



Appeal Decision

Site visit made on 2 July 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2020

Appeal Ref: APP/U5360/W/20/3246244
55 Linthorpe Road, London N16 5QT

- 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 Deutsch against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/2630, dated 10 October 2019, was refused by notice dated 22 November 2019.
 - The development proposed is insertion of double doors and deck with metal staircase at rear of property giving access from upper floor flat to garden space.
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Decision

1. The appeal is allowed and planning permission is granted for the insertion of double doors and deck with metal staircase at rear of property giving access from upper floor flat to garden space at 55 Linthorpe Road, London N16 5QT, in accordance with the terms of the application, 2019/2630, dated 10 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in complete accordance with the following approved plans: 2223_03; 2223_04; 2223_05; 2223_06A; 2223_07A.
 - 3) Prior to the first use/occupation of the development hereby permitted, the 1.5m high obscure-glazed balustrade as depicted upon approved plans 2223_06A and 2223_07A shall be erected. Thereafter the balustrade shall be retained in its approved form at all times.

Procedural Matter

2. The Council's emerging Local Plan 2033 (LP33) has been examined and the examining Inspector's report was released on 10 June 2020. This report concludes that LP33 provides an appropriate basis for the planning of the Borough subject to a number of main modifications being made to it. It is my understanding that LP33 is scheduled for adoption by the Council on 22 July 2020. Whilst it does not yet form part of the development plan, LP33 is at a stage that attracts considerable weight. The main parties to this appeal have had the opportunity to provide observations as regards the relevance of LP33's progression and I have considered any comments received accordingly.

Main Issues

3. The main issues are:

- The effect upon the character and appearance of the host property and surrounding area; and
- The effect upon the living conditions of neighbouring residential occupiers, having particular regard to privacy.

Reasons

Character and appearance

4. The appeal property has been subdivided into flats and forms part of an established terrace of residential properties (Nos 53-59 Linthorpe Road) that are served by regularly laid out rear garden areas. The properties within the terrace are, in broad terms, of similar design and form.
5. The proposed alterations and additions to the appeal property would be sited to the rear and in a relatively discreet location. Indeed, any clear views of the works from publicly available vantage points would be fleeting and limited in extent. I also note that a metal staircase is already in place to the rear of No 59 Linthorpe Road. Whilst an obscure-glazed balustrade is proposed and I am unaware of any such similarly glazed installations locally, the balustrade (and staircase) would be of limited scale and height. Including when viewed and experienced by neighbouring residents, the intended additions would not appear unduly prominent or out of keeping with their surroundings.
6. The Residential Extensions and Alterations Supplementary Planning Document (April 2009) (the SPD) states that traditional painted timber, vertical sliding sash windows should be retained and repaired where possible, and that modern materials and changes to window frame patterns are generally unacceptable for traditional building forms. In this case, whilst a single window of traditional sliding sash design would be lost, the proposed UPVC double doors would (with the exception of their lowest portion) follow the extent of the existing aperture. It is also the case that numerous window and door openings constructed from modern materials and not of inherently traditional design are already in place to the rear façade of the terrace in question. In this context, the proposed alterations to the property's discreetly located rear elevation would have a limited and acceptable effect.
7. For the above reasons, the proposal would not cause harm to the character and appearance of the host property or surrounding area. The proposal accords with Policies 7.4 and 7.6 of the London Plan (2016), Policy 24 of the Hackney Core Strategy (November 2010), Policy DM1 of the Development Management Local Plan (July 2015) (the DMLP) and emerging Policy LP1 of LP33 in so far as these policies require all developments to be of high quality design and that buildings and structures comprise details and materials that complement, not necessarily replicate, the local architectural character.

Living conditions

8. The proposal involves the creation of a small balcony/landing area (the landing area) external to where the newly proposed double doors would be inserted.

As set out in the SPD, balconies are not normally acceptable where they would impact on the privacy of neighbouring occupiers.

9. In this case the landing area would be of limited depth. Indeed, when compared to an existing bay feature that is located to the eastern side of the appeal property's rear elevation, the landing area would extend a similar short distance to the rear. Its dimensions would not promote the landing area being occupied by users for extended periods of time, nor the creation of views that are not already similarly available from existing rear-facing window openings at the appeal property.
10. Furthermore, I am satisfied that the proposed obscure-glazed balustrade would provide ample mitigation to guard against the potential for sensitive overlooking opportunities to be created at or adjacent to the site's western boundary.
11. For the above reasons, the proposal would not cause harm to the living conditions of neighbouring residential occupiers, having particular regard to privacy. The proposal accords with Policies 7.4 and 7.6 of the London Plan (2016), Policy DM2 of the DMLP and emerging Policy LP2 of LP33 in so far as these policies require that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy.
12. The proposed development accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

13. In the interests of certainty, a condition specifying the approved plans is required. In the interests of protecting the privacy of neighbouring residential occupiers to the west, a condition is reasonable and necessary that secures the erection and subsequent retention of the permitted obscure-glazed balustrade.

Conclusion

14. For the above reasons, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR