

Appeal Decision

Site visit made on 14 March 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 27 March 2017

Appeal Ref: APP/U5360/W/16/3165074

10-12 Baches Street, Hackney, London N1 6DL

- 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 Akhtar Aziz (Cranfield Investments care of Parkslands Management) against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/1177, dated 30 March 2016, was refused by notice dated 15 June 2016.
 - The development proposed is the part demolition of a rear extension and redevelopment of the existing office space into two inter-connectable larger offices (two storeys each) at the rear.
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Decision

1. The appeal is allowed and planning permission is granted for the part demolition of a rear extension and redevelopment of the existing office space into two inter-connectable larger offices (two storeys each) at the rear at 10-12 Baches Street, Hackney, London N1 6DL in accordance with the terms of the application, Ref 2016/1177, dated 30 March 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: Planning: Site Plan PL790-MB-00-04; Planning: Site Plan PPL790-MB-00-05; Proposed Section BB PL/790-MB-06-400; Proposed Rear Elevation PL/790-MB-04-401; Proposed Ground Floor Plan PL/790-MB-00-100; Proposed First Floor PL/790-MB-00-101.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. PL/790-MB-04-401.

Procedural Matter

2. As the address is clear from elsewhere within the banner heading I have omitted the phrase "of 10-12 Baches St" from the description of development given above.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of the adjacent flats in terms of the outlook, daylight and sunlight available from the bedroom windows.
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Reasons

4. The appeal property is of four storeys and in a mix of uses. To the rear there is a full-width pitch-roofed extension, attached by the eaves to the rear elevation of 10-12 Baches Street, which wraps around a four-storey outrigger. The ridge of the existing extension's roof is slightly higher than the top of the first floor windows of 10-12 Baches Street, part of the building that received planning consent for residential conversion¹. The proposed development seeks the partial demolition of the existing extension to provide a part single-storey, part two-storey building with a predominantly flat roof. The proposed extension would be attached to the main part of 10-12 Baches Street by a single storey element of around 3m in depth and the two-storey element would be attached to the rear of that.
5. The rear first floor windows of the main part of 10-12 Baches Street would serve bedrooms under the terms of the planning consent. Whilst the two-storey element of the proposed development would introduce flank walling in front of these windows, it would be to a lower height than the roof ridge of the existing extension, and would be further away from the window than the existing roof slope. As a consequence, the proposed development would constitute a marginal improvement to the outlook available to the occupiers of the first floor bedrooms when compared to the existing arrangement, and it follows that no harm would be caused to their living conditions in this respect.
6. I have been supplied with a Daylight and Sunlight Report (the Report) by the appellant following the relevant BRE guidance² as referenced in paragraph 3.3.3 of Hackney's Development Management Local Plan (adopted July 2015) (the DM Plan). The Report establishes that the Average Daylight Factor (ADF) achieved in the rear facing bedrooms would be at least around 2.6% or above, which would exceed the minimum 1% ADF recommended in the BRE Guidance. Consequently, taken together with my observations onsite, I consider that the proposed development would not impair the level of daylight available in the rear bedrooms and thus would cause no harm to the living conditions of its occupants in this regard.
7. I note that the Report does not include an assessment of the level of sunlight available to the rear windows due to the BRE Guidance's suggestion that this is not of primary importance in the assessment of bedrooms. However, the overall scale of the proposed development is more limited than the extant extension at the site, and as result, the penetration of sunlight into the rear rooms would not be restricted to any material degree over and above that of the existing arrangement. Consequently, no significant harm would be caused to the living conditions of the occupiers of the adjacent residential space in terms of the availability of sunlight in the rear facing bedrooms.
8. As I have found that no harm would be caused to the living conditions of the occupants of the adjacent flats in respect of the outlook, daylight and sunlight available from the bedroom windows, I consider that the proposed development would not conflict with Policy DM2 of the DM Plan. Taken together, and amongst other things, this policy seeks to ensure that development proposals are appropriate to their location and designed to ensure

¹ Appeal decision APP/U5360/A/12/2176895

² BRE Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (1991)

that they do not result in significant adverse impacts to the amenity of occupiers of neighbouring buildings.

Conditions

9. I have not been supplied with a list of suggested conditions by either party. However, to comply with the Town and Country Planning Act 1990 (as amended), I have attached the standard implementation condition. In the interests of certainty, I have attached a condition specifying the approved plans. In order that the proposed development is sensitive to the character and appearance of its host building and surroundings, I have attached a condition regarding the materials to be used in its external construction.

Conclusion

10. The proposed development would not conflict with the development plan insofar as the policy that has been brought to my attention is concerned. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR