



Appeal Decision

Site visit made on Tuesday 21 January 2020 by S Witherley

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/U5360/W/19/3238400

109 Powerscroft Road, London, E5 0PT

- 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 Mrs Fatima Patel against the decision of the Council of the London Borough of Hackney.
 - The application, Ref 2019/0530, dated 11 February 2019, was refused by notice 15 April 2019.
 - The development proposed as described on the application form is:
Demolish existing garage to create one new dwelling in the rear garden of 109 Powerscroft Rd, Hackney.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
3. The Council noted a discrepancy with the details contained in the drawings and, from observations made at the time of the site visit, it is clear that the drawings annotating the height of the existing garage are incorrect. This discrepancy did not prevent me from carrying out a full appraisal of the appeal proposal or its impact upon the character and appearance of the streetscape.

Main Issue

4. The effect of the proposal on 1) the character and appearance of the surrounding streetscape, 2) on the living conditions of the proposed occupiers.

Reasons for the Recommendation

5. The appeal site is located within the rear garden of a three storey plus basement dwellinghouse which fronts onto Powerscroft Road. The proposal seeks to demolish the existing garage which fronts onto Lawley Street and erect a single storey plus basement dwellinghouse over an extended footprint.

Character and appearance

6. The Council have indicated that the proposed scale of the flat roof single storey development in this location would be acceptable in principle and have referenced other developments in the locality where planning approval has been granted for similar proposals. However, they have noted that the proposed scale and design would not represent the scale and character of the immediate area and is not of a high quality as required by Policy DM1 of the Hackney Development Management Local Plan (2015).
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7. The character of the surrounding area is derived from a mix of two storey properties configured in perimeter blocks of which properties vary in style, but which appear to be of a similar age and type. Properties within a terrace row typically follow a distinctive building line. The end properties typically sit at right angles to the opposing terrace row and have a different layout with some having large imposing buildings located on corner plots with a dual frontage, whilst others have gardens and some, like the appeal site, have a combination of rear garden with a single garage or access space for off street parking.
8. The design depicts a contemporary designed flat roof dwelling which would replace an existing garage with flat roof structure, albeit the footprint of the proposal would be slightly larger at ground floor level. As a result of the proposal being built along the same building line as No. 2 Lawley Street, its height not exceeding the height of the existing garage and its flat roof reflecting the flat roof profile of properties overlooking Lawley Road, its design, scale and form would not appear out of keeping in this part of the streetscape. Whilst it is acknowledged that the roofs along this section of Lawley Road have butterfly roofs, they appear flat at the front as a result of the parapet cornice. The proposal would, therefore, respect the established pattern of development that currently exists and responds to the context of the site and wider streetscape, ensuring that the character and appearance of the area, with particular regard to Lawley Street, is not diminished.
9. I conclude on this main issue that the proposal would not have a harmful effect on the character and appearance of the surrounding streetscape, and, therefore, accords with Policies 7.4, and 7.6 of the London Plan (2016) (LP), Policies 24 of the Hackney Local Development Framework Core Strategy (2010) (CS), Policies DM1 of the Hackney Development Management Local Plan (2015) (DMLP) and the guidance contained within Local Development Framework, Supplementary Planning Document *Residential extensions and alterations* (2009) (SPD).

Living conditions

10. The details show the proposal would have a lounge/dining area and bathroom at ground level and a bedroom, storage area and kitchen in the basement. Externally there would be an area located at the front of the property that would be used for a cycle and bin storage area. This area would provide access to the property and would also provide a lightwell into the bedroom located at basement level.
11. There is difference between the Council and the appellant's evidence regarding the minimum Gross Internal Area (GIA). Table 3.3 contained within Policy 3.5 of the LP states the minimum GIA for a 1 bedroom 2 persons dwellings is 58m². The appellant asserts that the proposal provides the minimum GIA whilst the Council conclude the GIA provided is 56m². Nevertheless, the difference between the two calculations is considered minimal and would not necessarily justify permission being withheld of itself, providing that the accommodation was laid out in a way that would provide a good standard of living conditions.
12. Additional standards are contained in the *Housing* Supplementary Planning Guidance London Plan (2016) (LP SPG) for new housing development. This guidance recommends that a minimum of 5sqm be provided for private outdoor space. The proposal provides an area to the front of the proposed dwelling for the storage of bicycles and waste bins with the lightwell being set back from the pavement area and bounded by black powered coated railings. Whilst this provides a degree of outdoor space, it is in clear public view and, as a result, the occupants of the property would not be able to enjoy a good level of

private outdoor living space. The proposal does not, therefore, comply with Standard 26 of the LP SPG.

13. The proposal would allow natural light into the living area at ground floor level and an element of light via the lightwell to the bedroom located in the basement. The SPG recommends that direct sunlight should enter at least one habitable room for part of the day as a minimum and recommends that living areas and kitchen/dining areas should preferably receive direct sunlight. The proposed internal accommodation at first floor would provide adequate opportunity for sunlight to enter the main lounge/dining area and would, therefore, comply with this standard. However, given that the accommodation is split over two floors and that only the bedroom accommodation in the basement is provided with an element of natural light, the kitchen area located at the rear would receive no natural light as a result of the internal layout. Given this, the lack of windows servicing the kitchen would result in unsatisfactory living conditions due to the lack of natural light entering a key living area which would be detrimental to the living conditions of the occupiers. The proposal, therefore, in my opinion, does not comply with Standard 32 of the LP SPG in this regard.
14. Consequently, the proposal would, therefore, have a detrimental impact on the living conditions of the proposed occupants due to poor levels of natural daylight and limited outlook, the proposal is contrary to Policy 3.5 of the (2016) LP, Policy 24 of the (2010) CS, Policy DM1 (2015) DMLP and the standards contained within the LP SPG.

Other matters

15. Matters relating to the living conditions of the occupants of No. 109, with particular regard to loss of light, have been assessed by the Council and found not to have a material impact on the occupiers of this property. There is no reason to disagree. Other matters were also considered by the Council and which were considered to be acceptable, these matters related to waste, transport, contaminated land risk and flood risk. Having regard to the details before me there is no reason to consider a different view on any of these matters.
16. Examples of other proposals throughout the area have been submitted. However, although some images and details have been supplied the information is not sufficient for a direct comparison to the scheme before me to be drawn. From the information before me the proposal at 107 Powerscroft Road was a larger property with two storeys above ground benefitting from large areas of glazing and the dwelling at 86a Rushmore Road is set over a greater footprint. Little information is provided with regard to the other examples referred to, some of which appear to be basement extensions to existing houses which would have a different context than the current proposal. Consequently, I have determined the proposal on its individual merits and reference to other developments does not alter my conclusion on the level of harm that would arise to the living conditions of future occupants.
17. Objections from neighbours were received and these included concerns regarding the impact of the proposal in regard to its design, loss of light and inaccurate drawings. These matters have been addressed by the Council and also as part of the above assessment.

Conclusion

18. Drawing all of these factors together, the lack of harm caused to the character and appearance of the area and the other benefits found in favour of the proposal do not outweigh the level of harm found as a result of the lack of private outdoor space and lack of natural light to key living areas within the accommodation to the living conditions of

the proposed occupants. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal should be dismissed.

Chris Preston

INSPECTOR