The Planning Inspectorate

Appeal Decision

Site visit made on 1 October 2019

by M Harris BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/U5360/W/19/3234071
51 Lockhurst Street, Hackney, London E5 0AP

- 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 Jonathan Goodman against the decision of the Council of the London Borough of Hackney.
- The application Ref 2018/4317, dated 26 November 2018, was refused by notice dated 30 January 2019.
- The development proposed is described as 'a single storey box bedroom extension to the rear of 49 & 51 Lockhurst Street at first floor level, above the existing footprint. The two houses are separately owned by two families, both with young children and in need of the additional space'.

Decision

1. The appeal is allowed and planning permission is granted for 'the erection of single-storey rear extensions at first floor level above existing rear projection at both Nos. 49 & 51 Lockhurst Street' at 49 & 51 Lockhurst Street, Hackney, London E5 0AP in accordance with the terms of the application, Ref 2018/4317, dated 26 November 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:

    00_00; 01_00; 02_00; 03_00; 04_00; 05_00; 06_00; 07_00; 08_00; 09_00; 10_00; 11_00; 12_00; 13_00; 14_00; 15_00; 16_00; Design & Access Statement

    3) The external materials of the development hereby permitted shall match those of the host buildings.

Procedural Matters

2. The application form stated the site address as 51 Lockhurst Street although the description of development on the form also referred to the neighbouring property, 49 Lockhurst Street. The Council's decision cited the address as '49 & 51 Lockhurst Street' together with an amended description of development.

3. It is clear that the development relates to both properties and that the amended description is agreed by the appellant, as evidenced within the appeal form and statement of case.

4. Therefore, whilst the banner header reflects the application form, in the interests of clarity and precision, my formal decision reflects the clarified position.

Main Issue

5. The main issue is the effect of development on the character and appearance of the host building and the area by virtue of bulk, scale, mass, design and position.

Reasons

6. The appeal properties are part of a terrace of dwellings in a predominantly residential area. Properties are typically two storey with some (including in this case) having converted basements and loft conversions which provide further accommodation.

7. The pattern and form of development at the rear of properties on Lockhurst Street is varied, as are the rears of Rushmore Road with which there is a shared rear boundary. This includes dormer conversions, rear extension at a range of heights and depths together with variations in roof form. This broad ranging pattern appears to be a characteristic of the wider area.

8. Both properties feature an existing ground floor rear extension. The proposal would introduce a first floor, flat roof extension over the top of this. The plans show the roof of the proposed extension sitting at or very close to, but not over, the existing height of the eaves.

9. The Council's approach to the design of residential extensions is set out within the Supplementary Planning Document Residential Extensions and Alterations (2009) (the SPD). This, as noted within the Council's Officers Report, states that extensions should sit below the eaves of the main building, at least one storey lower, together with being subservient to the host. There is however also reference to two storey extensions needing to not exceed the ridge height.

10. It is necessary to consider the SPD guidance in respect of the individual proposal, recognising that it is general design guidance and cannot account for every scenario. In this instance, whilst the extension would reach the eaves height, it would not extend beyond them, sitting well below the ridge height. In addition, as the existing extension which it would sit over does not cover the full width of the properties, the overall changes to the rear elevation would remain subservient to the form of the host building as it currently appears. The scale is appropriate in the context and would not appear to have excessive bulk or mass. Finally, as noted, the pattern of development in the area is varied and in my judgement the proposal is not so fundamentally different from other alterations as to conclude that it is poor design which would result in harm.

11. For the above reasons, the proposal would not materially harm the character and appearance of the host building or wider area by virtue of bulk, scale, mass, design and position. I find no conflict with the Development Plan insofar as it is formed of Policy 7.4 of the London Plan (2016) which seeks to respect and maintain local character through design and Policies 24 of the Hackney Core Strategy (2010) and DM1 of the Hackney Development Management Local Plan (2015) which when taken together seek to secure good design in the built environment. With regard to the adopted SPD, whilst there is some conflict

with detailed aspects, the proposal accords with the overall objectives in respect of the design of residential extensions.

Other Matters

12. The evidence indicates that consideration was given during determination of the application to the potential impacts on neighbours, principally whether the proposal would be overbearing. This was not considered to be of such significance as to justify a reason for refusal and there is nothing before me now to suggest otherwise.

13. It has been suggested that there is current and future potential for swifts to be nesting in the local area. The Council identified that had planning permission been granted, a condition would have been imposed requiring swift bricks to be installed. This has not been carried through to the Council's proposed conditions for this appeal.

14. Given the small scale of the development and the absence of detailed evidence, a condition requiring swift nest box bricks to be installed within the development would not be necessary to make the development acceptable in planning terms.

Conditions

15. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the conditions as necessary.

16. Conditions 1 and 2 are standard conditions dealing with timescales and plans. Condition 3 is necessary in order to ensure that the development protects the character and appearance of the host property and wider area.

Conclusion

17. For the reasons set out above, the appeal is allowed.

M Harris

INSPECTOR