



Appeal Decision

Site visit made on 10 March 2020

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2020

Appeal Ref: APP/U5360/W/19/3243458

54 and 56 Kyverdale Road, Hackney London N16 7AJ

- 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 Hauser against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/3086, dated 19 August 2019, was refused by notice dated 11 October 2019.
 - The development proposed is excavation of a rear basement extension, including associated lightwells, and erection of a single storey rear ground floor extension.
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Decision

1. The appeal is allowed, and planning permission is granted for the excavation of a rear basement extension, including associated lightwells, and erection of a single storey rear ground floor extension at 54 and 56 Kyverdale Road, Hackney London N16 7AJ. This is in accordance with the terms of the application Ref 2019/3086, dated 19 August 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 development hereby permitted shall be carried out and completed strictly in accordance with the following approved plans: Existing/proposed block plans Drawing No. 2242_03, Existing plan Drawing No. 2242_01 and Proposed plan Drawing No. 2242_02C.
 - 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.

Procedural Matter

2. The description of development used in the banner heading above is taken from the Councils decision notice and that quoted by the appellant in the appeal form. I consider this is a more detailed and accurate description of the proposed development to the properties than that stated on the application form.

Main Issues

3. The main issues are (i) the effect of the proposal on the character and appearance of the host dwellings and (ii) whether the proposed development would preserve or enhance the character or appearance of the Northwold and Cazenove Conservation Area.

Reasons

Host properties

4. The appeal site is occupied by two three storey buildings comprising a mid terrace property (No 56) and end of terrace property (No 54) which have been subdivided into flats. They form part of a Victorian terrace which is the predominant character along Kyverdale Road. The properties are three storey with a lower basement.
5. The Hackney Residential Extensions and Alterations Supplementary Planning Document (2009) states that for terrace properties the maximum depth for single storey extensions is normally 3m. However, the SPD identifies that where there are larger rear extensions in the vicinity then slightly larger rear extensions may be considered.
6. It is evident that the surrounding area particularly to east of the site, a number of the existing properties have considerable rear extensions. This is part of the character and pattern of development to the rear of properties in this area. An existing extension currently exists at No 54 however there is dispute as to whether this is authorised. No 56 currently benefits from an extant planning consent for the construction of a similar lower basement and lower ground floor extension albeit not as deep as this proposal.
7. The proposed rear extension would be 4.5m in depth with the lower ground floor level spanning the width of the properties and the upper ground floor level being set in. This would be in excess of the guidance in the SPD, but the Council have indicated that the extant consent for a similar extension at No 56 would be 4.2m at lower ground floor and 3.6m deep at ground floor. However, the existing properties are large and considering their scale, whilst the extension would be prominent it would not adversely affect the proportions of the building and the depth is considered acceptable. The common design approach for the integrated extension spanning both properties would give the extension a sense of uniformity and balance to the rear of the properties and thus is considered acceptable. In addition, the modern design is an acceptable design response.
8. Further, notwithstanding that I consider the proposal to be acceptable in its own right, having considered the extant consent to No 56 and the existing extension to No 54 I consider the proposal would present a better design response than what exists and is currently permitted. In this case I find that a larger rear extension to the properties than that recommended in the SPD is acceptable considering the integrated design response. The SPD acknowledges that larger rear extensions may be acceptable, and, in this appeal, I find that to be the case and accordingly is not contrary to the aims of the SPD. Consequently, I do not find harm to the character and appearance of the host dwellings.

9. Therefore, the proposal would not result in harm to the character and appearance of the host dwellings and thus would not be contrary to the design aims of Policies 7.4 and 7.6 of the London Plan (2016), Policy 24 of the Hackney Core Strategy (2010) (Core Strategy) and Policy DM1 of the Hackney Development Management Local Plan (2015) (Local Plan) and the SPD. Amongst other matters, these policies seek that development makes a positive contribution to the character of Hackneys built environment, should provide a high-quality design response that complements not necessarily replicate local architectural character and respects the visual integrity and established scale, massing and rhythm of the building.

Conservation Area

10. The site is located within the Northwold and Cazenove Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
11. The Northwold and Cazenove Conservation Area Appraisal (2010) (CAA) identifies that it has an important place in the architectural history of Hackney because of the high quality and variety of types of Victorian homes within it. Kyverdale Road is located in the Northwold Character Area where the special character along Kyverdale Road predominantly relates to the two storey buildings over a basement with bonnets over first floor bays. Other features include window detailing, unusual casement windows to first floor and heavy painted stone surrounds. Therefore, the special character along this street relates to the frontage of properties visible from the street scene which the proposal would not disrupt. However, the CAA identifies amongst other matters threats to its character and appearance include inappropriate alterations such as large extensions.
12. I observed on my site visit that the rear gardens in the immediate locality are characterised by generally large gardens with tree cover giving the rear aspect a verdant character. There is a mix of dwelling types aside from the terraced form with semi-detached properties to the east and a block of flats to the south. A part of the character of the rear aspect of properties is the existence of rear extensions to properties many of a large scale. This includes properties directly opposite the appeal site along Osbaldeston Road. In addition, a not much smaller extension has been permitted on No 56 which was not considered to result in harm to the CA. Accordingly, the extension proposed whilst large is of a good design, and spanning both properties would retain a sense of uniformity which would not visually detract from the CA given the surrounding context.
13. Taking all of this into account, the proposal would not harm the character or appearance of the Northwold and Cazenove CA and would preserve its significance as a designated heritage asset. Thus, it would not be in conflict with Policies 7.8 of the London Plan (2016), Policy 25 of the Core Strategy and Policy DM28 of the Local Plan. Amongst other matters, these policies seek that development makes a positive contribution to character and conserves the significance of designated heritage assets, by being sympathetic to the form, scale and materials, and that extensions should not upset the scale or proportion of buildings or adversely affect the character of neighbouring

buildings. It would also not be contrary to the Framework, which requires great weight to be given to an asset's conservation.

Conditions

14. I have considered the suggested conditions in light of the Framework and Planning Practice Guidance. I have imposed a condition specifying the relevant drawings in the interests of certainty and a condition on matching materials in order to ensure the satisfactory appearance of the development. I have not imposed the Council's suggested condition that seeks to restrict the use of the roof as a recreational terrace. The drawings do not indicate any obvious way to get onto the flat roof areas and use of the roof areas as a balcony/terrace does not form part of the approved plans. Also, I am not aware of any such restrictions applying to surrounding properties with extensions. In the particular circumstances of this appeal, I find no clear justification for the general imposition of such a condition.

Conclusion

15. For the reasons given above, the appeal is allowed.

Stephen Thomas

INSPECTOR