
Appeal Decision

Site visit made on 28 June 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 12 July 2017

Appeal Ref: APP/U5360/W/17/3170446

First Floor Flat, 154 Daubeney Road, Hackney, London E5 0EQ

- 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 Ms R Hooper and Ms C Turner against the Council of the London Borough of Hackney.
 - The application Ref 2016/2861, is dated 1 August 2016.
 - The development proposed is the erection of rear dormer roof extension and roof lights to the front roof slope.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of rear dormer roof extension and roof lights to the front roof slope at First Floor Flat, 154 Daubeney Road, Hackney, London E5 0EQ in accordance with the terms of the application, Ref 2016/2861, dated 1 August 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 plan: 160319H/P1-REVD.
 - 3) The materials to be used in the external surfaces of the extension hereby permitted shall match those used in the existing building.

Preliminary Matters

2. I have used the Council's description of the proposed development as this is more precise and was adopted by the appellants in the Planning Appeal Form.
3. The Council has not suggested a reason for refusal. However, the planning officer's report considered the effect of the proposed development on the character and appearance of the area and on the living conditions of the occupiers of neighbouring properties. The report refers to a number of policies, including Policy DM2 of the Hackney Development Management Local Plan 2015. This Policy deals with the effect of developments on the living conditions of the occupiers of neighbouring properties. The officer's report considered that the effect of the development on living conditions was not an issue and therefore Policy DM2 is not relevant to the determination of this appeal.

Main Issue

4. From the evidence before me, I consider the main issue to be the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is part of an attractive Victorian terrace of 30 or so houses, some of which have been converted into flats. The buildings in the terrace have similar front roof pitches, divided by party-wall parapets. Some of these front pitches have roof lights. To the rear of the terrace the properties have two-storey outriggers and short gardens that back onto the Daubeney Fields park area.
6. The rear elevation of the appeal site is visible from other dwellings in the terrace and from the adjacent park. A number of mature trees in the park, planted close to the rear boundaries of the terrace gardens, screen much of the rear of the terrace from view. However, it is possible to see the rear of a number of properties from various locations in the park.
7. There are a number of similar extensions to the proposal already found on the rear of this terrace, some of which appear larger in scale than the scheme before me. The extensions to 156, 158 and 168 Daubeney Road are the most notable because of their impact on the character and appearance of the area. No 168 is the penultimate property in the terrace at its northerly end and its rear dormer extension is clearly visible from the footpath as it enters the park from Daubeney Road. The scale of this extension is such that it obscures much of the view along the rear of the terrace from this part of the park. No 156 is the neighbouring property to the appeal site and No 158 is the next dwelling along. The rear dormer extension to No 156 is similar in scale and design to that proposed at the appeal site, whereas the extension to No 158 appears to be significantly larger.
8. I have no evidence before me of the circumstances in which these other extensions were constructed but they have fundamentally altered the character and appearance of the rear of the terrace. The proposed extension would be similar in scale and design to the extension at No 156 and I consider it would bring balance to this part of the terrace. Therefore, the proposed extension would not have a detrimental effect on the character and appearance of the area.
9. I conclude therefore that the development would be in accordance with Policies 7.4 and 7.6 of The London Plan 2016, Policy 24 of the Hackney Local Development Framework Core Strategy 2010 and Policy DM1 of the Hackney Development Management Local Plan 2015, which, amongst other things, together seek to ensure that development is compatible with the existing scale and character of the area of which it would be part.
10. I have also had regard to the Council's Local Development Framework Supplementary Planning Document 'Residential Extensions and Alterations 2009' (the SPD) as a material consideration to which I attach significant weight. The SPD gives various dimensions relating to the location of dormer windows on roof slopes, and the proposal does not accord with these. However, the SPD is offered as guidance to inform the overarching aim of ensuring that structures respect their context. It states, amongst other things,

that dormer windows on rear roof slopes will normally be acceptable if they reflect the architectural character of the existing building and its neighbours. Because of the effect of other rear extensions on the character and appearance of the area, I consider that the proposed development would be in accordance with the SPD taken as a whole.

Conditions

11. The Council has not identified any conditions that might be imposed on the proposed development. However, in their Design and Access Statement the appellants state that the extension would be built with materials to match the existing building. I consider that it is necessary to impose a condition relating to the materials to be used to prevent further alteration to the character and appearance of the area. For the avoidance of doubt and in the interests of proper planning I have also imposed standard conditions relating to the time for the development to commence and the approved plans.

Conclusion

12. For the reasons given, and taking into account all other matters, I conclude that the appeal should succeed.

D Guiver

INSPECTOR