



Appeal Decision

Site visit made on 18 April 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 18th July 2019

Appeal Ref: APP/U5360/W/19/3220637

18 Castlewood Road, London N16 6DW

- 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 Schreiber against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2018/3098, dated 3 September 2018, was refused by notice dated 29 October 2018.
 - The development proposed is described as erection of two storey rear extension and associated alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework was revised in February 2019 (revised Framework). I am satisfied that this does not alter the substance of the main parties' cases. I have considered the revised Framework as part of the determination of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers having regard to daylight, sunlight and outlook.

Reasons

4. Castlewood Road is a terraced residential street of four storey houses with rear gardens. No 18 Castlewood Road is a mid-terrace dwelling. The proposal is to add a single storey ground floor side extension, together with a single storey first floor extension in order to increase the available living accommodation. The existing ground floor extension would be extended to the full width of the dwelling and a first-floor full width extension added above which would be set back from the new ground floor extension. Both would have a flat felt roof and the ground floor would have a sukkah sky light.
5. The host building to the rear has been subject to some alterations and extensions over time, although these do not appear to have a significant impact on the neighbouring properties.

6. At the site visit, I noted a large ground floor window at No 20 Castlewood Road, close to the boundary, which would clearly be affected by the proposed extension.
7. The council state in the officer's report that the proposal would 'fail the 45° rule'. This is set out in the Hackney Residential Conversions and Alterations Supplementary Planning Document (2009) (SPD) which provides guidance on matters including the impact of development proposals on the living conditions of existing and future occupiers
8. The SPD sets out that all extensions should comply with the '45 degree rule' where it would affect the outlook from a habitable room. There is no evidence before me to suggest that the window in question is not serving a habitable room at No 20. The extension to the first floor would (in particular) result in a substantial addition to the host building, comprising a blank gable wall projecting out above the ground floor.
9. Even though it would not be as deep as that of the ground floor I consider that given its proximity to the rear window of No 20, it would constitute a breach of the 45 degree rule set out in the SPD. This would result in an overbearing and dominant development that would affect the level of daylight reaching No 20, particularly given the relative orientation of both properties.
10. I note the appeal decision submitted by the appellant, which concerned a property at nearby 55 Lingwood Road. I also note that the Inspector in that case, at paragraph 7, states that the extension would 'not result in a significant change from the existing situation', whereas in this case I consider the resulting extension would be significantly larger than the existing situation. That said, I am without the full details of that case, and in any event, I must determine the proposal before me on its own merits.
11. Overall, I consider the proposals would result in an overbearing structure that would be harmful to the living conditions of the neighbouring occupiers at No 20. I therefore consider the appeal proposal to be contrary to the guidance contained within the SPD, as well as policy 7.6 (Architecture) of the London Plan (2016) (LP) and Policy 24 (Design) of the Hackney Local Development Framework Core Strategy (2010) (CS) which seeks to promote quality architectural designs that do not undermine the living conditions of existing and future occupiers, as well as development that will not result in harm to neighbours. I also find conflict with Policy DM2 (Development and Amenity) of the Hackney Development Management Local Plan (2015) (DMLP) which seeks development that will not result in harm to neighbouring residential amenity.

Conclusion

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

Sian Griffiths

INSPECTOR