



Appeal Decision

Site visit made on 21 November 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 12th December 2017

Appeal Ref: APP/U5360/W/17/3181374

28 John Campbell Road, Hackney, London N16 8JZ

- 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 Peter Walsh against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2017/1009, dated 8 March 2017, was refused by notice dated 26 May 2017.
 - The development proposed is a single storey roof extension to create an additional flat.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey roof extension to create an additional flat at 28 John Campbell Road, Hackney, London N16 8JZ in accordance with the terms of the application, Ref 2017/1009, dated 8 March 2017, subject to the conditions set out in the attached Schedule.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including the Dalston Conservation Area ("the CA").

Reasons

4. The appeal site consists of a modern four storey property located at the end of a terrace of traditional three storey Victorian properties. It is situated at the junction of John Campbell Road and Crossway and within the CA. The immediate vicinity along John Campbell Road consists of a number of well-preserved traditional three storey terraced dwellings which positively contribute to the character of the CA. The appeal property, being of more modern appearance, sits in contrast to these properties and appears more related to the more modern buildings situated along Crossway. The proposal would involve the erection of a single storey extension on top of the existing building to create an additional 2 bedroom flat as well as the creation of roof terraces.

5. The host building is contemporary in design, with straight lines, rendered elevations and simple design features. It appears prominent within its setting and contrasts with the more traditional properties located along this part of the CA. The Council is concerned that the increased height of the building would be visually discordant and would fail to integrate well with both the existing building and the more traditional properties located nearby.
6. I do not agree. In view of its overall size and design, the addition of a modest single storey extension in keeping with the main building would have little, if any, impact on the character of the building itself. Furthermore, although I acknowledge that the existing building is already prominent within its setting and its contemporary design contrasts with the more traditional properties in this part of the CA, the increased height and massing that would result from the proposed addition would not materially alter this relationship. The impact on the character of the surrounding area would be minimal. It would not be prominent or obtrusive when viewed from John Campbell Road and would appear as an integral part of the existing building when viewed from Crossway. As such, I do not consider it would appear either prominent or out of keeping with its surroundings.
7. Consequently, I do not consider the proposal would negatively impact on the building itself or on the character and appearance of the surrounding area. As such, I consider the character and appearance of the CA would be preserved. Accordingly, I do not therefore find any conflict with Policies CS24 or CC25 of the Hackney Core Strategy¹, Policies DM1 or DM28 of the Development Management Local Plan², or Policies 7.4, 7.6 and 7.8 of the London Plan³. These policies, taken together, seek to ensure that, amongst other things, new development is of high quality that enriches the built environment, positively contributes to local distinctiveness and preserves or enhances the historic environment including its Conservation Areas.

Other Matters

8. I have had regard to the comments of local residents made as part of this appeal as well as those made at application stage. Those which relate to the impact on the character and appearance of the surrounding area, including the CA, have been taken into account in my reasoning above. Those which relate to overlooking, the quality of accommodation, disturbance during construction, precedent and loss of views, were considered by the Council as part of their determination. I note that they did not form part of their reasons for refusal and I have seen nothing as part of this appeal which would lead me to conclude that they would provide sufficient reason to withhold planning permission for the development proposed.

Planning Conditions

9. I have had regard to the planning conditions suggested by the Council. In addition to the standard time commencement condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in order to provide certainty. Likewise, I consider a condition requiring the submission of samples of the materials to be used in the

¹ Hackney Local Development Framework Core Strategy: Hackney's strategic planning policies for 2010-2025 (adopted 2010).

² Adopted July 2015.

³ 2016.

construction of the extension proposed is appropriate to ensure it integrates well with the existing building and the surrounding area.

10. Furthermore, I consider conditions requiring the submission of details in respect of cycle parking and the storage of refuse and recycling to be appropriate in order to ensure that suitable provision is made for such facilities.
11. I have, where appropriate, amended the wording of some of these conditions in the interests of certainty and precision.

Conclusion

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

Rory Cridland

INSPECTOR

SCHEDULE

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:
Drawing Nos: 326/P1; 326/P3
- 3) No development shall commence until details and 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.
- 4) No development shall commence until details of cycle parking facilities for the development 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 and such facilities shall be retained thereafter.
- 5) No development shall commence until details of facilities for the storage of refuse and recycling for the development 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 and the facilities shall be retained thereafter.

END OF SCHEDULE