
Appeal Decision

Site visit made on 23 March 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 10 April 2017

Appeal Ref: APP/U5360/D/16/3165442

120 De Beauvoir Road, Hackney, London N1 4DJ

- 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 Nicholas Tims against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/2760, dated 18 July 2016, was refused by notice dated 10 October 2016.
 - The development proposed is extend ground floor existing extension to create a larger family living room and provide single storey extension at first floor level to provide an additional bedroom and small bathroom; include new sash window to existing flank wall.
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Decision

1. The appeal is allowed and planning permission is granted for extend ground floor existing extension to create a larger family living room and provide single storey extension at first floor level to provide an additional bedroom and small bathroom; include new sash window to existing flank wall at 120 De Beauvoir Road, Hackney, London N1 4DJ in accordance with the terms of the application, Ref 2016/2760, dated 18 July 2016, subject to the following conditions:
 - i) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plans: 334_X1250, 334_1_10, 334_1_11 Rev A, 334_2_01, 334_2_02, 334_3_01, 334_3_02.
 - iii) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan nos. 334_3_01, 334_3_02 and 334_2_02.

Procedural Matters

2. The Council, in its decision notice, refers to its Supplementary Planning Document Residential Extensions and Alterations (the SPD). I have applied some weight to that document due to its role in supporting the relevant development plan policies.
 3. The appellant submitted an amended proposed upper ground floor plan, Dwg No 334_1_11 Rev A, with the appeal. As the only amendment from the original drawing is to show the correct positioning of the skylight in the roof of No 122, I do not consider that it would prejudice the Council or the occupiers of
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No 122 for me to take that plan into consideration. I have determined the appeal on that basis.

Main Issues

4. The main issues are:

- i) whether the proposed development would preserve or enhance the character or appearance of the De Beauvoir Conservation Area (the CA), including the effect on the significance of the existing host dwelling, a locally listed building, and the setting of those locally listed buildings to the south, Nos 106, 108, 110, 114, 116 and 118;
- ii) the effect of the proposed development on the living conditions of the occupiers of No 122 De Beauvoir Road in respect of sunlight and daylight.

Reasons

Character or appearance of the CA

5. The site is located in the CA and as such special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the CA.
6. The CA is characterised by a variety of designs of predominantly residential properties, where there are a number of listed and locally listed buildings and buildings of townscape merit. Of the locally listed buildings, those relating to the appeal site and directly to its south have a traditional formal frontage onto the street, making a positive contribution to the character and appearance of the CA. The rears of those properties, whilst continuing the general form and materials of the frontages, are less formal, often including various extensions, albeit mainly single storey, and are not clearly visible from any surrounding streets. The significance of those rear elevations in the context of the character and appearance of the CA is therefore lessened.
7. The proposed development would create a larger ground floor extension. However, that element would not be considerably larger than that existing extension which is currently of full width and of significant depth. It would be deeper than that of No 122, but due to the different rear building lines would have a similar rear line to that neighbouring extension. From surrounding private vantage points, it would also not appear out of place in the context of a number of other ground floor rear extensions of varying depths to nearby dwellings, including some of those locally listed dwelling to the south.
8. The proposed first floor extension would be more prominent in those surrounding private views, due to its height, the general rarity of two storey extensions to other nearby dwellings, and the proposed painted render finish in contrast to the brick of the existing dwelling. However, whilst having a width greater than half that of the existing dwelling, it would not be to such an extent as to cause the loss of the southernmost of the two existing first floor windows. It would also be set noticeably down from the eaves of the original building, and would not be as deep as the proposed ground floor extension. Together with its simple, contemporary design, including render finish, it would therefore have a sufficiently subservient appearance.

9. The proposed first floor extension would also be seen to some extent in the context of other varied development to the rear of properties fronting De Beauvoir Road, Stamford Road and Buckingham Road. This includes two storey, albeit not as deep, rear extensions to No 114 De Beauvoir Road and No 13 Stamford Road, the latter being of a particularly contemporary design, and the contemporary backland dwellings to the north-east of the site to the rear of Buckingham Road properties. It would also be seen to an extent in the close context of the higher, albeit side, flat roof extension to No 122. Furthermore, it would not be clearly seen from any public vantage points or in the context of, or detracting from, the more significant street frontages of this and the other neighbouring locally listed buildings.
10. For the above reasons, I conclude on this issue that the proposed development would preserve the character and appearance of the CA and would not cause unacceptable harm to the significance of the existing locally listed building and the setting of those locally listed buildings to the south. As such, it would accord with Core Strategy Policies 24 and 25 of the Hackney Local Development Framework Core Strategy (the Core Strategy), policies DM1, DM2 and DM28 of the Hackney Development Management Local Plan (the Local Plan), policies 7.4, 7.6 and 7.8 of the London Plan and the SPD which together, in respect of this issue require development to be of high quality design and to conserve and enhance the historic significance of the borough's heritage assets and their setting.

Living conditions of the occupiers of No 122 in respect of sunlight and daylight

11. The proposed first floor extension would project noticeably beyond the main rear elevation of No 122. However, the nearest rear elevation window of that property is also at first floor level, which is also slightly higher than that of No 120. The proposed extension would therefore not be higher than the top of that window and so would be unlikely to significantly reduce the amount of sunlight or daylight entering the room concerned. The other windows of No 122 at that level would be further away and so less likely still to encounter a material loss of sunlight or daylight.
12. The single storey rear extension to No 122 has a skylight fairly close to the side nearest to No 120. It is likely that there would be some degree of sunlight lost to the corresponding habitable room via that window as a result of the proposed first floor extension. However, this would be during a fairly restricted period of the day, particularly in the summer months with the sun higher in the sky and given that there would remain a degree of separation between the extension and that skylight. The skylight would also be likely to continue allowing significant amounts of natural daylight into the room concerned. This is particularly as it would only be set-back a short distance from the line of the rear elevation of the proposed first floor extension and not enclosed on the other side by development. It is therefore likely that a significant amount of sky would still be visible via the skylight. Additionally, the room concerned is served by a large glazed area on the rear elevation which would be likely to continue to allow a substantial degree of daylight and sunlight to enter that room.
13. For the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of No 122 in respect of sunlight and daylight. As such, in respect of this issue, it

would accord with Core Strategy Policy 24 of the Core Strategy and policy DM2 of the Local Plan which together require development not to result in significant adverse impacts on the amenity of neighbours.

Other matters

14. I have had regard to the living conditions of the occupier of No 118 in respect of privacy and outlook.
15. The proposed side window in the first floor extension would directly face the rear garden area of No 118 nearest to that dwelling. However, the window concerned would be set away from the boundary. The extent of any overlooking would therefore be significantly restricted by the intervening form of the ground floor extension to No 120 and the narrow lean-to single storey rear extension to No 118 abutting the boundary. It would therefore be likely that most of that more private area of garden and patio would be protected from any significant overlooking. Other parts of the garden further from the house would be visible from both the side and rear windows of the first floor extension. However, this would be at oblique angles and, although closer, unlikely to be to a significantly greater extent than would already be possible from the top floor window of No 120. For these reasons, it would be unlikely that any overlooking of No 118 would amount to a harmful reduction in the existing level of privacy for its occupiers.
16. The proposed ground floor element would project only a fairly short distance beyond the rear of No 118's rear extension. Together with the degree to which the first floor extension would be set off the boundary, and again with the partially intervening presence of No 118's rear extension, it would be unlikely that the proposal would have an overbearing or unacceptably enclosing effect when seen from the house and rear garden of No 118.

Conditions

17. The Council has suggested three conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance and amended some of the wording. The standard time condition is necessary and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would be required. The Council suggests a condition to ensure that the materials to be used in the construction of the external surfaces of the development match those used in the existing building. However, as those relating to the first floor extension would not match, and as I have found those to be acceptable, I have amended the suggested wording to ensure that the materials would be as shown on the approved plans.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR