



Appeal Decision

Site visit made on 15 September 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/U5360/D/20/3251483

136 Olinda Road, Hackney, London N16 6TP

- 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 Mrs M Rosenberg against the decision of the Council of the London Borough of Hackney.
- The application Ref 2020/0217, dated 22 January 2020, was refused by notice dated 18 March 2020.
- The proposed development was originally described as "loft extension to create x2 bedrooms".

Decision

1. The appeal is allowed and planning permission is granted for erection of part single, part two storey rear extension at rear of building at the first floor and associated works at 136 Olinda Road, Hackney, London, N16 6TP, in accordance with the terms of the application, Ref 2020/0217, dated 22 January 2020, 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 buildings.
 3. The development hereby permitted shall be carried out in accordance with the approved plans: 270-EX1, 270-EX2, PR-P001, PR-E001 and PR-L001.

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.

Procedural Matters

3. During my site visit, I observed that two large air-conditioning units were affixed to the rear wall of the outrigger at first-floor level. The units aren't included on the existing or proposed plans. However, I note from the delegated report that the Council had approved application Ref 2019/0125 on 11 March 2019 for air-conditioning units at first-floor level, although the details of this application are not before me to consider. While there is therefore some difference between the actual appearance of the rear elevation of the appeal property and how it is shown in the existing drawings, this appeal can still be determined insofar as it relates to the proposed drawings.
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4. The description of development set out above in the banner heading above is taken from the application form. However, as the description included within the decision notice is more precise, I have used this description in the decision above.
5. A large full-width first-floor rear extension forms part of the proposal. However, I note that a first-floor rear extension of the same proportions and appearance has already been approved under application Ref 2018/1974. I have therefore focused on the proposed extension at second-floor level in my recommendation.

Main Issues

6. 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 neighbouring properties, with particular regard to outlook.

Reasons for the Recommendation

Character and appearance

7. The appeal site comprises an end-of-terrace dwelling on the southern side of Olinda Road. The street is predominantly residential and characterised by properties of similar design, although the appeal property has been subject to considerable extensions at the rear.
8. The proposal would increase the scale of the existing extension at second-floor level, although it would be set back from the eastern boundary with No 138 by more than 1m and would also be stepped in from the rearmost wall of the first-floor extension below. While the proposed second-floor extension would be larger than the existing extension, this increase in scale would not be so significant that it would drastically alter the appearance or proportions of the appeal property at this level. Furthermore, given that the proposal would be discreetly sited to the rear of the site and so would not appear particularly prominent within views from the public realm, the proposal would preserve the Victorian form and appearance of the appeal property when seen from Olinda Road, as well as the visual cohesion of the wider terrace. I therefore find that the proposal would not cause unacceptable harm to the character and appearance of the site and surrounding area.
9. While I acknowledge that there are no properties within the immediate context of the appeal site that have been extended to the same extent, I nonetheless consider that the scale and appearance of the proposed extension at second-floor level would not be too dissimilar to the existing extension. As such, the proposal would have a neutral effect on the character of the surrounding area.
10. I note that a previous scheme, application Ref 2018/3863, was refused permission and subsequently dismissed at appeal. However, that scheme sought permission for a considerably larger scale of development at second-floor level, whereas the proposal before me seeks a modest enlargement of the existing second-floor extension which would broadly preserve the appearance and proportions of the existing building at this level. I therefore consider this

previous scheme to be distinct from the proposal before me, which I have appraised on its own merits above.

11. 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 (the London Plan) and Policy CS24 of the Core Strategy 2010 (the Core Strategy) which state that development proposals should be of the highest quality, respond to local character and respect the character of the surrounding environment.
12. The proposal would also comply with the Residential Extensions and Alterations SPD 2009 (the SPD), which states that any residential extension or alteration should respect the architectural character of the original building and its setting.
13. The proposal would also comply with the National Planning Policy Framework 2019 (the NPPF), which states that developments should be sympathetic to local character.

Effect on living conditions of neighbouring occupants

14. The proposed extension at second-floor level would be stepped back from the boundary with No 138 to the east by more than 1m, and would not appear particularly prominent within views from either the rear-facing windows or rear garden of No 138. As such, the proposal would not cause harm to the living conditions of the occupants of No 138 with regard to outlook.
15. Compared to the existing extensions at first and second floor levels, the proposed extensions would have a greater depth along the boundary with No 134 to the west. Nevertheless, I do not consider that the modest increase in depth would cause unacceptable harm to the living conditions of the occupants of Nos 132 or 134 in terms of outlook.
16. The proposed development would therefore comply with Policy 7.6 of the London Plan and Policy DM2 of the DMLP, which state that developments should be designed to ensure that they will not cause unacceptable harm to the amenity of neighbours. However, Policy 7.4 of the London Plan and CS24 of the Core Strategy are not relevant to this particular main issue, as these policies relate to matters of design rather than the effect of development on neighbouring living conditions.
17. The proposal would also comply with the SPD, which states that rear extensions should not result in loss of amenity for neighbours.
18. The proposal would also comply with the NPPF, which states that development should function well and add to the overall quality of the area.

Conditions

19. The conditions which are imposed are those which have been suggested by the Council. 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. The Council have suggested a condition requiring that the external surfaces to be used in construction should match those used in the existing building. I consider that such a condition would be

necessary in order to ensure that the proposal would respond positively to the character and appearance of the site and surrounding area.

Conclusion and Recommendation

20. 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

21. 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