

Appeal Decision

Site visit made on 2 May 2017

by Janet Wilson BA (Hons) BTP MRTPI DMS

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

Decision date: 17th May 2017

Appeal Ref: APP/U5360/W/17/3168641

64, Alkham Road, Hackney, LONDON N16 6XF

- 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 Mohammed Mapara against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/2832, dated 28 July 2016, was refused by notice dated 23 September 2016.
 - The development proposed is Erection of single-storey extension above existing rear addition (outrigger) at second floor/roof level.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was originally described as the *Erection of a rear outrigger roof extension*. The Council and applicant agreed an alternative description which I use for the purpose of determining this appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host building and surrounding area.

Reasons

4. The property is a mid-terrace house located in a residential area, which lies outside of but shares part of its rear boundary with the Northwold and Cazenove Conservation Area (CA). Though not seen from the CA the rear of the terrace is highly visible from Windus Walk, a connecting pedestrian walkway. The proposal, a flat roofed extension to the rear outrigger, would span above and below the eaves line of the main building with its roof tucking up to the windows of the existing roof dormer. Though its depth would take up only a small part of the depth of the outrigger it would nonetheless present a prominent and discordant feature which would be out of keeping with, and harmful to, the appearance of the property and detract from its traditional features.
 5. These factors when taken together would unacceptably harm the character and appearance of the building and the surrounding area in conflict with Policies 7.4 and 7.6 of the London Plan – The Spatial Development Strategy for London
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Consolidated with alterations since 2011 (2016) (the London Plan); Policy 24 of the Hackney Core Strategy 2010; Policies DM1 and DM2 of the Hackney Development Management Local Plan 2015; Section 7 of the National Planning Policy Framework 2012; and to guidance within the Hackney Supplementary Planning Document, Residential Extensions and Alterations 2009 (SPD). These policies seek to ensure good design; local distinctiveness through a rigorous approach to assessing buildings in relation to their surroundings; and ensure rear extensions are subordinate to the host building and consider the impact of new development on townscape.

Other matters

6. The appellant emphasises that the adjoining property at 62 Alkham Road (No 62) has an extension of the same design which was erected under permitted development rights (PD). I also note the appellant's comment that many in the area have taken advantage of their PD rights and that the scheme would result in symmetry between No 62 and the appeal proposal. It is clear that the extension referred to was not considered against the relevant policies as it did not require express planning permission. Equally importantly the extension at No 62 it is not as visible from the public walkway whereas the appeal proposal would be. The appellant comments that the SPD is contradictory and open to interpretation in that it suggests rear extensions should be one storey lower than eaves height whereas elsewhere it supports rear dormers. Supplementary Guidance by its very nature is open to interpretation however the circumstances in this case do not, in my view, cause any difficulty in this regard for the reasons I have set out. Details of other extensions referred to in the locality are not before me and I cannot be sure that they represent a direct parallel to the appeal proposal. In any event I have determined the appeal on its own merits.
7. I can understand the appellants desire to provide additional space to meet the demands of his growing family however these personal circumstances can not outweigh the harm and policy conflict which I have identified as those circumstances will change over time whereas the development would be permanent.

Conclusion

8. For the above reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Janet Wilson

INSPECTOR