
Appeal Decision

Site visit made on 10 October 2017

by Michael Boniface MSc MRTPI

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

Decision date: 13th October 2017

Appeal Ref: APP/U5360/W/17/3180600

Flat 2, Shield House, 22A Sutton Place, Hackney, London, E9 6EH

- 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 Ms Niamh Byrne against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2017/0916, dated 3 March 2017, was refused by notice dated 16 May 2017.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at Flat 2, Shield House, 22A Sutton Place, Hackney, London, E9 6EH in accordance with the terms of the application, Ref 2017/0916, dated 3 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A/01/101 rev A, A/01/102 rev A, A/01/103, A/01/104, A/02/001, A/02/101 rev A, A/02/102 rev A, A/02/103 and A/02/104.
 - 3) No development shall commence until details/samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.

Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the Clapton Square Conservation Area.

Reasons

3. The appeal property is a ground floor flat within a relatively modern purpose built apartment block designed to reflect the Georgian character of surrounding buildings. The street is densely developed and the appeal building stands amongst traditional terraces, semi-detached buildings and more modern flatted development to the west. The site is located within the Clapton Square Conservation Area and the adjacent property, No 22, is Grade II listed. Locally listed buildings also exist nearby.

4. The proposed extension would be located to the rear of the appeal property, within a small garden area associated with the building. It would stretch back from an existing single storey element to the rear boundary and along the side boundary with No 22. Although the rear garden is relatively small, the proposed addition would only utilise a small proportion of it and would appear modest in the context of the existing building. It would also be very similar to an extension at the rear of the neighbouring building, No 23, which is clearly visible from the appeal site. Number 23 is a modern flatted development but the small rear protrusion from the principal building would appear similar nonetheless.
5. In this context, the small addition would not appear anomalous, instead appearing to be a contemporary, subordinate and unobtrusive addition to an established modern building. For this reason, I do not share the Council's view that its scale, massing or bulk would be in any way incompatible with the appeal property or the wider area.
6. The dense urban form in the area is such that views towards the rear garden are not readily available and the proposed extension would have no adverse impact upon the public realm or the wider conservation area. The Council does not consider that any harm would result to the adjacent listed building or any nearby locally listed buildings and I have no reason to take a different view in light of my own conclusions.
7. The development would preserve the character and appearance of the conservation area. As such, I find no conflict with Policies 7.4, 7.6 or 7.8 of the London Plan (2016); Policies 24 and 25 of the Core Strategy (2010); Policies DM1 and DM28 of the Development Management Local Plan (2015); or the guidance contained within the Council's Residential Extensions and Alterations Supplementary Planning Document (2009), which together, seek high quality design that respects local character and distinctiveness and require the preservation and enhancement of heritage assets.
8. I have attached the standard time period for commencement of development and a requirement for accordance with the approved plans in the interests of certainty. The appellant has suggested the use of a range of materials and it is necessary to secure further details to ensure an appropriate appearance, as it is unclear how they are to be employed. The Council suggests a condition requiring tree protection but there are no trees within or close to the site that make any significant contribution to the character of the area and so I do not consider this to be necessary.
9. In light of the above, and having considered all other matters, the appeal is allowed.

Michael Boniface

INSPECTOR