



Appeal Decision

Site visit made on 16 October 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/U5360/W/19/3233126

Clays Court, 75-81 Stamford Hill, London N16 5TZ

- 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 Westcroft Investments Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/0005, dated 10 January 2019, was refused by notice dated 7 March 2019.
 - The development proposed is for the erection of a two-storey extension at fourth and fifth floor levels to provide seven self-contained flats (5 x 2-bed and 2 x 3-bed); provision of refuse/cycle storage facilities in back garden; enlargement of entrances and communal stairways to provide new lifts; provision of new balconies on front and rear elevations.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey extension at fourth and fifth floor levels to provide seven self-contained flats (5 x 2-bed and 2 x 3-bed); provision of refuse/cycle storage facilities in back garden; enlargement of entrances and communal stairways to provide new lifts; provision of new balconies on front and rear elevations at Clays Court, 75-81 Stamford Hill, London N16 5TZ in accordance with the terms of the application, Ref 2019/0005, dated 10 January 2019, subject to the conditions in the attached schedule.

Procedural matter

2. The appellant has provided revised plans and CGIs which show alternative design to the front elevation. Whilst the plans illustrate windows to the stair and lift core extensions to respond to the Officer report, they do represent a change to the appearance of the building. In this regard I am mindful of Annex M of the Procedural Guide - planning appeals England, and it would be inappropriate to accept the plans, as the information has not been subject to formal consultation and may prejudice other interested parties.

Main Issues

3. The main issues are the effect of the appeal proposal on
 - (i) the character and appearance of the appeal site and its surroundings; and
 - (ii) the living standards of the occupiers of the existing ground floor flats with regard to privacy.

Reasons

Character and appearance

4. The appeal site accommodates a four-storey block of twenty-four flats which is on the corner of Stamford Hill and Dunsmore Road. The building is set back from the road and has landscaped areas to the front, side and rear. There is also a car park to the rear which abuts the three-storey terraced dwellings on Dunsmore Road. The building is of brick construction with a pitched roof and has a simple design. The neighbouring property, Stamford Hill Mansions, is a brick built four-storey mansion block of flats with projecting bay windows with some metal balconies to the front elevation.
5. There are a mixture of residential and non-residential buildings along this part of Stamford Hill. They vary in terms of age, design and height including traditional three and four-storey dwellings and six-storey blocks of flats. They are all set back from the road with tree-lined landscaped areas to the front. The prevailing pattern of development is one of substantial buildings of varying heights, sat within large plots, on a wide, urban, tree-lined thoroughfare.
6. The appeal proposal has three main elements. It would increase the height of the existing building by creating two additional storeys of accommodation that would produce seven additional dwellings. It would add new entrances and lift cores to the front elevation and would provide new balconies to the front and rear elevations.
7. The height of the building would be increased by a fourth and fifth-floor extension. The fourth floor would mirror the bulk of the lower floors and the fifth-floor roof extension would be set in from the edges of the buildings on all sides, with a reduced bulk to reflect that of the adjacent property, Stamford Hill Mansions. The contemporary design would reflect similar additions in the area and would be of an appropriate improvement to the host dwelling. The building would be taller than the neighbouring mansion block, however it would reflect some of the prevailing heights of other buildings in the area. The proposal would also be taller than the dwellings on Dunsmore Road and the dwellings to the north, however there would be significant separation distances between these dwellings, and so would not appear unduly dominant. For these reasons, the proposal would be of an appropriate height, bulk and scale in keeping with the surrounding area and the host building.
8. The three entrance and lift cores to the upper floors would be lower than the height of the fifth-floor extension. Whilst they would project further forward than the main elevation, they would be no further forward than other protrusions that are present on this side of Stamford Hill. They are equally spaced along the frontage and would break the linear nature of the current block. Whilst they would contain no windows they would be of an appropriate scale for the size of the building and would not unduly obscure the front elevation.
9. The introduction of the external metal frame would provide balconies to the existing upper floor flats and the new accommodation at the fourth floor. The proposed metalwork railings would relate to adjacent design features and would provide appropriate detailing and depth to an otherwise blank façade. They would be integrated into the fabric of the appeal building and would be of

an appropriate size and depth and would appear as permeable additions to the front and rear elevations.

10. Taken as a whole, the three elements which form the appeal proposal would not significantly increase the overall bulk of the building and would not have an overbearing impact or be unduly dominant.
11. For the reasons above, I conclude that the proposal would be a compatible form of development, which would respect the character and appearance of the appeal site and its surroundings. The proposal is compliant with Policies 7.4, and 7.6 of the London Plan (2016) (LP), Policy 24 of the Hackney Local Development Framework Core Strategy (2010) (CS), Policy DM1 of the Hackney Development Management Local Plan (2015) (DMLP) and the guidance contained within Hackney Residential Extensions and Alterations Supplementary Planning Document (2009) which, amongst other things, seek to enrich and enhance Hackney's built environment and create a sense of place and local distinctiveness that is attractive and sensible.

Living standards.

12. The block of flats has three cores which lead to stairwells that give entry to the flats. The cores are accessed by entrance doors which are positioned close to the windows which serve the bedrooms of the ground floor flats. The appeal proposal would alter this arrangement and the entrance doors would be located slightly closer to the bedroom windows. The appeal proposal would also relocate the existing path further away from the front elevation and create level accesses into the building. This would reduce dwell time outside the doors and improve access into the building. Whilst there would be an increase in usage, due to the increase in the number of flats, this would be minimal.
13. For these reasons, there would be no unacceptable loss of privacy to the bedrooms of the ground floor flats of the existing residential accommodation. The proposal is compliant with Policy 3.5 of the LP, Policy 24 of the CS, Policy DM1 of the DMLP and the Mayor of London's Housing Supplementary Planning Guidance (2016) which amongst other things, require all developments, including alterations and extensions, to be of high quality design.

Other matters

14. Local residents have expressed a range of concerns over the environmental impact of the proposal, including highway safety, overlooking, loss of privacy, views, the standard of future living conditions of the ground floor flats, increased noise and external lighting.
15. I note from the Officer's report that there are no objections with regards to highway safety and capacity and I have no evidence before me to the contrary and I do not consider there will be any harm in this respect. In terms of overlooking and loss of privacy, the balconies to the rear elevation would not directly overlook the windows on the northern rear return of Stamford Hill Mansions due to the oblique angle. Loss of views is not a planning matter. I do not consider that the size and scale of the proposal would result in a loss of sunlight or daylight to the adjoining properties or be overbearing. Similarly, I do not consider that the installation of balconies would give rise to any unacceptable noise conditions. I also do not consider that there would be any harm to the future living standards of the ground floor flats. I have, however,

imposed a condition in relation to external lighting and a further condition relating to construction activity.

Conditions

16. In addition to the standard time limit condition, a condition would be necessary to ensure that the development would be built to accord with the submitted plans for certainty. I do not consider it necessary to list the existing plans. To safeguard the appearance of the area, it is necessary to control by condition the details of external materials used and details of the hard and soft landscaping.
17. To protect the living conditions of the residents, I have attached a condition relating to external lighting which is highlighted in the Officer report. To protect the living standards of the occupiers of the appeal dwelling I have attached conditions relating to cycle provision, pram storage and refuse and recycling. It is also necessary that a Construction Method Statement (CMS) is approved. Amongst other matters, this should give details of hours of construction and storage of construction materials.

Conclusion

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

Neil Smith

INSPECTOR

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 strictly in accordance with the approved drawings nos. 79SH_00_110 - Proposed Site Layout Plan; 79SH_01_110 - Proposed Ground Floor Plan; 79SH_01_111 - Proposed First Floor Plan; 79SH_01_112 - Proposed Second Floor Plan; 79SH_01_113 - Proposed Third Floor Plan; 79SH_01_114 - Proposed Fourth Floor Plan; 79SH_01_115 - Proposed Fifth Floor Plan; 79SH_01_116 - Proposed Roof Plan; 79SH_01_200 - Proposed Landscape Plan; 79SH_02_111 - Proposed East Elevation; 79SH_02_112 - Proposed North Elevation; 79SH_02_113 - Proposed West Elevation; 79SH_02_114 - Proposed South Elevation; 79SH_03_111 - Proposed Section AA; 79SH_03_112 - Proposed Section BB; 79SH_20_110 - Proposed East Elevation Bay Detail.
- 3) Notwithstanding condition 2 no development shall take place until details of the materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation.
- 4) Notwithstanding condition 2 no development shall take place until details of the external lighting have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation.

- 5) Notwithstanding condition 2 no development shall take place until details of the refuse and recycling facilities have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation.
- 6) Notwithstanding condition 2 no development shall take place until details of the cycle parking and pram storage facilities to serve the occupiers of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - i) loading and unloading of plant and materials;
 - ii) storage of plant and materials used in constructing the development;
 - iii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 8) No development above ground level hereby approved shall be commenced until details of the hard and soft landscaping works, have been submitted to, and approved in writing by, the local planning authority. The submitted details shall include: boundary treatments, hard surfacing materials, tree, hedge, shrub, other plants and grass planting plans; schedules of the species, sizes and proposed numbers/densities for the new planting; and an implementation programme for the undertaking of the hard and soft landscaping works.
- 9) Before the development is first occupied a schedule of landscape maintenance for a period of five years shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.