

# 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: 15<sup>th</sup> June 2017**

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**Appeal Ref: APP/U5360/D/17/3171806**  
**24 Dumont Road, Hackney, London, N16 0NS**

- 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 A Meucci against the decision of the Council of the London Borough of Hackney.
  - The application Ref 2016/4323, dated 23 November 2016, was refused by notice dated 17 February 2017.
  - The development proposed is a single storey side/rear extension and reorganisation of first floor layout.
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## Procedural Matter

1. The description of the development used in the banner heading above is taken from the planning application form. However, I note that the description on both the appeal form and the Council's decision notice is the "demolition of existing side infill extension and replacement with an infill extension approximately 3.4m greater in depth; reduce the size of the existing flank window; insertion of another flank window adjacent, and external alterations." In my opinion, both descriptions are an accurate representation of the development and therefore this matter does not affect my assessment of the proposal. I have however used the description given on the planning application form in my decision below.

## Decision

2. The appeal is allowed and planning permission is granted for a single storey side/rear extension and reorganisation of first floor layout at 24 Dumont Road, Hackney, London, N16 0NS, in accordance with the terms of the application Ref 2016/4323, dated 23 November 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: P 001; P11; P12 rev C; P13 rev C; P14 rev C; and P15 rev B.
    - 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.
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## **Main Issues**

3. These are: the effect of the proposal on the character and appearance of the existing dwelling; and the effect of the proposal on the living conditions of the occupiers of number 22 Dumont Road (number 22), with particular regard to outlook.

## **Reasons**

### *Character and Appearance*

4. The appeal property is a two storey terraced dwelling with a two storey rear outrigger. It is situated in a residential area and adjoins the Stoke Newington Conservation Area (CA). The dwelling has a small enclosed rear garden, which is typical of its urban location. Previous ground floor extensions include a glazed lean-to structure on the side of the outrigger adjacent to the shared side boundary with number 22 and a flat roofed rear extension.
5. The proposal would result in the removal of these earlier additions and the construction of a flat roofed single storey extension that would wrap around the outrigger abutting the side boundary with number 22. The extension would be 2.6m high and it would project no further back than the existing flat roofed extension. Consequently, there would be little reduction in the garden area.
6. Policy 24 of the Hackney Core Strategy 2015 (CS); Policy DM1 of the Development Management Local Plan 2015 (DMLP); and Policies 7.4 and 7.6 of the London Plan 2016 (LP) generally seek to ensure that all development is of a high quality design that contributes positively to the area. The Council's Supplementary Planning Document - Residential Extensions and Alterations (SPD) provides additional guidance. This states that rear extensions should be subordinate to the original dwelling. These policies and guidance accord with the provisions of the National Planning Policy Framework (the Framework), which also requires planning to secure high quality design and requires development to add to the overall quality of the area in which it is located (paragraphs 17 and 58).
7. Although the proposed extension would differ in style and character to the original host dwelling because of its contemporary appearance, it would represent only a small increase in floorspace and footprint when compared to the existing additions. Furthermore, its appearance would not be significantly different to the existing flat roofed extension and, in that regard, the existing character and appearance of the dwelling would not change to any great extent. In addition, the main private outdoor space at the rear would largely be retained for the enjoyment of the occupants of the dwelling.
8. The appeal proposal also includes a new window and alterations to an existing window on the side elevation at first floor level. These changes are relatively minor and have little effect on the appearance of the dwelling.
9. Accordingly, I consider that the proposal would not have an adverse effect on the character and appearance of the dwelling and the proposal would not conflict with the Development Plan or with the Framework, as referred to above.

### *Living Conditions*

10. Number 22 contains a glazed rear door and side-facing bay window that are overlapped by the outrigger of the appeal property. There is currently a restricted outlook from both of these windows due to the proximity of the existing outrigger, the glazed lean-to extension and boundary fencing.
11. Policy DM2 of the DMLP; and Policy 7.6 of the LP seek, amongst other things, to ensure that new development does not unacceptably harm the amenities of neighbours. These are consistent with paragraph 17 of the National Planning Policy Framework (the Framework), which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
12. Although the proposed extension would increase the mass of built development adjacent to number 22, its relatively low height (2.6m) and the effect of the existing structures would mean that the impact of the proposal in terms of outlook would not, in my opinion, be unacceptably harmful to the living conditions of the occupants of number 22. Accordingly, I consider that the proposal would not conflict with the above Development Plan policies or with the Framework.

### **Conditions**

13. 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.
14. To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary.

### **Conclusion**

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

*Ian McHugh*

INSPECTOR