
Appeal Decision

Site visit made on 19 September 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2019

Appeal Ref: APP/U5360/D/19/3231096

13 Forburg Road, London N16 6HP

- 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 S Stern against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/1152, dated 27 March 2019, was refused by notice dated 29 May 2019.
 - The development proposed is erection of single storey rear extension with a large rooflight.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey rear extension with a large rooflight at 13 Forburg Road, London N16 6HP in accordance with the terms of the application, Ref 2019/1152, dated 27 March 2019, and the plans submitted with it, 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: FR.13.LP: Location Plan, FR.EX.101: Existing Floor & Roof Plans, FR.EX.102: Existing Elevation and Section, FR.PR.101: Proposed Floor & Roof Plans, FR.EX.102 Rev A: Proposed Elevation and Section.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Northwold and Cazenove Conservation Area.
 - the effect of the development on the living conditions of the occupiers of 11 Forburg Road, with particular reference to outlook and sunlight.

Reasons

Effect on the Conservation Area

3. The appeal site, 13 Forburg Road, is a 3 storey (including basement), mid terrace building located within the Northwold and Cazenove Conservation Area. The area is characterised by Victorian residential streets. The buildings are of a similar appearance and style featuring architectural embellishments such as cills, headers and footers, string courses and cornices, creating attractive street frontages.
4. In contrast, the rear elevations of the dwellings have been altered significantly which has resulted in a less uniform character to that which is experienced from the public realm. From within the rear garden of the appeal site, it is possible to see a range of alterations and extensions that have taken place on neighbouring properties, including other full width extensions. I note the Council's comments that the full width extension at 31 Forburg Road is not built in accordance with the approved plans. However, I saw other such extensions at my visit and they all contribute to the current character and appearance of the area
5. The proposed extension would project from the rear of the existing three storey outrigger and extend for the full width of the existing dwelling, leaving a space between the rear of the dwelling and the extension to provide an outdoor terrace. The Hackney Residential Extensions and Alterations Supplementary Planning Document 2009 (SPD) sets out design guidelines for rear extensions and permits full width single storey rear extensions on terraced houses. However, it does not explain how this relates to outriggers, only that is important that the form and materials follow that of an existing rear projecting element. That said, the diagram showing what is unacceptable, shows a rear extension that projects beyond the main side elevation so that the extension would be visible from the front of the house. In this case, the extension would not project beyond the main side elevation and would not be visible from the front. Therefore, I do not consider that the SPD clearly advises against rear extensions that project beyond the side of an outrigger.
6. The SPD also states that the maximum depth of extensions would normally be 3m and whilst the extension exceeds this by approximately 0.5m I do not consider that this results in harm to the character and appearance of the area which as I have set out above is characterised by a range of extensions. It also complies with the design principles of the SPD which indicate that the length of the garden is a determinative factor when considering the depth of an extension. The remaining space around the dwelling would be in keeping with its surroundings, having regard to the other gardens in the vicinity.
7. The proposed extension would not be seen from public viewpoints. Moreover, I have nothing before me to convince me that the rear of the dwelling and those of the surrounding properties have any special merit and from what I observed at my visit, the rear of the terraces look unremarkable. Given this context, I consider that the appearance of the proposed extension would not be at odds with its surroundings.

8. Furthermore, the rooflight, whilst not flush with the proposed roof of the extension, would only have a limited projection above it and as such would not be unduly prominent nor would it materially add to the bulk of the extension.
9. I conclude that the proposed extension would look appropriate within its context and would preserve the character and appearance of the Conservation Area. Accordingly the appeal scheme would comply with policies 7.4, 7.6 and 7.8 of the London Plan, policies 24 and 25 of the Hackney Local Development Framework Core Strategy 2010, policies DM1 and DM28 of the Hackney Development Management Local Plan 2015 (LP) and the guidance within the SPD which seek to ensure development is of an appropriate design and has regard to the historic environment.

Effect on living conditions

10. I have received confirmation from the Council that the window referred to within their reason for refusal as a "side" window is actually the ground floor bay window on the rear elevation of 11 Forburg Road which serves a bedroom and therefore I have had regard to the effect of the development on this window.
11. The extension would be set in slightly from the boundary with no. 11, which is separated from the appeal site by an existing boundary fence. The ground floor bay window of no. 11, nearest to the appeal site, is bounded by its own existing 3 storey outrigger and the boundary fence separating the two properties and as such allows limited daylight through it..
12. The inclusion of the outdoor terrace directly adjacent to the ground floor bay window of no. 11 would also ensure that the extension would not lead to an overbearing impact. In addition, the increase in height of the proposed extension of about 1 metre above this boundary would not have a significant enclosing effect on next door's outlook from their garden or rear window.
13. I consider that the appeal scheme would not have a significant enclosing or shading effect on the neighbouring property. There would be no loss of sunlight as a result of the proposed extension as the affected dwelling is to the south of the extension so the extension would not block direct sunlight. Assessing the scheme against the existing and proposed site circumstances show that the changes would not harm the living conditions of the occupiers of 11 Forburg Road with regard to light and outlook.
14. The SPD advises that the 45 degree rule will be used as a guide in assessing the acceptability of applications for rear extensions, however sets out that these are general rules and each case will be considered separately when assessing the effects of an extension. The inclusion of the terraced area directly adjacent to the boundary with no. 11 ensures that the 45 degree rule is not breached at its closest point and therefore I consider that the relationship of the extension and the nearest ground floor window of a habitable room in the adjoining property is acceptable.
15. In conclusion, the extension would not harm the living conditions of the occupiers of the adjoining residential property and would comply with policy DM2 of the LP and the SPD which seeks to ensure that development would not result in significant adverse impacts on the amenity of occupiers and neighbours.

Conditions

16. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. As well as the standard implementation condition, I have imposed a condition to ensure that the proposal is built in accordance with the approved plans to provide certainty and a condition in respect of materials to safeguard the character and appearance of the area.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

G. Pannell

INSPECTOR