



Appeal Decision

Site visit made on 22 October 2019

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2019

Appeal Ref: APP/U5360/C/18/3219437

34 Mildenhall Road, Hackney, London E5 0RU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Yousuf Hajat against an enforcement notice issued by the Council of the London Borough of Hackney.
 - The enforcement notice was issued on 21 November 2018.
 - The breach of planning control as alleged in the notice is the erection of a rear roof extension without planning permission.
 - The requirements of the notice are:
 1. Remove the rear roof extension;
 2. Make good all damage to the Property resulting from the removal of the extension and restore the Property to the condition before the unauthorised development was constructed;
 3. Remove from the Property all materials, debris, waste and equipment resulting from compliance with the other requirements of the notice.
 - The period for compliance with the requirements is three (3) months after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fee has been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act also falls to be considered.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Appeal on Ground (a) and the Deemed Planning Application

Main issue

2. The effect of the rear roof extension on the character and appearance of the existing building and surrounding area.

Reasons

3. 34 Mildenhall Road is located within a terrace of similar houses with outrigger projections to the rear. These outrigger extensions have a pitched roof with a ridge that is lower than that of the main roof and forms the boundary to the neighbouring property. In this case, the adjacent property sharing the outrigger has a roof extension that extends partially over the outrigger on that side. That on the other side also has a roof extension, but that does not extend over the outrigger. Houses in the terrace have long gardens, many including

substantial outbuildings, over which the roofs of the houses are visible from Millfields Road to the rear.

4. The extension constructed at no. 34 is similar in appearance to other roof extensions in the terrace, including over the outrigger. However, it has a greater width than most, such that it covers more of the outrigger. This results in it appearing bulkier than those other roof extensions. Consequently, it dominates the rear roof of the property, such that it is a prominent and incongruous feature on the roof of the building and in the street scene of Millfields Road.
5. I note that there are other roof extensions of similar size. However, these are few in number and I understand that another is also subject of an enforcement notice. As a result, they do not alter my conclusions on this matter.
6. For these reasons, I conclude that the rear roof extension at 34 Mildenhall Road harms the character and appearance of the building and surrounding area. As such, it is contrary to Policy 24 of the Hackney Core Strategy, Policy DM1 of the Hackney Development Management Local Plan and Policies 7.4 and 7.6 of the London Plan that seek high quality design, including that development should enrich and enhance the built environment and respect the visual integrity, scale and massing of buildings and the street scene. In addition, it does not reflect the guidance within the Supplementary Planning Document titled Residential Extensions and Alterations, in particular that roof extensions should reflect the architectural character of the building and take account of the visual impact of the extension within the surrounding area.

Conclusion

7. For the reasons set out above, I conclude that the proposed development would not accord with the development plan. The appeal on ground (a) therefore fails.

The Appeal on Ground (g)

8. An appeal on this ground is that the period specified in the notice for compliance falls short of what should reasonably be allowed. The notice suggests that three months is sufficient to allow the appellant to carry out the works required in the notice. I see no reason to consider that is not the case.
9. The appellant suggests that they would require more time to raise funds for the works to comply with the notice and it would cause significant disruption to their family. They suggest that disruption would be unnecessary. However, the appeal on ground (a) has been dismissed. The appellant is legally obliged to comply with the requirements of the notice.
10. For these reasons, I conclude that the appeal under ground (g) should fail.

Conclusion

11. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

AJ Steen INSPECTOR