



Appeal Decision

Site visit made on 14 November 2017

by Rachel Walmsley BSc MSc MA MRTPI

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

Decision date: 13th December 2017

Appeal Ref: APP/U5360/W/17/3180794

5 Clifden Road, Hackney, London E5 0LL

- 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 Elaine Cotton, Roco Developments against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/4574, dated 12 December 2016, was refused by notice dated 10 February 2017.
 - The development proposed is full town planning application for subdivision into 3 self-contained flats providing 1 x 3 bed-5 person and 2 x 1 bed-1 person at number 5 Clifden Road, London E.5.
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Decision

1. The appeal is allowed and planning permission is granted for a full town planning application for subdivision into 3 self-contained flats providing 1 x 3 bed-5 person and 2 x 1 bed-1 person at 5 Clifden Road, Hackney, London E5 0LL in accordance with the terms of the application, Ref 2016/4574, dated 12 December 2016, subject to the following conditions:
 - (i) the development hereby permitted shall begin not later than three years from the date of this decision;
 - (ii) the development hereby permitted shall be carried out in accordance with the approved plans; Proposed Basement & Ground Floor Plans, Drawing No 3827.P.01; Proposed First Floor & Second Floor Plans, Drawing No 3827.P.02; Proposed Roof Plan, Drawing No 3827.P.03; and Proposed Front & Rear Elevations, Drawing No 3827.P.10;
 - (iii) the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - (iv) prior to the first occupation of the development hereby permitted, details of recycling containers and refuse bins and/or other refuse storage containers where applicable, to include enclosures and screened facilities and a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided at the site before the development is occupied and thereafter retained; and,

- (v) prior to the first occupation of the development hereby permitted, details of water saving and efficiency measures that achieve the water use targets in the London Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided at the site before the development is occupied and thereafter retained.

Application for costs

- 2. An application for costs was made by Ms Elaine Cotton, Roco Developments against the Council of the London Borough of Hackney. This application is the subject of a separate Decision.

Procedural matters

- 3. The description of development in the header above is taken from the planning application form. The change of use includes the excavation of the basement and new front and rear lightwells, a single storey side infill extension, a mansard roof extension and elevational alterations including extensions to chimney stacks, a rooflight and rear bifold doors at ground floor level. It is on this basis that I have decided the appeal.
- 4. The Council refused the planning application on grounds relating to the construction of a second floor rear extension in relation to approved plans. This is not a matter for me to consider or comment on as part of an appeal under section 78 of the Town and Country Planning Act 1990. In light of this and the evidence before me, I have identified the main issues as being those listed below. These issues have been publicised and therefore the interests of parties are not prejudiced.

Main Issues

- 5. These are:
 - (i) whether the change of use to flats would be appropriate with regard to local policy;
 - (ii) the effect of the proposal on the character and appearance of the area; and,
 - (iii) the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook and light.

Reasons

Change of use

- 6. Policy 3.5 of the London Plan¹ and policy DM22 of the Development Management Local Plan (DMLP)² support housing developments of an appropriate mix and size. The development would provide one and three bed living accommodation which would meet the internal space standards identified in table 3.3 of the London Plan. The flats would be arranged to provide convenient circulation space and room for furniture and storage, meeting the requirements of policy DM1 of the DMLP which seeks high quality design.

¹ The London Plan, The Spatial Development Strategy for London, Consolidated with Alterations Since 2011 (March 2016)

² Hackney, Development Management Local Plan (adopted July 2015)

7. The appeal site is within proximity of local overground train stations and bus stops as well as local services and facilities to meet occupier's daily needs. The site's accessibility is reflected in its PTAL rating of 5 which is 'very good.' Consequently the development would reduce the need to travel, enabling occupiers to access shops and other facilities via a mode of travel other than the motor car.
8. Within areas of a high PTAL rating, policy DM48 of the DMLP encourages car free and car capped developments. No parking provision is proposed and the appellant has agreed to a planning condition, should planning permission be granted, to ensure that the development remained car free. It was not apparent from my observations on site and nor is it apparent from the evidence before me that the demand for on-street parking has reached a critical 'saturation' point where, if not controlled, demand for parking would exceed the space available on the street. Consequently I do not find that the change of use would result in a critical saturation point for on-street parking to justify a planning condition, should permission be granted, to maintain the development as 'car free.' Notwithstanding this, the convenient location of the development identified would reduce occupier's need to travel by motorised vehicle and therefore the change of use would comply with the requirements of Core Strategy³ policy 33 and policies DM46, DM47 and DM1 of the DMLP which seek development that achieves this aim.
9. The change of use would intensify activities on the site and therefore would increase demands on the environment, not least for water use and waste collection. Policies DM37 and DM1 of the DMLP and Core Strategy policy 32 seek to minimise the impact of development in these regards. Should planning permission be granted it would be reasonable to include conditions to ensure that water saving measures and recycling and waste storage facilities were incorporated into the development to minimise water use and manage rubbish respectively and therefore avoid environmental harm.
10. In all, therefore, having had regard to local planning policy, I find that the change of use would be appropriate, meeting the requirements of the Core Strategy and the DMLP as stated and policy DM19 of the DMLP which supports the conversion of houses into flats if considered appropriate against other local plan policies.

Character and appearance

11. The appeal site is within a residential area and a row of terraced properties which front Clifden Road and with narrow gardens that extend to the rear. The character of the area is domestic and pleasant, the modest scale and uniform design of the terraced houses is pleasing to the eye.
12. From the street, the proposed lightwells would be set below ground level and within the confines of the front garden and therefore would not appear incongruous within the street to be harmful to its character. The uniformity of the terraced houses is due, in part, to the unbroken line of parapet walls. Whilst mansard roofs are not a feature of the street they do exist behind the parapet walls; No 3 Clifden Road adjoining the appeal site is one such example. The mansard roof proposed would be equally subservient in form and scale to

³ Hackney, Local Development Framework, Core Strategy, Hackney's Strategic Planning Policies for 2010-2025 (adopted November 2010)

the host building and suitably obscured from views from the street to not appear overly dominant or incongruous in relation to the row of terraced properties or the character and appearance of the area overall.

13. The extension of the chimney would mirror the form and scale of the chimney on the shared boundary with No 3 Clifden Road and would complement the scale of the mansard roof to be considered appropriate in form and scale.
14. The rear elevations of the terraced properties along Clifden Road are obscured from public view and therefore contribute little to the character and appearance of the area. Furthermore they vary in form, the rear of No 3 and No 5 Clifden Road have notable extensions, not least at ground floor level. Whilst the ground floor infill extension and mansard roof would add to the bulk and mass of development at the appeal site, they would be subservient in form and scale to the host and neighbouring properties to not appear overly dominant or incongruous. Together with the rear elevations not being exposed to public view, the development would not detract from the character and appearance of the area.
15. In all, therefore, I find that the development would be in-keeping with the character and appearance of the area and as a result would be compliant with policies 3.5, 7.4 and 7.6 of the London Plan⁴ and policy DM1 of the DMLP which seek development that has a positive relationship with existing built form and surrounding area.

Living conditions

16. The ground floor infill extension proposed, being close to a shared boundary, is the one part of the development proposed that has the greatest potential to affect the living conditions of neighbouring occupiers. The extension would abut and extend to similar parameters as the existing single storey rear extension at No 3 Clifden Road. Together with this neighbouring extension having no windows facing the appeal site, the proposal would not interfere with views from No 3 or limit levels of light into existing living areas to be considered harmful. Consequently the proposal would not be contrary to policy 7.6 of the London Plan nor DM2 of the DMLP which seek development that does not cause unacceptable harm to the amenity of neighbours.

Conditions

17. I have found that the development would not give rise to unacceptable harm and that it would comply with the relevant development plan policy. Consequently, I propose to allow the appeal and grant planning permission. However, it is necessary to attach planning conditions to the permission to ensure that the development is carried out appropriately. I set out below the reasons for the conditions stated.
18. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. In addition to the standard time limitation for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty. In the interests of character and appearance, I have included a condition with regards to materials. To promote the efficient use of water and minimise waste, planning

⁴ The London Plan, The Spatial Development Strategy for London, Consolidated with Alterations Since 2011 (March 2016)

conditions are necessary to ensure that adequate water saving measures and recycling and waste storage facilities are in place.

Conclusion

19. For the reasons given above, and having regard to all other matters, I conclude that the development would not be contrary to the development plan and therefore the appeal is allowed.

R Walmsley

INSPECTOR