I accept that the appeal dwelling does not adjoin a dwelling with an existing larger rear extension. Furthermore, within the terrace only 135 Bouverie Road has a large rear extension.
9. At approximately 2.4 metres, the depth of the proposal would be in excess of the SPD's recommended depth from the rear of the host dwelling. Despite this technical breach, I consider its proportions in other respects would be subservient to the host dwelling. Whilst no similar extensions adjoin the appeal site, a variety of rear additions are evident. Overall, the design would be sympathetic to the character and appearance of the host property. Consequently, I find that the proposal would assimilate readily into the surrounding context.

10. These considerations lead me to the view that no significant harm would occur to the character or appearance of the host dwelling or its surroundings as a result of the proposal. As such, the proposal would not conflict with Policies 7.4 and 7.6 of The London Plan 2016 (TLP), Policy 24 of the Hackney Local Development Framework Core Strategy 2010 (the CS) and Policy DM1 of the Hackney Local Plan: Development Management Local Plan 2015 (the LP). When taken together these policies seek, amongst other things, to ensure that proposals for residential extensions respond to the context and character of their surroundings and do not harm the character and appearance of their host buildings. Whilst I note that the proposal would conflict with aspects of the SPD's advice, the lack of harm that it would cause in these regards, and its consequent compliance with development plan policies, justifies a departure from the SPD in this instance.
11. The proposal would also comply with one of the National Planning Policy Framework's (the Framework) core planning principles of seeking to secure a high quality design.
12. The Council has also referred to Policy DM2 of the LP. However, this policy is concerned with the protection of high standards of amenity. As this policy does not make reference to specific design considerations, I do not consider it is of relevance in this instance.

Living Conditions

13. Concerns have been raised about the effect of the proposal on the living conditions of the neighbouring occupiers at 129 Bouverie Road, in terms of enclosure and outlook.
14. No 129 has two relatively modest ground floor windows which currently face onto the existing side return of the appeal site. Given the location of these windows, the proposal would not, therefore, have any greater effect on the outlook than that which already exists.
15. I noted that the main door which serves the rear reception room at No 129 is elevated. Due to the elevated position and as the proposal would be approximately 2 metres at the boundary, I do not consider that a significant enclosing effect would result.
16. A predominantly glazed conservatory is located at the rear of No 129 and extends approximately 3 metres into the rear garden. The side elevation of the conservatory would overlook the side wall of the proposal. However, given the presence of the boundary treatment and the separation distance of approximately 3.9 metres, the outlook experienced would be unlikely to be materially different to the existing level of outlook.
17. Accordingly, I therefore find that the proposal would not harm the living conditions of the neighbouring occupiers at No 129 with respect to enclosure and outlook. As such, the proposal would comply with the amenity aims of Policy 7.6 of TLP, Policy DM2 of the LP and guidance contained within the SPD. In addition, the proposal would also comply with one of the Framework's core planning principles of seeking to secure a good standard of amenity for all existing occupants of land and buildings.
18. The Council has also referred to Policy 7.4 of TLP and Policy 24 of the CS. However, both policies are concerned with the provision of high quality design

in relation to new developments. As neither policy makes reference to specific amenity considerations, I do not consider they are of relevance in this instance.

Conditions

19. The Council has suggested a number of conditions which it considers would be appropriate were the appeal to be allowed. I have considered these in light of both the Framework and Planning Policy Guidance and find them to be reasonable and necessary in the circumstances of this case.
20. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans in order to provide certainty. In order to ensure a high quality development, a condition relating to the materials to be used in the construction of the external surfaces of the proposal is also necessary.

Conclusion

21. I therefore conclude that, subject to appropriate conditions, the appeal should be allowed.

Helen Cassini

INSPECTOR