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## Appeal Decisions

Site visit made on 15 September 2020

**by William Cooper BA (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> October 2020**

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### **Appeal A Ref: APP/U5360/W/19/3240076**

#### **14 Durley Road, Hackney, London N16 5JS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr Zafir against the decision of the Council of the London Borough of Hackney.
  - The application Ref: 2019/1425, dated 24 April 2019, was refused by notice dated 11 July 2019.
  - The development proposed is described as erection of an L shape rear dormer.
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### **Appeal B Ref: APP/U5360/W/19/3242058**

#### **First Floor and Second Floor Flat, 14 Durley Road, Hackney, London N16 5JS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr J Zafir against the decision of the Council of the London Borough of Hackney.
  - The application Ref: 2019/3387, dated 15 September 2019, was refused by notice dated 11 November 2019.
  - The development proposed is erection of a rear roof extension including a rear dormer to the main roof and a dormer to the outrigger.
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## **Decisions**

### **Appeal A**

1. The appeal is dismissed.

### **Appeal B**

2. The appeal is allowed and planning permission is granted for erection of a rear roof extension including a rear dormer to the main roof and a dormer to the outrigger at First Floor and Second Floor Flat, 14 Durley Road, Hackney, London N16 5JS in accordance with the terms of the application, Ref: 2019/3416, dated 18 September 2019, and the plans submitted with it, 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 in accordance with the following approved drawings: 434-L&B Location & Block Plans; DR.14.EX.01 Rev A Existing Floor Plans; DR.14.EX.02 Rev A Existing Sections; DR.14.EX.03 Rev A Existing Elevations; DR.14.PR.01 Rev B

Proposed Floor Plans; DR.14.PR.02 Rev B Proposed Sections; DR.14.PR.03 Rev B Proposed Elevations.

- 3) The external finishes of the development hereby permitted shall match those used in the existing building in respect of materials used, detailed execution and finished appearance.

## **Main Issues**

3. The main issues are the effect of the proposed development on:

- the character and appearance of the area, including the host building (Appeals A and B), and
- the living conditions of neighbouring occupiers, with particular regard to privacy and light (Appeal B).

## **Reasons**

### *Character and appearance: Appeal A*

4. The appeal building is a four storey mid-terrace building located within a residential area. The building is divided into three flats, including a flat that occupies the first and second floors, which is the subject of these appeals.
5. The street is characterised by mainly three-storey and some four-storey terraced dwellings of brick construction, with tile or slate roofs.
6. At the rear, sloping roof profiles predominate on the host building, to each side of the host building and on the row of buildings to the rear of the property on West Bank. This characteristic is visually important to the architectural rhythm and identity of the host row and the area.
7. The proposal in Appeal A would entail a substantial L-shaped dormer on the rear projection of the building, which would, in height and depth, cover much of the rear roof area. As such, the proposal would cover noticeably more of the overall roof area than the proposal for a rear dormer window, which was granted planning permission in March 2019<sup>1</sup>.
8. Given its alignment with the existing roof ridge and minimal setback from the eaves, the proposed L-shaped dormer in Appeal A would also result in the appearance of a mainly vertical face to the roof level of the rear elevation, across the full width of the building. This would visually jar with the prevailing characteristic of sloping rear roof profiles in the vicinity. Furthermore, the proposal would appear overly bulky and visually discordant in relation to the host building. The above effects would be visible from the rear gardens of the appeal property and neighbouring properties to the side, and from gardens and buildings of neighbouring properties to the rear.
9. The presence of a variety of dormer shapes and sizes in the area, most of which are fully or partially obscured from view from the appeal property by intervening garden vegetation, would not acceptably dilute the identified discord.
10. Consequently, the proposal in Appeal A would harm the character and appearance of the host building and the area. As such, it would conflict with

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<sup>1</sup> Planning Application Ref: 2018/4666.

Policies 7.4 and 7.6 of the London Plan (2016) (LP)<sup>2</sup>, Policy 24 of the Hackney Core Strategy (2010) (CS), Policy DM1 of the Hackney Development Management Local Plan (2015) (DMLP). Together the policies seek to ensure that development complements local character. Furthermore, the proposal would not accord with the aim of preserving the appearance of the residential area, as articulated in section 3.1 of the guidance in the Hackney Residential Extensions and Alterations Supplementary Planning Document (2009) (SPD).

11. Policy DM2 of the DMLP concerns living conditions of residents, and so is not engaged in respect of character and appearance.

*Character and appearance: Appeal B*

12. The proposal in Appeal B would entail a dormer which, in height and depth, would cover much of the rear slope of the main roof. Nevertheless, the set back of the main roof from the rear elevation of the outrigger would dilute the visibility of this element of the proposal and help it to assimilate into its setting.
13. Furthermore, the proposed rear and side dormer on the outrigger would appear proportionately modest and subservient to the outrigger's roof. The visual dominance of the sloping roof element of the outrigger would thus be preserved, and with it, this important characteristic of the appearance of the rear of the building.
14. The proposed dormer on the rear part of the main roof would exceed general guideline proportions set out in paragraph 3.78 of the SPD. The Council is concerned that the proposal in Appeal B would be obtrusive and incompatible with the host building. However, given the combination of assimilating factors described above, the proposal would not conflict with the aim of preserving the appearance of the residential area, as set out in section 3.1 of the guidance in the SPD.
15. In conclusion, the Appeal B proposal would not harm the character and appearance of the host building and the area. As such, it would not conflict with Policies 7.4 and 7.6 of the LP, Policy 24 of the CS and Policy DM1 of the DMLP.

*Living conditions of neighbouring occupiers*

16. The height, subservient proportions and setback from eaves of the proposed side dormer on the outrigger, together with the obliqueness of downward view from it would avoid detriment to light and privacy of neighbouring dwellings.
17. I therefore conclude that the proposal would not harm the living conditions of neighbouring occupiers, in respect of light and privacy. As such, it would not conflict with Policies 7.4 and 7.6 of the LP, Policy 24 of the CS, Policy DM2 of the DMLP and paragraph 3.8 of the SPD. Together the policies and guidance seek to ensure that development creates comfortable surroundings and safeguards the living conditions of residents.

**Other Matters**

18. The appeal proposals would provide more spacious residential accommodation. However, in respect of the proposal in Appeal A, the benefit would be limited in scale and not outweigh the harm identified.

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<sup>2</sup> The London Plan: The Spatial Development Strategy for London, Consolidated with Alterations since 2011, March 2016.

## **Conditions**

19. The conditions suggested by the Council in respect of Appeal B have been considered against the tests of the National Planning Policy Framework and advice provided by Planning Practice Guidance. They have been broadly found to be reasonable and necessary in the circumstances of this case. I have made some minor drafting changes to suggested conditions in the interest of precision.
20. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition covering materials is necessary in the interests of safeguarding the character and appearance of the area.

## **Conclusion**

21. For the reasons given above I conclude that Appeal A should be dismissed and Appeal B should be allowed.

*William Cooper*

INSPECTOR