
Appeal Decision

Site visits made on 10 September 2019 and 4 October 2019

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/U5360/W/19/3230914
34 Forburg Road, Hackney, N16 6HS

- 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 Landau against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2018/4624 dated 16 December 2018, was refused by notice dated 9 February 2019.
 - The development proposed is erection of a flat roof rear dormer, erection of a flat roof single storey rear infill extension and the amalgamation of the existing 1 x 1 bedroom basement flat and the 1 x 4 bedroom upper floor flat in to a 1 x 5 bedroom dwelling-house.
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Decision

1. The appeal is dismissed.

Reasons

2. The rear extension, in the amended form on which the Council's final decision was based, would rise to around 2.4 metres in height on the boundary with No.36 Forburg Road. This would be adjacent to a large, glazed external door and window, associated with a bedroom at lower ground floor level which I inspected on my second site visit.
3. The outlook from this bedroom is already limited due to an external staircase, increasing the reliance on views of the sky towards the south. However, these views would be obstructed by the bulk of the ground floor extension, and particularly the additional building height on the common boundary. This would result in a loss of outlook, leading to an increased sense of enclosure apparent within this habitable room.
4. The technical survey carried out by the appellant concluded that any loss of daylight or sunlight would be generally de-minimis and not discernible to the human eye. I have no technical evidence before me to dispute this conclusion. However, the increased sense of enclosure described above is something that would be readily apparent, when compared against the existing position. In consequence, there would be material harm to the living conditions of the residents of the lower flat at No.36 Forburg Road, relating specifically to the sense of enclosure generated by the proposal.
5. The appearance of the proposal, including the roof extensions, and its impact on the surrounding area was otherwise found to be acceptable by the Council. However, the material harm to the living conditions of No.36 identified above

means that the proposal would conflict with policy 7.6 of the London Plan (2016), together with policies DM1 and DM2 of the Hackney Development Management Local Plan (2015) which require, amongst other things, that development does not cause unacceptable harm to the amenity of surrounding residential buildings.

6. The proposal would also conflict with the Hackney Supplementary Planning Document: Residential Alterations and Extensions (2009), which shares similar objectives to the development plan policies cited above. It would fail to meet the requirement, set out in the National Planning Policy Framework, to create places that achieve a high standard of amenity. Whilst the appellant refers to other planning policies, those cited above are the most relevant to the contested matters in this case.
7. Accordingly, the proposal conflicts with the development plan, when considered as a whole and there are no other considerations that outweigh this finding. The appeal should therefore be dismissed.

Neil Holdsworth

INSPECTOR