



Appeal Decision

Site visit made on 8 July 2019

by S A Whitehead LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 29th July 2019

Appeal Ref: APP/U5360/D/19/3222238

136 Olinda Road, Hackney, London N16 6TP

- 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 R Winstein against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2018/3863, dated 24 October 2018, was refused by notice dated 19 December 2018.
 - The development proposed is the erection of a two storey rear extension formed of a first floor rear infill extension (already received planning permission) and a second floor roof extension. The first floor rear infill extension will project approximately 5.5m in depth beyond the existing rear elevation and approximately 2.4m in height.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the documentation that a more concise description of the development proposal is the description provided on the appeal form and on the Council's Planning Decision Notice as the 'Erection of a two-storey rear extension at first and second floor levels.' I shall consider the appeal accordingly.
3. I have used the address provided on the application form although I note that it is expressed differently on the appeal form.
4. I have had regard to the revised National Planning Policy Framework (NPPF) issued in February 2019 in reaching my decision. In respect of the main issues the revised NPPF has not changed national policy. Consequently, no party has been prejudiced by the revision.

Main Issues

The main issues are the effect of the proposed development on:-

- 1) the character and appearance of the host dwelling and the surrounding area; and
- 2) the living conditions of the occupiers of No. 138 Olinda Road in terms of daylight/sunlight and outlook.

Reasons

Character and appearance

5. The appeal property is an end of terrace dwelling house that appears to date from the late 19th century. Although originally constructed as a two storey property, its roof has been converted to provide further living accommodation, with a box dormer constructed to the rear. The property has been further extended to the rear with a single storey extension wrapping around the side and rear of its two storey outrigger, and a flat roofed extension constructed above the outrigger itself.
6. The property also benefits from two permissions for further extensions to the rear, although these have not been implemented to date. The first of these permissions, granted on appeal (ref. APP/U5360/D/18/3192847), relates to the construction of a first floor infill extension beside the existing outrigger. The second permission, granted by the Council (ref. 2018/1974), includes an infill extension similar to that granted on appeal, but projecting out further to the rear and wrapping around the rear elevation of the outrigger at first floor.
7. The appeal proposal involves the construction of a two storey rear extension at first and second floor levels, and would extend the property considerably further beyond these permitted, albeit as yet unimplemented, schemes.
8. The resulting three storey flat roofed extension would constitute an obtrusive and incongruous addition that would entirely dominate the rear of the property. The extension would subsume the original outrigger and, being attached to the box dormer across the width of the property, would render the form of the original property illegible. Moreover, having regard to the scale of existing, and permitted, extensions to the dwelling, I find that the proposal would result in disproportionate additions to the property, that would fail to respect the character and scale of the parent dwelling. Whilst I accept that much of the character of the original dwelling has been eroded by earlier decisions, this does not justify the further and far more significant harm that would arise from the proposal.
9. Although the proposed extension would not be seen from the street scene of Olinda Road, it would be viewed from neighbouring properties and gardens and, albeit from some distance, from dwellings at the rear, in Ravensdale Road. By reason of its scale and height, it would have a significant presence within the surrounding residential area.
10. For the above reasons the proposed development would be harmful to the character and appearance of the host dwelling and to the surrounding area.
11. I appreciate that the proposed development would provide additional living space, and that it would be constructed with matching materials, however these factors do not outweigh the harm I have identified.
12. I find that the proposed development, due to its scale, siting and appearance would therefore conflict with policies 7.4 and 7.6 of The London Plan 2016, policy 24 of the Hackney Core Strategy 2010 and policies DM1 and DM2 of the Hackney Development Management Local Plan 2015 (DMLP). These policies seek to ensure that all new development is of a high quality design, makes a positive contribution to the character of the area and respects the established scale, massing and rhythm of the existing building and group of buildings of which it forms part.

13. The Council's Supplementary Planning Document Residential Extensions and Alterations 2009 (SPD) advises that extensions should respect the character and size of the original house and be subordinate to the principle building, ie should be at least one storey lower than the eaves height of the building. It further advises that extensions should not dominate or detract from the original building or group of buildings, should be smaller in scale than the original building, and makes the point that the sensitivity to alterations increases with height. Furthermore, it emphasises the significant contribution that a roof form makes to the character of an area. I thus find that the proposed development would conflict with the guidance contained in the SPD. Furthermore, it would fail to accord with the design objectives set out in Chapter 12 of the NPPF in terms of its harmful effect on the quality and character of the area.

Living conditions

14. Given its proximity, height, massing and projection, I find that the proposal would adversely impact upon the outlook experienced from the rear facing windows of No. 138 and its garden area. I find that it would constitute an overbearing and oppressive feature increasing the sense of enclosure and, thus, would detract from the living conditions of the occupiers of this property.
15. With regard to the issue of loss of daylight/sunlight, it is noted that no detailed daylight/sunlight assessment was submitted as part of the planning application. The Council concluded that the extension would result in 'a severe reduction in daylight/sunlight' to the occupiers of No. 138. The appellant's Grounds of Appeal includes no daylight/sunlight assessment either, but makes the point in the Design and Access Statement that the properties 'are all south facing further reducing the potential loss of light throughout the day to adjacent windows'. In the absence of any detailed daylight/sunlight assessment or evidence of the application of the '45 degree rule', it is difficult to make a finding on this matter.
16. Nonetheless, I consider that my findings in relation to outlook are sufficient to determine that the proposal would have a significantly harmful effect on the living conditions of the occupiers of No. 138. Therefore, this matter has not had a significant bearing on my decision.
17. I find that the proposal would therefore be contrary to policy DM2 of the DMLP which seeks to ensure that proposals do not result in a significant adverse impact upon the occupiers and neighbours, having regard to matters including outlook. It would similarly be contrary to the guidance contained within the SPD, which seeks to ensure that two storey rear extensions do not appear over dominant when viewed from adjoining properties.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

Sandra Whitehead

INSPECTOR