
Appeal Decision

Site visit made on 3 September 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/U5360/D/19/3234635

16 Chesholm Road, London N16 0DR

- 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 Sacha Lehrfreund against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/1563, dated 26 April 2019, was refused by notice dated 24 June 2019.
 - The development proposed is erection of a rear dormer and two roof lights to front roof slope.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear dormer and two roof lights to front roof slope at 16 Chesholm Road, London N16 0DR in accordance with the terms of the application, Ref 2019/1563, dated 26 April 2019, subject to the following 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: 19-12.1 MAIN Rev E

Application for costs

2. An application for costs was made by Mrs Sacha Lehrfreund against the Council of the London Borough of Hackney. This application is the subject of a separate Decision.

Procedural Matters

3. I have used the description of the proposal from the appeal form. This is because it is clear from the submitted plans and the supporting documentation that the proposal was amended from three roof lights to two rooflights during the course of the application. I have therefore considered the appeal on this basis.
4. Notwithstanding this change, I have noticed that the plan "existing/proposed sections & roof plans" drawing No 19-12.2 Main Rev. E, incorrectly shows three rooflights. This plan is therefore omitted from condition 2.

5. The Council raises no objection to the roof lights; its concern is with the proposed loft conversion, which would comprise a large box dormer spanning the width of the rear roof slope. I have dealt with the appeal on that basis.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the host building, its wider terrace and the street scene.

Reasons

7. The appeal site is a mid-terrace two storey property, situated within a residential area. Due to its position within the terrace, the rear of the appeal property is not visible from the street, or the neighbouring streets, as the gardens of the terrace back directly onto the rear boundaries of other properties. There is conformity in the main ridge line within the terrace and several properties, including numbers 18 and 20, have added dormer extensions at the rear.
8. The Council's adopted Supplementary Planning Document Residential Extensions and Alterations 2009 (SPD) provides detailed guidance for undertaking extensions and alterations to private dwellings. It advises that dormer windows will normally be acceptable on rear roof slopes and as a general guide, dormers should normally be set a minimum 0.5m below the ridge, a minimum of 1.0m above the eaves line and the height of any dormer should be no more than half the height of the roof or half the width of the roof. The guidance does, however, accept that where a number of larger rear box dormers already exist within the immediate vicinity, then subject to a number of other criteria, a larger rear dormer might be acceptable.
9. The proposed dormer would cover the majority of the rear roof slope of the appeal property. The flat roof design and its scale and massing would not mirror the original style of the host building. In addition, the dormer extension would not accord with the guidance set out in the SPD in relation to minimum set-in distances, height and width.
10. However, from within the rear garden of the appeal site, I was able to see a significant number of similar dormers on the rear roof slopes of this terrace. Whilst the proposed dormer would not be set in from the party walls on each side, the other dormers that I could see spanned the full width of their host roof slopes. Irrespective of the planning history of those developments, the appeal proposal would not be the first such dormer within the rear of this terrace and would not therefore be out of keeping with the character of the building or its context. Furthermore, the proposed extension would not be visible from the street. As such the proposal would not result in harm to the street scene.
11. I conclude that whilst the appeal proposal would not be in strict accordance with the guidance set out within the SPD, it would not result in unacceptable harm to the character and appearance of the host building, its wider terrace or the street scene. It would therefore comply with the overall design aims of Policy 24 of the Hackney Core Strategy 2010 and Policy DM1 of the Hackney Development Management Local Plan 2015, which are consistent with Policies 7.4 and 7.6 of the London Plan 2016. These policies seek to secure high quality

design and, amongst other things, for development to respect the visual integrity and established scale, form, massing and rhythm of buildings.

12. The Council has suggested conditions which I have considered against the advice in the National Planning Policy Framework and Planning Practice Guidance. In addition to the standard implementation condition, I have imposed a condition specifying the approved drawings as this provides certainty. Whilst the Council suggested matching materials, I have not imposed a condition to this effect. This is because it is unlikely that dormer materials could exactly match those of the main dwelling, and I have found that the materials as proposed are acceptable.

Conclusion

13. For the above reasons the appeal is allowed.

S Tudhope

Inspector