



Appeal Decision

Site visit made on 12 July 2019

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 7 August 2019

Appeal Ref: APP/U5360/W/19/3224311

92 Darenth Road, Hackney, London N16 6ED

- 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 Mrs Michal Miller against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2018/3936, dated 26 October 2018, was refused by notice dated 20 December 2018.
 - The development proposed is the proposed erection of a single-storey first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In support of the appeal the appellant has submitted an alternative scheme together with drawing No's 1-01, 2-02, 2-03, 2-04, 2-05, 2-06, 2-10, 2-11, 2-12, 2-13. It is not clear that these drawings formed part of the application, or that interested people's views have been sought upon them. I therefore cannot be satisfied that no party would be prejudiced by my consideration of these drawings in the appeal. Consequently, I have determined the appeal on the basis of the scheme and the plans which were before the local planning authority when it made its decision.

Main Issue

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

Reasons

4. The host dwelling is a mid terrace dwelling located within an urban street characterised by two storey terraced dwellings. Dwellings along this side of Darenth Road are typically extended to the rear with single storey ground floor extensions, albeit they retain relatively spacious rear gardens and display a pleasant degree of uniformity. At the time of my site visit I observed that there were a small number of dwellings within close proximity of the host dwelling that had constructed a first floor extension to their rear.
5. The proposed hexagonal pitched roof structure with chamfered corners would lack architectural subtlety and would diminish the character of the host dwelling. Taken together with the proposal's significant scale, arrangement of windows and significant quantity of glazing, the proposal would appear as a bulky and discordant addition that would overwhelm the host dwelling and fail

to represent a subordinate addition. By reason of its elevated position it would be readily visible from neighbouring dwellings and their rear gardens from where it would be read as an unduly dominant and incongruous feature that would be significantly at odds with the character and appearance of the host dwelling and the wider terrace.

6. The appellant has drawn my attention to a number of similar first floor extensions within the terrace which I observed at the time of my site visit. However, these types of development are not common within the terrace of dwellings within which the appeal dwelling is situated and rather than providing justification for the proposal, if anything, their presence points to a need for such proposals to be carefully controlled if the character and appearance of the area is to be safeguarded. Moreover, these developments include a different design to the appeal proposal and as such, a comparison is of limited relevance in this instance. I have therefore considered the appeal before me on its individual planning merits. I am not persuaded that the general existence of other extensions within the locality justifies the harm that I have identified.
7. The appellant cites inconsistency between a number of provisions within the Hackney Residential Extensions and Alterations SPD (2009)(SPD). However, even if I were to consider the proposal amounted to a two storey extension and taking into account that the proposal would reflect the design of the single storey ground floor rear extension, overall, the proposal would fail to complement the form and style of the original dwelling and the wider terrace. Consequently, the proposal would have a significant adverse effect on the character and appearance of the host dwelling and the surrounding area.
8. Accordingly, I conclude that the proposal would conflict with Policies 7.4 and 7.6 of the London Plan (2016), Policy 24 of the Hackney Local Development Framework Core Strategy (2010), Policy DM1 of the Hackney Development Management Local Plan (2015) and the guidance of the SPD. Among other things, these policies and guidance require extensions to be of a high quality design that respects the character of the surrounding area.

Other Matters

9. I accept that the host dwelling is not located within a designated Conservation Area nor within the proximity of locally or statutorily listed buildings, however, this does not justify poor design.
10. I have had regard to a number of letters of support and the appellant's desire to create additional and improved living space for her family. In addition, the appellant has drawn my attention to a High Court decision which recognises overcrowding within the Orthodox Jewish Community and the need to live within the locality¹. Furthermore, that the Council have identified there is an acute need for larger family dwellinghouses within the locality and have commenced work on an Area Action Plan to provide a bespoke policy for the local area. Similar housing objectives for larger families are included within the Stamford Hill Plan (SHAPP). However, whilst the principle of development to enlarge a dwelling is acceptable this does not outweigh general planning considerations and, in this instance, it does not outweigh the harm I have identified above with regard to character and appearance.

¹ R on the application of Z and others) -vs - (1) Hackney London Borough Council, (2) Agudas Israel Housing Association.

11. Reference has been made by the appellant to the Hackney Draft Local Plan 2033. However, there is little information before me regarding the stage this has reached in being formally adopted and as such, I therefore attach limited weight to the emerging Local Plan as a material consideration. Moreover, the design provisions of the emerging Local Plan require new development to be appropriate to its location and given my findings above, the proposal would conflict with this requirement.
12. I am advised that the proposed layout and proportions of the internal accommodation would comply with the space standards required by the London Housing Design Guide 2010. The proposed enlarged bedroom would receive adequate light and have a good outlook. In addition, the proposal makes best use of the available land and there are no identified significant adverse impacts on the living conditions of neighbouring occupiers. However, the absence of harm is a neutral factor that weighs neither for nor against the proposal.

Conclusion

13. For the reasons given above, the appeal is dismissed.

E Brownless

INSPECTOR