
Appeal Decision

Site visit made on 5 April 2017

by Brendan Lyons BArch MA MRTPI IHBC

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

Decision date: 05 May 2017

Appeal Ref: APP/U5360/D/17/3169866
93 Fairholt Road, Hackney, London N16 5EP

- 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 & Mrs David Lobenstein against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/4421, dated 29 November 2016, was refused by notice dated 7 February 2017.
 - The development proposed is described as a single storey rear addition to an existing house.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear addition to an existing house at 93 Fairholt Road, Hackney, London N16 5EP, in accordance with the terms of the application Ref 2016/4421 dated 29 November 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; 1944.12A; 1944.13A; 1944.14A.
 - 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.

Main Issues

2. The main issues are the effects of the proposed extension on the character and appearance of the house and surrounding area and on the living conditions of residents of the adjoining house, No.91, with regard to outlook.

Reasons

3. The appeal property is a semi-detached house, comprising two generously-scaled storeys to the front, with a three-storey rear wing. The house and its neighbour to the west, No.95, form one of many identical pairs that line both sides of a suburban road.
 4. The original rear wing already has relatively modern full-height extensions to the rear and to the side. Permission is now sought to add a single-storey
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extension to fill most of the space to the side of the rear wing and to project beyond it into the rear garden by some 1.85m. The extension would provide a guest bedroom and shower room, and a breakfast room with a removable glass 'succoh' roof required for religious observance.

Character and appearance

5. Guidance on the acceptable form and design of house extensions is provided by the Council's Residential Extensions and Alterations Supplementary Planning Document ('SPD') 2009.
6. In this case, the Council has highlighted paragraph 3.23 of the SPD, which states that a normally acceptable maximum depth of single-storey rear extensions should be 3.5m. However, it appears that this advice may be principally directed at houses with a flat rear elevation. More relevant guidance is to be found later in the SPD, where the specific circumstances of houses with existing rear projections are considered. Paragraph 3.39 states that houses with a rear projection, either original or as a result of previous extension, may have limited capacity to be further extended. Paragraph 3.41 advises that, subject to amenity issues to which I return below, in-filling the gap between mirrored rear projections is possible.
7. The proposed extension would in-fill part of the gap between the opposite rear projections, leaving a narrow passage adjoining the common boundary to maintain access to the rear garden. Its form would therefore be broadly in compliance with the guidance. With a floor area of 30.5 sq.m the size of the extension would not be excessively large compared to the original or extended house. Its projection beyond the existing rear extension would be relatively modest, and would align with a similar projection to the rear of No.95, as well as being seen in the context of significant rear extensions to the rear of other adjoining houses.
8. Because the rear wing is set half a level lower than the main house, the extension's height of 3.1m would appear modest against both the main house and the three-storey wing. It is not clear if this change in level is the 'fall to the south' referred to by the Council, which is not otherwise apparent on the site. In any event, the Council's concern about 'substantial bulk' cannot be sustained.
9. The extension would be built in brick to match the existing house. While the proposed flat roof would not reflect the shallow pitched roof of the rear wing, a lean-to roof would result in a tall blank wall facing the garden of No.95 and enclosing outlook from the existing kitchen. The flat roof would also allow a reasonably sized window to be maintained to the main living room, in front of which the proposed glass roof would not appear excessively tall. I note that the proposal has been designed by a chartered architect.
10. The proposed development would represent a cumulative increase in the extensions to the original house, but there would be no additional harm to the character and appearance of the dwelling or of the surrounding area. The proposal would broadly accord with the guidance of the SPD and would not conflict with the design objectives of Policies 7.4 and 7.6 of the London Plan 2016 ('LP'), or of Policy 25 of the Hackney Core Strategy 2010 ('CS') or of Policy DM1 of the Hackney Development Management Local Plan 2015 (LP').

Neighbours' living conditions

11. The rear elevation of No.91 and its rear wing would originally have closely mirrored those of the appeal property. The house retains large windows at ground and first floor level in the rear elevation of the main block. However, at the time of my visit, the expected location of larger ground floor windows to the side and rear of the outrigger wing were obscured by lightweight timber structures, which I took to be succohs.
12. The roof of the appeal extension would be significantly lower than the top of the ground floor window at No.91. I agree with the Council that the proposal would not result in significant loss of light to the neighbouring house. For the same reason, there would be no harmful loss of outlook from the large rear-facing window. Outlook from the rear wing windows is already enclosed, but even if the existing structures were to be removed, the proposal would be set sufficiently far away and be sufficiently low in height to avoid any excessive feeling of enclosure.
13. The Council accepts that other houses would not be affected. As there would be no unacceptable loss of daylight and outlook from neighbouring properties, the proposal would accord with the guidance of the SPD. There would be no conflict with LP Policy 7.6 or with LP Policy DM2, which seek to protect residents' living conditions.

Other matter

14. The appellants have referred to planning permission recently granted by the Council for a very similar proposal at the house opposite, No.92, which belongs to a member of their family. I was not able to visit this property, but the plans suggest that the house has not previously had a full-height extension to the rear wing. The effects on appearance and neighbours' outlook would therefore be somewhat different. Despite the other similarities, the permission should not be seen as a compelling precedent for the current proposal, which I have considered on its own merits.

Conditions

15. In addition to standard conditions on commencement time and compliance with approved plans, the Council has put forward a condition requiring materials to match the existing house. The appellant raises no objection and I consider the three conditions to be reasonable and necessary.

Conclusion

16. For the reasons set out above, and having taken all submissions into account, I conclude that the appeal should be allowed and planning permission granted subject to those conditions.

Brendan Lyons

INSPECTOR