
Appeal Decision

Site visit made on 25 October 2017

by B Bowker Mplan MRTPI

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

Decision date: 20th November 2017

Appeal Ref: APP/U5360/W/17/3179620

1 Kemeys Street, Hackney, London E9 5RQ

- 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 S Chana against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2017/0419, dated 3 February 2017, was refused by notice dated 11 May 2017.
 - The development proposed is described as '*retention of a dormer on back addition*'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear roof extension at second floor level, at 1 Kemeys Street, Hackney, London E9 5RQ, in accordance with the terms of the application Ref 2017/0419, dated 3 February 2017, and the plans submitted with it.

Preliminary Matter

2. The application form description of development refers to "retention of a dormer on back addition". However, "retention" is not development and, although the rear roof extension has been constructed, I have adopted the more correct definition of the development (taken from the decision notice) in paragraph 1 above.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building and surrounding area.

Reasons

4. The appeal site is a two storey end of terrace residential property surrounded by residential terraced properties to the north, east and west, which also contain two storey rear outriggers.
5. During my site visit, the only public vantage points I was able to see the proposal from was a gap between 15 Kenworthy Road and 2 Chevet Street, and from a section of Swinnerton Street. However views from both vantage points have to be actively sought and are made from an area with an established residential character. From Kenworthy Road, the proposal is glimpsed from a short section of the northern side of the road only. The view from Swinnerton Street is from a short section of the eastern side of the road, and comprises a distant glimpse of the upper part of the extension. Owing to

the layout of the host terrace and surrounding terraces, views of the proposal from neighbouring properties would be limited.

6. Moreover, the proposal is of a modest scale and is set below the height of the dormer window behind it, and below the principle ridge line of the main dwelling. Consequently, combined with its use of matching materials, it is a discrete addition to the host building and surrounding area. Thus, I cannot agree with the Council that the proposal has resulted in harm to the symmetry or character of the traditional Victorian-era building and wider terrace.
7. Paragraph 3.13 of the Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) states that all rear extensions must be subordinate to the principal building, i.e. at least one storey lower than the eaves height of the building. In this context, I note that the proposal is sited on top of a two storey outrigger and adjoins the rear dormer behind and above it. Consequently the proposal would not be one storey lower than the eaves height of the building. In addition, paragraphs 3.65 and 3.67 of the SPD require roof extensions to be of a high quality design and be in scale with and proportionate to the existing roof.
8. However, as cited by the appellant, paragraph 3.76 of the SPD states that dormer windows and roof-lights will normally be acceptable and are most suitable on rear roof slopes. The appellant also highlights that the proposal would comply with paragraph 3.79 of the SPD which requires dormer windows to not overlap or wrap around hips, not span between party walls, or rise above the ridge line.
9. Moreover, based on my reasoning above, the proposal meets the relevant general design principles of the SPD which requires roof extensions to reflect the design of the original building and have regard to the character of the area.
10. Therefore the proposal does not have a harmful effect on the character and appearance of the host building or surrounding area. Consequently the proposal meets the requirements of Policy 24 of the Core Strategy, policies DM1 and DM2 of the Development Management Local Plan, Policies 7.4 and 7.6 of the London Plan and section 7 of the National Planning Policy Framework. Combined these policies require development to be of high quality design that enriches local distinctiveness and identifies with the character of the surrounding environment and buildings.

Other Matters

11. Concern has been raised regarding the retrospective nature of the application. However this in itself would not be a sufficient basis upon which to dismiss the appeal.

Conclusion

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

B Bowker

INSPECTOR