



Appeal Decision

Site visit made on 4 February 2020

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/U5360/W/19/3241268

131 Rendlesham Road, Hackney, London E5 8PA

- 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 M Ajaz against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/2912, dated 29 July 2019, was refused by notice dated 24 October 2019.
 - The development proposed is the erection of a rear dormer window and erection of single storey rear extension at ground floor level.
-

Decision

1. The appeal is dismissed insofar as it relates to the erection of a rear dormer window.
2. The appeal is allowed insofar as it relates to the erection of single storey rear extension at ground floor level and planning permission is granted for the erection of single storey rear extension at ground floor level at 131 Rendlesham Road, Hackney, London E5 8PA in accordance with the terms of the application, Ref 2019/2912, dated 29 July 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: Dwg No: A802-SLP; A802-2; A802-3; A802-4; A802-5 and A802-6.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal building is a 2-storey mid terrace property which is split with a flat on each floor. The property is located within a residential area comprising a mix of property types. On one side the attached neighbouring building is a larger 3-storey property, whilst on the other side there is a similar sized property to the

- appeal building. The latter neighbouring property has a large dormer on the rear roof slope.
5. The Council's Residential Extensions and Alterations Supplementary Planning Document (2009) (SPD) provides, amongst other things, a general guide for the design and scale of dormer windows. The proposed dormer would be to the rear and would have a width significantly larger than half the width of the host building in conflict with the advice within the SPD.
 6. However, paragraph 3.80 of the SPD does advise that where a number of larger rear box dormers already exist within the immediate vicinity then, subject to criteria and limits set out in the SPD, a further larger rear dormer might be acceptable. Such criteria listed includes, amongst other things, whether a larger rear roof extension would be acceptable in the existing context without adversely increasing the visual impact.
 7. There are a number of existing large box like dormers to the rear of Rendlesham Road and my attention has been drawn to appeal decisions where such existing features were given weight. However, the characteristics of each site and area are different and I do not have the full details of the circumstances that led to those proposals being accepted. As such, I cannot be certain that they represent a direct parallel to the appeal proposal, including in respect of the scale of dormer, its location and the characteristics of the area. In any case, I have considered the appeal on its own merits having regard to the existing dormers in the area.
 8. I do not have any details of how the existing dormers to the rear of Rendlesham Road came to exist. Nevertheless, they are existing features and they do form part of the existing character of the area. However, they do not, in my view, contribute positively to the area.
 9. The dormer would have a box like form and although set back, the dormer would occupy a considerable area of the rear roof slope. It would appear as an over-sized, top heavy, disproportionate and prominent feature which would significantly erode the original sloping three-dimensional roof form of the host building.
 10. The proposed dormer would be positioned near the dormer on the attached neighbouring property with little space in between. I recognise that the appellant has sought to match the design of the neighbouring dormer. However, the combination of the proposal with this dormer would exacerbate the harm through the cumulative bulk of both structures.
 11. I recognise that the effect would be relatively localised in terms of views from the rear of some properties along Rendlesham Road, Brooke Road and from Laundress Lane. Moreover, the location of the attached taller property would help to reduce the visual effects of the dormer. However, it would, in my view, nonetheless diminish the character and appearance of the host building and terrace group in an unacceptable manner.
 12. The appellant considers that the appeal building has the appearance of a terraced house and that the dormer would be similar to one which could benefit from permitted development (PD) rights were it a house rather than a flat. My attention has been drawn to an appeal decision where such an issue was given weight in its determination. I do recognise that visually it has the appearance

of a terrace house and alterations under PD are generally considered uncontentious. However, I do not give this matter significant weight as the property is not a dwelling house with such rights. As such, there is no likelihood that such a proposal could be erected under PD rights. I have therefore considered the proposal on its own merits.

13. The Council consider the rooflights to the front to be appropriate additions and I agree. They would occupy a small portion of the roof space and would not harm the appearance of the property. However, this does not alter my findings regarding the proposed dormer.
14. Accordingly, the proposed dormer would have a materially harmful impact on the character and appearance of the host property. The proposed dormer would therefore conflict with the requirements of Policies 7.4 and 7.6 of the London Plan (LP) (2016), Policy 24 of the Hackney Local Development Framework Core Strategy (CS) (2010) and Policy DM1 of the Hackney Development Management Local Plan (HLP) (2015) and the SPD. These seek, amongst other things, that all developments including alterations and extensions be of a high quality design. It would also conflict with the National Planning Policy Framework (the Framework) at paragraph 127, which broadly seeks to secure high quality design.
15. With regards to the proposed rear extension, it would be a modest extension, built with matching materials and, although it would reduce the area of garden space it would not result in a cramped form of development. I therefore consider that it would be an appropriate addition to the property that would not harm the character and appearance of the area. I therefore conclude that this aspect of the proposal would comply with Policies 7.4 and 7.6 of the LP, Policy 24 of the CS and Policy DM1 of the HLP, the SPD and Framework which seek, amongst other things, to secure high quality design. It is evident from the plans that are before me that this aspect of the appeal scheme is clearly severable, both physically and functionally from the proposed dormer extension.

Other Matters

16. Construction could cause some disruption, but this would be temporary and given the scale of works proposed, would be unlikely to be significantly harmful to the living conditions of the occupants of neighbouring properties. The proposed dormer window would allow a similar level of overlooking to the attached neighbouring property to that which exists from current windows on the building. Whilst the angle may vary slightly, I am not convinced that the additional window would result in a significant increase in overlooking. Moreover, the proposed ground floor extension would not increase the level of overlooking due to the position of the rear facing window.
17. There is no substantive evidence before me that there would be any loss of light to neighbouring properties from the proposal. Moreover, any change to outlook from the proposal from neighbouring properties would not, in my view, harm the living conditions of the occupants of neighbouring properties. Whilst I recognise that there would be a loss of some garden space, there would still be a reasonable level retained.
18. The lack of harm in these respects is a neutral matter weighing neither for or against the proposal.

Conditions

19. The Council has not requested that any planning conditions be imposed. In addition to the standard implementation condition, a condition is necessary to ensure the development is carried out in accordance with the plans submitted with the application. A condition to ensure that the materials match those used on the original building is necessary in the interests of the visual amenity of the area.

Conclusion

20. I note the appellants' references to paragraphs 38, 124 and 130 of the Framework and in particular the presumption in favour of sustainable development. Good design is a key aspect of sustainable development and the desirability of new development making a positive contribution to local character and distinctiveness. However, the proposed rear dormer would have a harmful effect on the character and appearance of the area. Therefore, on balance and for the above reasons, I conclude that the proposed rear dormer would not represent sustainable development as sought by the Framework.
21. The erection of the proposed single storey rear extension at ground floor level is clearly severable both physically and functionally from the proposed rear dormer window.
22. Accordingly, for the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the erection of the single storey rear extension at ground floor level but dismissed insofar as it relates to the proposed rear dormer window.

Robert Walker

INSPECTOR