
Appeal Decision

Site visit made on 3 December 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 17 December 2019

Appeal Ref: APP/U5360/W/19/3226197

14 Brooke Road, Hackney, London, N16 7LS

- 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 Ibrahim Mapara against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2018/3488, dated 24 September 2018, was refused by notice dated 31 January 2019.
 - The development proposed is first and third floor roof terraces, replacement fenestration on the rear elevation and alterations to the existing rear dormer window.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the third-floor terrace upon the living conditions of the occupiers of neighbouring properties, with particular regard to privacy; and
 - the effect of the development upon the character and appearance of the surrounding area.

Reasons

Living conditions

3. The appeal site consists of an apartment that comprises the upper storeys of 14 Brooke Road, which is a terraced building. The adjoining dwellings are of a similar use and scale. In proximity to the appeal site are Leswin Road and Bayston Road, which run perpendicular from Brooke Road. Dwellings within these streets are generally terraced, but of smaller proportions than the buildings in Brooke Road.
4. The third-floor terrace would project a notable distance away from the rear elevation of the building. In consequence, a sizeable area would be created at an elevated height. From this, there would be several clear views into the rear gardens of nearby properties, including those within Leswin Road and Bayston Road.
5. This is of concern as the height of the structure would mean that views would be possible over the boundary treatments of nearby properties and the relatively small-scale landscaping that occurs within the surrounding gardens.

In consequence, there is limited scope for views from the third-floor terrace to be adequately diffused or screened.

6. Given that the neighbouring dwellings only feature gardens to the rear of the property, the over-looked areas represent the only places where residents might undertake activities such as outdoor recreation or play. I have also noted that the garden length of properties in Brooke Road are relatively small. In consequence, there would be a significant, and demonstrable, loss of privacy to the occupiers of adjoining properties.
7. In assessing this matter, I have had regard to the fact that views into the gardens of other properties in Brooke Road would be made at a more oblique angle. However, the lack of appropriate screening means that there would still be a significant loss of privacy to the gardens of neighbouring properties.
8. I note that some other properties within the wider area have had balconies installed. However, these tend to be on lower levels than the third-floor balcony currently under consideration and are smaller in size. Consequently, they do not have the same views into neighbouring properties and are unlikely to be used with the same intensity. Furthermore, I do not appear to have full information regarding their own individual planning circumstances which lessens the weight that can be attributed to them. I therefore do not find that the presence of balconies elsewhere requires me to disregard my previous concerns.
9. I therefore conclude that the proposed development, in the form of the third-floor terrace would have a significant adverse effect upon the living conditions of the occupiers of adjoining properties. The development, in this regard, fails to accord with requirements of Policies 7.4 and 7.6 of the London Plan (2016) (the London Plan); Policy 24 of the Hackney Local Development Core Strategy (2010) (the Core Strategy); Policy DM2 of the Hackney Development Management Local Plan (2015) (the Local Plan); and the Residential Extensions and Alterations Supplementary Planning Document (2009) (the SPD).
10. These policies, and the SPD, amongst other matters, seek to ensure that people are comfortable within their surroundings; that developments do not cause harm to their surroundings; ensure a good and optimum arrangement of the site; and not result in significant adverse harm to the living conditions of the occupiers of neighbouring properties.

Character and appearance

11. The appeal site and the adjoining dwellings form a terrace running along Brooke Road. There are gaps between the rear elevations of these dwellings and the side elevations of the terraces in the nearby streets of Leswin Road and Bayston Road. Some of the dwellings in Brooke Road have been extended through dormer windows or altered through the installation of different windows and elevation surface treatments. The existing windows of the dwelling feature double-glazing.
12. By reason of the layout of dwellings within the vicinity, views of the rear elevation of the appeal site occur comparatively infrequently and would, in the main, be screened by other buildings. Therefore, the rear elevation of the

appeal site would not be unduly prominent when viewed from nearby public areas.

13. In addition, several dwellings in Brooke Road have been the subject of extensions, including through the installation of dormer windows. Furthermore, there is a mixture of fenestration patterns and window materials present. I also note that the adjoining building has had cladding installed upon it. Therefore, whilst views would be possible from the gardens and rear elevation windows of several properties within the surrounding area, the development would be viewed against a backdrop of other dwellings that have been altered.
14. I also note that some dwellings in both Leswin Road and Bayston Road have been the subject of dormer extensions. Whilst these are generally sited on buildings that are smaller than the appeal site (and therefore unlikely to have the same impacts on the occupiers of neighbouring properties), their designs are very different. This reinforces the varied character to which the proposed development would be viewed alongside.
15. By reason of the mixture of surrounding building designs and materials, the proposed development would not appear to be unduly incongruous as it would be viewed alongside other buildings within no unifying trend. In consequence, the character and appearance of the surrounding area would not be significantly affected.
16. I therefore conclude that the proposed development would not have a significant adverse impact upon the character and appearance of the surrounding area. The development, in this particular regard, conforms with the requirements of Policy 7.4 and 7.6 of the London Plan; Policy 24 of the Core Strategy; Policies DM1 and DM2 of the Local Plan; and the SPD.
17. These policies, and the SPD, amongst other matters, seek to ensure that developments are of the highest architectural quality and appropriate for their surroundings; have regard to the pattern and grain of existing spaces and streets; create an attractive sense of place; respect the rhythm of existing buildings; and avoid disruption to the building's façade.

Other Matters

18. I have given the personal circumstances of the appellant careful consideration. However, I am mindful that, in general, planning decisions regarding land use need to be made in the public interest. Furthermore, I have not found any harm arising from the proposed development on the lower storeys of the appeal site. Therefore, I find that that these personal circumstances do not outweigh the unacceptable nature of the development.

Conclusion

19. I have found that the proposed development would not have a notable adverse impact upon the character and appearance of the surrounding area. However, this is outweighed by the harm that would be caused by the third-floor terrace to the living conditions of the occupiers of adjacent properties. Accordingly, and for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR