

Appeal Decision

Site visit made on 28 June, 2017

by G. Rollings, BA (Hons) MA(UD) MRTPI

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

Decision date: 9th August, 2017

Appeal Ref: APP/U5360/W/17/3171497

60 Cazenove Road, Hackney, London, N16 6BJ

- 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 & Mrs Barrie / Penina Katsch against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2016/4191 dated 14 November, 2016 was refused by notice dated 16 January, 2017.
 - The development proposed is conversion of house into three flats, with rear extensions, new windows, and new light wells at front and rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the Northwold and Cazenove Conservation Area; and
 - The effect of the proposed development on the living conditions of surrounding occupiers, in respect of sunlight and daylight, and overlooking.

Reasons

Character and appearance

3. The appeal property accommodates a three-storey, terraced dwelling. From Cazenove Road, the building has the appearance of a semi-detached dwelling, and there is a three-storey rear element, or outrigger, projecting into the rear garden.
 4. There are several elements to the proposed alterations and extensions, and I shall examine each of these in turn. The Council has not objected to the principle of conversion, and the proposal's basement works includes the provision of a front light well. I noticed unobtrusive and examples on nearby buildings which appear to be similar to the works proposed, and would be a sympathetic addition to the building.
 5. At the rear, the existing conservatory would be removed and the ground floor of the outrigger would be lengthened and widened, with a new basement floor of accommodation below. These works would have a cumulative impact, in conjunction with the extensions on the floors above, with regard to the
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massing and appearance of the rear of the building. However, given the limited views of the lower floors from the public realm and neighbouring properties, I would be satisfied that, were the appeal to be allowed, the Council's concerns could be resolved through the submission of detailed drawings by way of a suitable planning condition.

6. The upper floors of the building, including the outrigger, are clearly visible from the public realm in Alkham Road. The road runs roughly parallel to the side boundary and outrigger of the appeal property, and the building's height and slightly elevated position means that it appears particularly prominent in this aspect. The proposed works would also incorporate lengthening and widening of the outrigger's first and second floors.
7. The upper floors of the outrigger seem to have retained their original appearance, based on my observations of matching examples on other buildings in the terrace. However, there have also been some alterations to several buildings, including similar extensions to that proposed in this instance. I acknowledge the parties' comments regarding this variation, which echo those made in an appeal decision allowing rear extension works at 52 Cazenove Road¹. The majority of these works pre-date the conservation area status.
8. Despite the aforementioned variation, the extension would result in the loss of original details to the building. The detail in the chamfered return façade and the hipped roof are small details, but together they make a substantial contribution to the rear elevation. Whilst some elements of the proposed extension have merit, the replacement of the existing roof and facades would result in a bulkier outrigger, with a greater massing that would be particularly noticeable from Alkham Road, and only partially ameliorated by the proposed detailing. This is not sufficient to outweigh the detrimental effect of the loss of the existing features. The outrigger's additional length would cause it to be particularly noticeable and prominent, and it would appear obtrusive in comparison with neighbouring dwellings, given its greater depth.
9. I therefore conclude that the proposed development would have a harmful impact on the Northwold and Cazenove Conservation Area, and would fail to preserve or enhance its character or appearance. The harm caused to the conservation area's wider significance as a heritage asset would be less than substantial as defined in paragraph 134 of the *National Planning Policy Framework* (the Framework). I have considered whether there would be any public benefits arising from the development, such as the addition of dwellings to the local housing supply, but in this instance, these benefits do not outweigh the harm.
10. The development would conflict with the Council's adopted *Core Strategy* (2010) Policies 24 and 25, and its *Development Management Local Plan* (2015) (DMLP) Policies DM1, DM2 and DM8, together with Policies 7.4, 7.6 and 7.8 of the consolidated 2016 version of *The London Plan*. I have also had regard to the Council's *Residential Extensions and Alterations Supplementary Planning Document* (2009). Together, these require development to conserve the historic significance of the borough's heritage assets and their setting, amongst other considerations.

¹ Appeal ref: APP/U5360/D/16/3155765; date of decision: 9 November 2016.

Living conditions of surrounding occupiers

11. I will now address the potential overlooking of the bay windows of 62 Cazenove Road, to the immediate east of the appeal site, from the ground floor extension. The existing ground of the outrigger has two side windows: one is angled so that outward views do not directly overlook the part the garden closest to the building at No. 62; and the other is a small kitchen window overlooking a more distant part of the garden. As such, there is currently limited direct overlooking from the ground floor of the appeal property.
12. The garden of No. 62 is already overlooked by existing upper floor windows within the appeal dwelling, although these are secondary windows to the rooms that they serve. The proposed development would include new side windows directly facing into the property at No. 62. These would replicate existing views, with the exception of the new windows at ground floor level, which would be closer to the main part of the dwelling, and not angled as per the aforementioned existing window. Taking into account the raised position of the ground floor, this would result in new overlooking across the side property boundary into No. 62. In conjunction with the potential for existing and future occupiers of No. 62 to experience additional feelings of overlooking and loss of privacy, this aspect of the proposal is not acceptable.
13. The appellant has submitted diagrams that indicate the existing and proposed levels of sunlight accessing neighbouring dwellings. The relationship between the appeal property and its neighbouring property at 58 Cazenove Road, together with the southern orientation of the proposed extension, would result in minimal additional overshadowing in the early hours, with the majority of daily sunlight unaffected. I consider that this would not result in a significant detrimental impact on the living conditions of the occupiers of No. 58.
14. The existing outrigger casts a shadow over the rear windows and garden of No. 62. The appellant's sunlight assessment indicates that the rear extension would result in average daily loss of 15 minutes' afternoon sunlight to No. 62. Whilst this only appears on face value to be a minor loss, it would occur at around the middle of the afternoon², when any loss of sunlight would be particularly noticeable. Additionally, there has been no evidence provided to demonstrate that the additional scale of the extension would not diffuse existing levels of daylight reaching No. 62.
15. Given these circumstances, even this small loss to rear-facing habitable rooms and the patio garden area would be noticeable by the occupiers of No. 62, and would be likely to affect their enjoyment of their property. The information provided in this case is sufficient to demonstrate that the loss of sunlight, would be detrimental to the living conditions.
16. I therefore conclude that the proposed development would have a harmful impact on the living conditions of occupiers of No. 62. It would conflict with Core Strategy Policy 24, and DMLP Policy DM2, which require good design with balanced impacts of overshadowing, and sunlight and daylight, amongst other considerations. These policies are consistent with the strategic design policies of the London Plan.

² On equinox dates.

Other issues

17. I acknowledge the appellant's comment that the proposed dwellings would assist in meeting the high level of demand for new housing in London. However, the benefit in providing two additional dwellings does not, in this instance, mitigate the significant harm that the proposal would have in respect of the issues discussed above.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Rollings

INSPECTOR