

Appeal Decision

Site visit made on 6 June 2017

by Janet Wilson BA (Hons) BTP MRTPI DMS

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

Decision date: 23rd June 2017

Appeal Ref: APP/U5360/W/17/3170294
55 Albion Drive, Hackney, LONDON E8 4LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Billiness against the Council of the London Borough of Hackney.
 - The application Ref 2016/3437, is dated 14 September 2016.
 - The development proposed is a rear extension at first floor half landing with a full width garden extension at lower ground floor level, with basement excavation underneath the proposed garden extension. Addition of three roof lights in the butterfly roof.
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal is made against the failure to give notice within the prescribed period of a decision on the application for planning permission. However the Council has provided a statement setting out that whilst there are several components to the scheme it only objects to the introduction of a 'brise soleil' to the rear ground floor proposed extension and the excavation of a basement under the full width of the proposed rear extension. I see no reasons to disagree with this stance. Against this background, the main issue is whether these parts of the proposal would preserve or enhance the character or appearance of the Graham Road and Mapledene Conservation Area (CA).

Reasons

3. The appeal site is one in a group of locally listed buildings situated within the CA. The CA Appraisal notes that the overriding feature of the CA is the uniformity of proportion, scale and style of built fabric. This architectural coherence and commonality contributes positively to the character and appearance of the buildings as a group, the wider CA and underpins its significance as part of the designated heritage asset.
 4. In this case the group of buildings appear to the street frontage as two storey semi-detached houses whereas from the rear the buildings appear as part of a terrace. This group of buildings display strong uniformity, though to the rear alterations along the terrace have taken place. Nevertheless, they retain a general homogeneity and the appeal property is largely unchanged with small
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outbuildings located either side of a central stone flight of steps leading from the ground and lower ground floors to the garden.

5. The Council's Supplementary Planning Document, Residential Extensions and Alterations (2009) (SPD) details requirements for front basement light wells and comments that for listed buildings and for those in Conservation Areas additional controls apply. The SPD is less specific about rear basement excavations though the guidance on rear extensions seeks to ensure they are subordinate, comply with the 45 degree rule to ensure they are not overly dominant.
6. The Council's objection relates, in the main, to the principle of the basement excavation commenting on the historical hierarchy of this type of building given the function of basement space was as socially subsidiary space used for storage or for servant accommodation. Basements were normally 'out of sight' reflecting their position in the hierarchy and status in the building. They would be small in size commensurate with their function. In this case, the basement is significant in size and would be a prominent feature visible beneath a glazed walk on roof light spanning most of the width of the building beneath the 'brise soleil'.
7. In respect of the 'brise soleil' this would extend the structure of the ground floor extension by a further metre and a half into the garden. It would introduce an unusual, modern and visually prominent detail which would extend the perception of bulk of the extension and would represent an uncharacteristic feature, out of keeping with the building and the prevailing style of the CA.
8. Taken together these details coupled with the prominence of the raised light wells at each side of the extension would detract from the simplicity of the building and introduce elements which would be at odds with its original design. This would be harmful to the appearance of this locally listed building, compromising its simple qualities and detracting from the heritage significance of the CA.
9. Whilst this harm would be less than substantial in the terms of the National Planning Policy Framework (the Framework), great weight should be given to the asset's conservation and any harm or loss should require clear and convincing justification. Paragraph 134 of the Framework requires that this harm is weighed against the public benefits of the proposal. Benefits which have been identified by the appellants relate to a private need to increase space and thus to enable them to remain in the property. I understand the wishes of the appellants to provide space for their growing family; however such personal circumstances do not outweigh the harm I have identified.
10. I conclude that the basement and the 'brise soleil' would fail to preserve the character and appearance of the CA thus also bringing the scheme into conflict with: Policies 7.4 and 7.8 of the London Plan - The Spatial Development Strategy for London Consolidated with Alterations since 2011 (2016); Policies 24 and 25 of the Hackney Core Strategy 2010; Policies DM1 and DM28 of the Hackney Development Management Local Plan 2015 and the SPD. These policies and guidance, amongst other things, seek to ensure development is sympathetic in form, scale and architectural detailing, reinforces local distinctiveness, protects the visual integrity and architectural unity of groups of buildings and respects their plan form and external appearance.

Other matters

11. The appellants have drawn to my attention other schemes in the locality in a '*summary of immediate precedents*' document. This illustrates local examples of rear full width extensions and two storey elements including clerestory windows and modern glazing. These examples are acknowledged however they relate to parts of the proposal to which neither the Council nor I have taken issue. They do not demonstrate any precedent for basement excavations or examples of solar canopies and do not therefore affect my conclusions on those elements of the scheme which are central to the Council's refusal. I also note reference to a basement extension granted in Kensington and Chelsea in the garden of a Grade II listed house. However, I do not have any substantial details of that scheme in order to draw any meaningful comparisons with the current proposal. As such, I give it limited weight and, in any event, I am required to consider the appeal proposal on its own merits. I have reached my decision accordingly.

Conclusion

12. Whilst I found no evidence to disagree with the Council on most of the above ground elements of the scheme, the basement and the 'brise soleil' are considered harmful for the reasons outlined above. Having regard to these and to all other matters raised I conclude that the appeal should be dismissed.

Janet Wilson

INSPECTOR