



Appeal Decision

Site visit made on 17 September 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2019

Appeal Ref: APP/U5360/W/19/3231654

416 Kingsland Road, Hackney, London E8 4AA

- 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 Ratna Vagjiani against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2018/3993, dated 25 October 2018, was refused by notice dated 4 February 2019.
 - The development proposed is erection of single-storey rear extensions at ground, first and second floor levels including rear terraces at first and second floor; erection of roof extension to create an additional storey; erection of front extension at second floor level; to facilitate provision of additional retail space (use class A1) at ground floor level and additional floorspace to the two existing residential units at the upper floors (use class C3).
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Decision

1. The appeal is allowed and planning permission is granted for erection of single-storey rear extensions at ground, first and second floor levels including rear terraces at first and second floor; erection of roof extension to create an additional storey; erection of front extension at second floor level; to facilitate provision of additional retail space (use class A1) at ground floor level and additional floorspace to the two existing residential units at the upper floors (use class C3) at 416 Kingsland Road, Hackney, London E8 4AA in accordance with the terms of the application, Ref 2018/3993, dated 25 October 2018, subject to the conditions set out in the schedule.

Procedural Matters

2. I consider the description of development given by the Council on its decision letter to be more precise than that shown on the planning application form and I have therefore used it in my decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - (a) the character and appearance of the host building and the conservation area, with particular regard to scale, positioning and design; and
 - (b) the living conditions of the occupants at 10 Glebe Road, with particular regard to overlooking and privacy from the proposed roof terrace.

Reasons

Character and appearance

4. The appeal site is an unlisted two-storey building, with existing mansard roof, containing commercial premises at ground level and residential use at upper levels. The locality is characterised as part of the Market Zone of the Kingsland Conservation Area, being a mixed use commercial zone with street market. The terrace of buildings of which the appeal site forms part is varied in height. The small yard to the rear of the appeal site is backed with three-storey residential at Glebe Road, with windows tight to the mutual boundaries. The effect of the proposal would be to add an additional storey to the front, and bring first and second floor residential closer to the Glebe Road dwellings.
5. The varying heights of the roofs along the terrace frontage create an uneven rhythm and pattern, which is an integral part of the character of Kingsland Road and contributes positively to the conservation area. Given that there are two, three and four storey buildings at present, the proposed upward extension from three to four-storey, with mansard, would still read as part of the uneven rhythm of the terrace and wider streetscape. Whilst the proposal would clearly extend further above the adjacent 414 Kingsland Road, the relationship would still not be as significant as exists with 410-412 Kingsland Road to the south. I do not find No 410-412 overbearing in the context of either No 414 or the overall terrace, indicating to me that neither would the appeal proposal be, which I consequently find to be proportionate.
6. The horizontal window alignment also varies along the length of the terrace, and as such the limited introduction of two more windows would follow that uneven rhythm. Furthermore, the windows of the appeal site already exhibit quite different proportions to No 414, such that any pairing or symmetry between the two is now not particularly evident. Notwithstanding that the brickwork appears to have been partially replaced at some time in the past, there is no reason why brickwork specification could not be addressed by condition. The proposal would not harm the architectural integrity of the building or the significance of the terrace to the front.
7. The rear of the terrace is comprised of a tightly arranged assembly of different elements, which the proposed design reflects. Viewpoints are heavily limited and restricted. The extensions would be of modest depths at each floor level and would step down. As such, the proposal would not be overbearing as seen from the Glebe Road properties, nor would it significantly increase enclosure.
8. Whilst reference is made to a previous appeal decision¹ at this site, the limited extracts provided to me appear to indicate a substantially larger proposal of 5 storeys and the same height as the adjacent 418 Kingsland Road. The appeal proposal clearly differs from that description and, in any case, I must determine the current appeal on its merits.
9. Overall, I find that the proposal would not harm the character and appearance of the host building and would preserve the character and appearance of the conservation area, with particular regard to scale, positioning and design, and would not harm its significance as a designated asset. There would be no conflict with Policies 24 and 25 of the Hackney Local Development Framework

¹ Appeal decision APP/U5360/W/17/3177506

Core Strategy, Policies DM1 and DM28 of the Hackney Development Management Local Plan, Policies 7.4, 7.6 and 7.8 of the London Plan; the Hackney Residential Extensions Supplementary Planning Document, and the National Planning Policy Framework. Amongst other considerations, these policies require development to be well designed and have regard to heritage assets and the particular circumstances of the site.

Living conditions

10. A degree of overlooking already exists between the windows of No 10 and rear windows of the appeal terrace. The appeal proposal would be located at reduced separation distances from No 10, but would be screened with 1.7m obscured glass. As such, any overlooking from the first-floor terrace to the second-floor window of No 10 would be restricted by being oblique and upwards. Furthermore, the overlooking that currently occurs between the same levels would be mitigated. As a whole, I find that the proposal would not worsen the existing scenario.
11. With regard to No 418, whilst drawings are not available to demonstrate the point, my observations are that the differences in floor levels between the appeal proposal would be such that any impact on light would not be significant. In terms of the dismissed appeal, referred to above, direct comparisons with are not available to me, and I have assessed the appeal on its merits.
12. I conclude that the proposed development would have a neutral effect on the living conditions of the occupants at 10 Glebe Road, with particular regard to overlooking and privacy. Accordingly, the proposal would comply with Policy 24 of the Hackney Local Development Framework Core Strategy, Policy DM2 of the Hackney Development Management Local Plan, and Policies 7.4 and 7.6 of the London Plan. Together, these require development to not result in significant adverse impacts on amenity, amongst other matters.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to conditions that are necessary for certainty and to safeguard the character and appearance of the locality.

Patrick Hanna

INSPECTOR

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Schedule of 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: BBA 706.P.01A, 02A, 03A, 04A, 05A, 06A, 07A, 08A, 09A, 10A.
- 3) No development shall take place until sample panels of all new facing brickwork for the front elevation of the extension hereby permitted showing the proposed bricks, face-bond and pointing mortar have been provided on site and approved in writing by the local planning authority. The approved sample panels shall be retained on site until the work is completed and the development shall be carried out in accordance with the approved sample panels.
- 4) Notwithstanding the requirements of Condition 3 above, no development shall commence until details and samples of all materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.

End of Schedule