



Appeal Decision

Site visit made on 7 September 2020

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2020

Appeal Ref: APP/U5360/D/20/3251663

123 Nevill Road, Hackney, London, N16 0SU

- 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 Ms J Beck against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2020/0392 dated 3 February 2020, was refused by notice dated 8 April 2020.
 - The development proposed is roof extension to rear section of pitched roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellants listed on the appeal form are Mr & Mrs E Beck. However, the original planning application was made in the name of Ms J Beck. Only the original applicant has the right to appeal, so the appeal proceeds in the name of Ms J Beck.
3. Since the appeal was made the Council has adopted the Hackney Local Plan 2033 (July 2020). It replaces policies of the Hackney Local Development Framework Core Strategy (2010) and the Hackney Development Management Local Plan (2015). Consequently, I have had regard to the newly adopted policies in my decision and the parties have been provided with an opportunity to comment.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the host property and the terrace.

Reasons

5. Like the other dwellings nearby in the terrace No. 123 appears to have originally been constructed as a two-storey dwelling under a front parapet wall and butterfly roof with a part width two-storey rear outrigger. It benefits from a third storey on its main roof as well as an infill extension on the ground floor. A number of nearby properties have also undergone improvements including third floors and rear extensions and alterations. However, most retain the original pitched roof two-storey outrigger and the traditional modest rectangular first floor window openings. The neighbouring No. 121 is one of

- three dwellings I could see in this and the opposite terrace, that has extended with a third storey on top of the two-storey outrigger.
6. This proposed outrigger extension would finish above the top eaves of the original roof and be approximately 2.4m above the outrigger parapet separating it from No. 121. It would be discernibly higher than the neighbouring outrigger extension. Such is the height of the development the elevation plans show it would cut across an existing third floor window, resulting in an unsatisfactory and poor relationship with the existing dwelling.
 7. On the downslope side of the outrigger the extension would be approximately 3.3m in height. It would appear much higher than a typical storey height and combined with its depth, would create dark flank elevation that would be disproportionately and incongruously high, bulky and dominant in comparison to the character and appearance of the host and neighbouring properties. This would be discernible as such from a number of neighbouring properties and would be harmful. The size and design of the almost full width window opening on the rear elevation would exacerbate the bulky and harmful appearance. Furthermore, the rear and side windows would not in keeping with and would be incongruent to the size and shape of the more modest traditionally shaped window openings on the first and second floors on the appeal site and prevalent on several neighbouring properties.
 8. I note the appellant's suggestion that there might be some benefit from the development from providing symmetry with No. 121. However, the increased height, scale, bulk and appearance of the proposed development, would have only limited symmetry and balance with the neighbouring development. Furthermore, any benefits from this would be outweighed by the harm that I have outlined above, which would be visible from a number of surrounding properties.
 9. At my visit I noted three properties visible from the appeal site benefitting from third storey outrigger extensions. Such developments do not form part of the prevailing or overriding character of either this terrace, or the opposite terrace. These small number I was able to see had smaller rear window openings in keeping with the traditional original style windows on many of the dwellings. Although it is suggested they were either installed under permitted development rights or granted express permission as a consequence of being compliant with the Council's policies, the detailed circumstances of these proposals are not before me. Therefore, I cannot make a fully reasoned comparison with the appeal proposal, which I have considered on its own merits. The presence of these small number of other outrigger extensions does not justify allowing this appeal proposal.
 10. The Council raises no objection to the bi-fold doors at the ground floor level of the rear elevation and is satisfied the development would not result in harmful living conditions in respect of loss of daylight, outlook or overlooking. I see no reason to disagree. There is no evidence to demonstrate the appellant's other intended refurbishments outweigh or mitigate the harm I have found. The appellant has stated some dissatisfaction with the Council's handling of the application. However, my consideration of the development is confined to the planning merits only.
 11. For the reasons set out above the proposed development would be harmful to the character and appearance of the host dwelling and the terrace. It would

therefore conflict with Policies LP1 and LP17 of the Hackney Local Plan 2033 (July 2020) and Policies 7.4 and 7.6 of the London Plan (2016). In combination and amongst other things these expect development to be well designed and provide a high-quality design that responds to and complements local character.

12. The development would also conflict with the advice in the Council's Residential Extensions and Alterations Supplementary Planning Document (2009) (the SPD), because the extension would project above and therefore disrupt the original eaves, and fails to respect the architectural character of the original building and its setting. The appellant has highlighted that Policy LP17 refers to the SPD which is from 2009. However, the SPD is still of some relevance to the proposal as it sets out advice to help ensure development is in keeping with the character and appearance of the host dwelling, terrace and the area.

Conclusion

13. For the reasons set out above and having regard to all the matters raised, the appeal should not succeed.

Dan Szymanski

INSPECTOR