
Appeal Decision

Site visit made on 31 May 2017

by Ian McHugh Dip TP MRTPI

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

Decision date: 15th June 2017

Appeal Ref: APP/U5360/D/17/3171850
67 Allerton Road, Hackney, London, N16 5UF

- 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 Mrs A Goad against the decision of The Council of the London Borough of Hackney.
 - The application Ref 2016/4498, dated 7 December 2016, was refused by notice dated 8 March 2017.
 - The development proposed is the construction of a ground floor rear and side extension along with associated alterations, and the addition of 2 no. new rooflights in the existing rear wing at second floor level.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a ground floor rear and side extension along with associated alterations, and the addition of 2 no. new rooflights in the existing rear wing at second floor level at 67 Allerton Road, Hackney, London, N16 5UF, in accordance with the terms of the application Ref 2016/4498, dated 7 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers: 1104 APL 001 Rev B; 1104 APL 002 Rev B; 1104 APL 003 Rev B; 1104 APL 004 Rev A; 1104 APL 005 Rev B; 1104 ASU 007 Rev A.
 - 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 Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants on the neighbouring property at number 66 Allerton Road (number 66), with particular regard to outlook.

Reasons

3. The appeal property is a terraced dwelling, which is situated in a residential area. The property is currently being renovated. The dwelling contains a rear projecting outrigger which is set-in from the shared side boundary with number 66. Number 66 contains ground floor rear and side facing windows which are overlapped by the outrigger of the appeal property.
4. The proposal is to construct a single storey flat roofed rear extension that would wrap around the outrigger and infill the existing gap between the outrigger and the shared side boundary. It would project approximately 3m beyond the rear of the outrigger and some 9m from the rear of the main dwelling. In addition, 2 rooflights are proposed on the roof slope facing number 66 at second floor level. The Council contends that the extension would have an unacceptably overbearing impact on the occupants of number 66 because of its size and positioning.
5. Policy 24 of the Hackney Core Strategy 2015; Policy DM2 of the Development Management Local Plan 2015; and Policies 7.4 and 7.6 of the London Plan 2016 (which I consider to be the most relevant in relation to the main issue) seek, amongst other things, to ensure that new development is of good design and does not unacceptably harm the amenities of neighbours. These aims are consistent with paragraphs 17 and 58 of the National Planning Policy Framework (the Framework), which has similar requirements.
6. I acknowledge that the proposal would have an effect on the outlook from the rear and side ground floor windows of number 66 and, in that regard, there would be some conflict with the Development Plan and with the Framework. However, I note that the appellant submitted a Prior Notification to the Council regarding a proposed ground floor extension of some 6m in length (reference: 2015/0323). The Council considered that prior approval was not required. The appellant has stated that it is her intention to construct that extension should the appeal be dismissed. I have no reason to doubt this statement.
7. The proposal submitted under the Prior Notification Procedure would have an impact on the outlook from the ground floor windows of number 66. Although the appeal proposal would have a greater projection (by approximately 3m), in my opinion the effect on the outlook from number 66 would not be significantly different. Accordingly, I find that the 'fallback' position attributes significant weight in my assessment and, for that reason, I consider that the appeal proposal would not be unacceptably harmful to the living conditions of the occupants of number 66.
8. The second element of the proposal is to install 2 rooflights on the roof slope facing number 66. Given the height of the roof and the orientation between properties, there would be no adverse effects on the occupiers of number 66 from this part of the development.

Conditions

9. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance. A condition requiring the development to be

carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.

10.To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary.

Conclusion

11.For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR