
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: 24 February 2020

Appeal Ref: APP/U5360/W/19/3241414

4 Ardleigh Road, Hackney, London N1 4HP

- 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 Miller against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/2842, dated 2 August 2019, was refused by notice dated 14 October 2019.
 - The development proposed is the construction of a single storey lower ground floor extension to the rear of the existing 4 bed house. Part 1 and 2 storey rear extension and conversion of existing garage to provide a self-contained 2 bed unit. Front boundary treatment alterations and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey lower ground floor extension to the rear of the existing 4 bed house. Part 1 and 2 storey rear extension and conversion of existing garage to provide a self-contained 2 bed unit. Front boundary treatment alterations and associated landscaping at 4 Ardleigh Road, Hackney, London N1 4HP in accordance with the terms of the application Ref 2019/2842, dated 2 August 2019, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The description of development given on the planning application form and appeal form differ. The description in the header above is taken from the planning application form which accurately describes the proposals.

Main Issue

3. The main issue in this appeal is whether the proposed development would preserve or enhance the character or appearance of the De Beauvoir Conservation Area.

Reasons

4. The appeal site is located within the De Beauvoir Conservation Area (CA). As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. For the purposes of the National Planning Policy Framework (the Framework), the CA is a designated heritage asset.

5. I consider that the significance of the CA lies, in part, to the attractiveness, quality and variety of Victorian housing including semi-detached villas and terrace houses. There is diversity to housing types and the design of the built form appears to vary within the CA. However, there are often common characteristics within individual streets and rows of properties. Ardleigh Road reflects this mix with no consistent pattern of built form.
6. The appeal site appears to form half of a pair of original semi-detached double fronted houses (Nos 2-4). The Council's decision notice refers to the appeal site as forming part of a terrace and there does appear to be a physical link between No 2 and No 2A Ardleigh Road at ground floor. However, Nos 2-4 continue to be viewed in the street scene as a pair. They retain features typical of the period and contribute positively to the significance of the CA.
7. From Ardleigh Road the proposal would be stepped back from the front building line of the host property and would appear subservient to it in the street scene. The proposal would use matching materials and the additional footprint to the side would be modest. Moreover, Nos 2-4 would continue to be clearly legible as a pair, and their character would be maintained.
8. I recognise that the proposed rear extension does project significantly beyond the original building line of Nos 2-4. However, the building line in Ardleigh Road is not a rigid one which sets any need for absolute adherence and many nearby properties have been extended. The adjacent terrace group in Ardleigh Road (Nos 6-12) are staggered back from the rear building line of Nos 2-4. The proposal would not project beyond the existing extension at No 8 Ardleigh Road. Moreover, the design of the proposal would maintain a staggered built form between Nos 6-12 and Nos 2-4.
9. I recognise that the proposal is contrary to pre-application advice from the Council prior to submitting the proposal. Moreover, I note representations made to the application suggest that preference would be given to a reduced built form creating a smaller dwelling. However, pre-application advice is not binding on either party and, in any case, I have determined the appeal on its own merits.
10. Given the context of the existing staggered and altered rear of properties in this part of the CA, the height of the proposal and its staggered design, it would not, in my view, appear as an obtrusive or incompatible form of development.
11. The Council considers the proposed single storey lower ground floor extension to the rear of the existing house and the front boundary treatment alterations and associated landscaping to be appropriate additions. For the reasons given in the Planning Officer's Report I would reach the same conclusion.
12. I therefore conclude that the proposal would preserve the character and appearance of the De Beauvoir CA. The proposal would therefore comply with the requirements of Policies 7.4, 7.6 and 7.8 of the London Plan (2016), Policies 24 and 25 of the Hackney Local Development Framework Core Strategy (2010) and Policies DM1 and DM28 of the Hackney Development Management Local Plan (2015) and the Framework. The proposal would also comply with the objectives of the Council's Residential Extensions and Alterations Supplementary Planning Document (2009). These seek, amongst other things, that developments respect the visual integrity and established scale, massing

and rhythm of the building, frontages, group of buildings or street scene (including characteristic building lines and plot widths), of which they form a part.

Conditions

13. I have considered the conditions put forward by the Council in the light of the requirements of the national Planning Practice Guidance (PPG) and the Framework. Where necessary consent has been obtained from the appellant for pre-commencement conditions. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings and plans as this provides certainty.
14. Where necessary and in the interests of clarity and precision I have altered the Council's suggested conditions to better reflect the relevant guidance. A condition requiring the details of external materials is necessary to secure an appropriate appearance of the development. A condition to protect retained trees is necessary due to the proximity of trees to the development. A condition requiring details of hard and soft landscaping works including hard surfacing, boundary treatments and replacement tree planting is necessary to secure an appropriate appearance of the development, in the interests of the retained trees and to manage surface water run-off.
15. It is necessary for these to be a pre-commencement condition as the carrying out of building work in advance of approval could prejudice the scope to agree any changes to the submitted details which may be required and in order to provide protection to retained trees over the full course of development.
16. A request has been received from an interested party for swift nest boxes or bricks to be required as a condition of any consent. However, the proposal would not impact on the roof structure of the original dwelling and I have no substantive evidence that there would be any impact to bats or swifts. I therefore agree with the Council that it would not be reasonable to require such measures as a condition.

Conclusion

17. For the reasons set out above and having regard to all matters raised, I conclude that the appeal should be allowed.

Robert Walker

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 in accordance with the following approved plans: Drawing Number: LO-A-01; LO-A-02; EX- A0.01; EX-A1.01; EX-A1.02; EX-A1.03; EX-A1.04; EX-A2.01; EX-A2.01b; EX-A2.02; EX-A2.03; EX-A3.01; EX-A3.02; EX-A4.01; PR-A0.01; PR-A0.02; PR-A1.01; PR-

A1.02; PR-A1.03; PR-A1.04; PR-A1.05; PR-A2.01; PR-A2.01b; PR-A2.02; PR-A2.03; PR-A3.01; PR-A3.02; PR-A4.01; PRI22554-01 and PRI22554-03.

- 3) No development shall commence until details including samples of the materials and/or commercial specifications to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the site specific appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 5) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) Details of any trees to be removed and the quantity, size, species, and positions of all replacement trees to be planted;
 - ii) boundary treatments;
 - iii) hard surfacing materials including details of permeable paving;
 - iv) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.