



Appeal Decision

Site visit made on 27 January 2020 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2020

Appeal Ref: APP/U5360/D/19/3239531

65 Mayola Road, Hackney, London E5 0RF

- 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 & Mrs Mark Richardson against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/2275, dated 20 June 2019, was refused by notice dated 10 September 2019.
 - The proposed development is refurbishment and modifications to house including creation of front light well and rear single storey garden extension.
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Decision

1. The appeal is allowed and planning permission is granted for refurbishment and modifications to house including creation of front light well and rear single storey garden extension at 65 Mayola Road, Hackney, London E5 0RF, in accordance with the terms of the application, Ref 2019/2275, dated 20 June 2019, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. 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.
 3. The development hereby permitted shall be carried out in accordance with the approved plans: 1023/SLP, 1023/01, 1023/02, 1023/03, 1023/10 Rev E, 1023/11 Rev D, 1023/12 Rev C, 1023/13 Rev B, 1023/14 Rev B, and 1023/15 Rev A.
 4. A scheme for the provision and implementation of flood resilient and resistant construction measures for the extension against surface water flood risk shall be submitted to and agreed in writing by the local planning authority prior to the commencement of the development. The scheme shall be carried out as approved in its entirety before the extension is occupied.

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.
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Procedural Matters

3. The drawings submitted by the appellant during the course of the application were inconsistent, in that the depth of the garden extension on the floor plans was slightly greater than that on the elevation and section drawings. During the course of this appeal, the appellant has provided accurate and consistent drawings which essentially alter the elevation and sections plans so that they now correspond accurately to the floor plans. While neighbouring occupants have not had the chance to provide comments on these, I consider that they would not be prejudiced by my acceptance of them as the regularise rather than alter the proposal. I have therefore accepted these revised plans and have based my determination on them.

Main Issues

4. The main issues are:
 - i) the effect of the proposed development on the character and appearance of the site and surrounding area.
 - ii) the effect of the proposed development on the living conditions of the occupants of No. 63 Mayola Road, with particular regard to outlook.

Reasons for the Recommendation

Character and appearance

5. The appeal site comprises a two-storey mid-terrace property with lower ground floor level on the western side of Mayola Road. At the front, many properties within the adjoining terrace feature lightwells. At the rear, several properties have been subject to rear extensions, such as No. 67 which adjoins to the north. Compared to the neighbouring extension at No. 67, the proposal would have an additional depth of around 1m. However, this additional depth would be set down in height by approximately 0.5m, thereby sufficiently mitigating the appearance of any additional bulk relative to No. 67. The height of the majority of the lower ground floor extension, and its overall scale would be broadly comparable to extension at No. 67 and other properties within the terrace. As such, the proposal would appear as a suitably subservient addition to the appeal property and would relate positively to the proportions and appearance of the wider terrace.
6. As the Residential Extensions and Alterations SPD (2009) states that rear extensions should have a depth no greater than 3m from the rear of the property, the proposal would not be compliant in this respect. However, the SPD also states that a design principle for rear extensions is that they must be subordinate to the principal building. As I have found that the proposed rear extension would be appropriately subservient, the proposal would be broadly compliant with the aims and objectives of the SPD and, on balance, would be acceptable in this regard.
7. For the above reasons, I conclude that the proposed development would not cause unacceptable harm to the character and appearance of the site and surrounding area. The proposed development would therefore comply with Policies 7.4 and 7.6 of the London Plan (2016), Policy CS24 of the Core Strategy (2010) and Policy DM1 of the Development Management Local Plan (2015) and the Residential Extensions and Alterations SPD (2009), which state

that development proposals should be of the highest quality, respond to local character, contribute positively to a sense of place and appear subordinate to the principal building.

Living Conditions of No. 63 Mayola Road

8. The Council has raised concerns with the effects of the proposed development on the outlook from No. 63. This has no side-facing windows at lower ground or ground floor levels and whilst there is a rear-facing door with glazing at lower-ground floor level, this is set down below the level of their own rear patio area by approximately 0.5m. As part of the proposal, a courtyard measuring around 3.5m in depth and about 1.5m in width would be retained between the principal rear elevation and the proposed extension. Given the depth and width of the courtyard, the extension would be sufficiently set forward from the adjacent rear-facing door such that there would be no significant harm caused to the outlook from it.
9. I acknowledge that the height of the proposed extension along the shared boundary with No. 63 has increased by around 0.5m in comparison to the previously refused scheme, application Ref 2018/1718. Regardless, I have found that the proposal would have an acceptable impact on the neighbouring occupants' outlook for the reasons set out above.
10. For the above reasons, I conclude that the proposed development would not cause unacceptable harm to the living conditions of the occupants of No. 63 Mayola Road with regard to outlook. The proposed development would therefore comply with Policy 7.6 of the London Plan (2016) and Policy DM2 of the Development Management Local Plan (2015), which state that development should not harm the amenity of surrounding residential occupiers in terms of privacy, overlooking and outlook. However, I consider that neither Policy 7.4 of the London Plan (2016) nor Policy CS24 of the Core Strategy (2010) referred to in the first reason for refusal on the Council's decision notice are particularly relevant to this issue, as these policies relate to local character and design, not the impact of development on the living conditions of surrounding residential occupiers.

Other Matters

11. The Council raise no objection to the front light well and I have no reason to come to a different conclusion.

Conditions

12. The conditions which are imposed are those which have been suggested by the Council, but with some variation in the interest of clarity and precision having regard to the advice on imposing conditions in the National Planning Policy Framework and Planning Practice Guidance.
13. In addition to the standard timescale condition, I have imposed a condition requiring that the scheme be built in accordance with the approved plans for the avoidance of doubt.
14. To preserve the character and appearance of the host property and adjoining terrace, I have imposed a condition requiring that external materials used in the construction of the proposed development should match those of the existing building.

15. The site is located within an area that is at high risk of surface water flooding. To mitigate against any potential harm that could be caused in this respect, I have imposed a condition which requires that a scheme detailing construction measures resistant to surface water flooding must be submitted to and approved by the Council prior to construction. For it to be effective, the details must be submitted prior to the commencement of the development.
16. The Council have suggested a condition requiring that a plan for the management and maintenance of the proposed green roof must be submitted to and approved by the local planning authority before the commencement of development. However, I am not satisfied that such a condition would be necessary in planning terms. As such, I have not imposed this condition.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR