
Appeal Decision

Site visit made on 28 March 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 21 April 2017

Appeal Ref: APP/U5360/W/16/3166236

3 Leabourne Road, Hackney N16 6SX

- 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 Christen McDonnell against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/1610, dated 7 April 2016, was refused by notice dated 7 July 2016.
 - The development proposed is a single storey and two storey rear extension and conversion to two self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - i. the character and appearance of the area; and
 - ii. the living conditions of the occupants of the adjacent residential property with particular reference to outlook.

Reasons

Character and appearance

3. The appeal property is a four storey end of terrace house which has been divided into two flats, each occupying two floors. The current proposal relates to the lower ground floor and ground floor flat and proposes a rear extension and division of the existing flat into two self-contained residential units.
 4. The property forms a distinctive pair with its neighbour, No 1 Leabourne Road and, along with the third larger property adjacent to the corner of Castlewood Road, they form an attractive group. There are no existing extensions of the scale proposed to the rear of the terrace, although the appeal property does have a large, pitched roof lean-to conservatory. The property is situated in a mainly residential part of Hackney, although it is situated immediately adjacent to Stamford Hill Bus Garage, a dominant and imposing building. To the rear of the property is the imposing Georgian Orthodox Cathedral Church.
 5. Having a total projection of approximately 8.3 metres from the rear of the original property with a maximum height of approximately 4.4 metres across the width of the property, the extension would dominate the rear of the
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building and the short terrace of which it is part. Incorporating large flat roofed areas and features such as glazed screening the extension shows little appreciation of the architectural integrity of the original property and its neighbours. It would be incongruous in its immediate setting and be at odds with the character and appearance of the property, the terrace and its surroundings, generally.

6. The design and arrangement of openings on the rear elevation show little resemblance or appreciation of the existing property and the poorly designed disproportionate windows and folding doors with multiple-glazing elements would detract from the appearance of the property and the terrace.
7. The existing rear conservatory is slightly taller than the proposed extension and it does dominate the rear of the property and detract from the character and appearance of the host property. Nonetheless, the bulk, massing, scale and form of the proposed extension would harm the architectural integrity of the building.
8. I understand that the proposed flats would meet adopted space standards and would help meet the requirements for residential accommodation in London. However, I do not consider that the proposal demonstrates efficient or innovative design or use of the space available due to the harm I have identified.
9. The extension would not be clearly visible from the public realm and would have very little overall effect on the street scene. However, it would be visible from its immediate surroundings to the rear of the property. Therefore, on this issue I conclude that the proposal would have a harmful effect on the character and appearance of the area and would conflict with the requirements of Policies 7.4 and 7.6 of the London Plan March 2015, Policy 24 of the Core Strategy Hackney's Strategic Planning Policies for 2010-2015 November 2010 (the CS), Policy DM1 of the Development Management Local Plan July 2015 (DMLP) and guidance contained in the Hackney Residential Extensions and Alterations Supplementary Planning Document 2009. These seek to ensure that new development recognises distinctive local character, contributes towards creating places of high architectural design appropriate to its context and enriches and enhances Hackney's built environment.

Living conditions

10. Given the relationship between the property and the bus garage there are no concerns regarding the effect of the proposal on the outlook from the adjacent windows. The closest windows in the rear outrigger of the adjacent residential property are two small bathroom windows. Although the windows will provide some daylight into the bathrooms they are unlikely to be used for outlook purposes. Therefore, the proposal is unlikely to cause harm in terms of loss of outlook from these. However, as a consequence of the overall bulk, scale and massing of the proposed extension along the boundary its effect is likely to be wider than just these two closest windows.
11. It appears that the lower ground floor flat in No 1 has a large rear facing window serving a habitable room. The massing of the extension when combined with the large blank side elevation and the glazed screening would result in an imposing and dominant structure which would create an unacceptable sense of enclosure and loss of outlook to this flat which already

has restricted outlook. In addition, such an imposing structure would dominate the adjacent private amenity space to an unacceptable degree, causing harm to the outlook from that limited space.

12. There are other features in the vicinity of the site, including loft conversions, which result in some overlooking and un-neighbourliness to other properties in the area. However, the degree of harm that would result from the current proposal would be significantly adverse and unacceptable in relation to the outlook from the adjacent residential property and its associated private amenity space. Compared to the effect of the existing rear conservatory the effect would be significant. I have also taken account of the presence of the nearby large bus garage, but this does not persuade me that my findings in relation to the current proposal are unreasonable.
13. On this issue I conclude that the proposal would be harmful to the living conditions of the occupants of the adjacent residential property with particular reference to outlook and as such would conflict with the requirements of Policies 7.4 and 7.6 of the London Plan, Policy 24 of the CS, Policy DM2 of the DMLP and guidance contained in the SPD. These seek to ensure that development proposals are designed to ensure they will not result in significant adverse impacts on the amenity of neighbours, including outlook, among other things.

Conclusion

14. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips

INSPECTOR