



Appeal Decision

Site visit made on 17 November 2020

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2020

Appeal Ref: APP/U5360/D/20/3256653

13 Moundfield Road, Hackney, London, N16 6DT

- 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 Eri Stay Realty UK Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2020/1371, dated 5 May 2020, was refused by notice dated 13 July 2020.
 - The development proposed is erection of a ground floor rear extension with basement excavation beneath.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a ground floor rear extension with basement excavation beneath at 13 Moundfield Road, Hackney, London, N16 6DT in accordance with the terms of the application Ref:2020/1371 dated 5 May 2020 and in accordance with 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 plans: MR.13.PR.220 Rev A; and MR.13.PR.221 Rev A.
 - 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;
 - 4) The development shall not commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall thereafter be retained and maintained, unless otherwise agreed in writing by the Local Planning Authority.
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Procedural Matter

2. In information submitted, the appellant refers to the possibility of making a costs application. A costs application was not submitted with the appeal.

Main Issues

3. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of neighbouring occupiers, with regards to outlook and daylight.

Reasons

Character and appearance

4. The appeal property is a two storey mid-terrace dwelling in a run-down state. It is located within a residential area characterised by the presence of long rows of two and three storey terraced housing set back from the street behind short garden areas, with low walls separating garden areas from the pavement. Dwellings tend to have larger garden areas to the rear.
5. The presence of the garden areas, street trees and hedgerows provide for a sense of greenery and spaciousness within a relatively densely developed area.
6. During my site visit, I observed that many houses have been altered and/or extended, including dormer, single storey and two storey extensions of various shapes and sizes.
7. The neighbouring properties to either side of the appeal property have large buildings to the rear. At Number 11 Moundfield Road, a long single storey building extends from close to the rear of that property along the boundary with the appeal property for some considerable distance. To the other side of the appeal property's rear garden, at Number 15 Moundfield Road, a single storey rear extension extends along the boundary with No 13 for much of the length of the rear garden.
8. The proposed development would comprise a single storey extension above a basement. The extension would project a lesser distance from the appeal property than a number of neighbouring extensions, including the adjacent extension at No 15. It would appear in keeping with local character, where rear extensions of various shapes and form appear commonplace; and it would appear proportionate to the host property. Also, as a single storey extension which would only project several metres, I find that this element of the proposal would appear subordinate to the host property.
9. Whilst I note in this regard that the Hackney Residential Extensions and Alterations Supplementary Planning Document (2009) (Council's SPD) recommends a shorter projection, it is evident that in this case, local circumstances are such that other neighbouring extensions already project much further than the distance recommended in the 2009 guidance; and as a consequence of this, it is my conclusion that the proposal would appear in keeping with its surroundings.
10. Taking all of this into account, I find that the proposed development would not harm the character and appearance of the area and would not be contrary to

the National Planning Policy Framework; to London Plan (2016) policies 7.4 and 7.6; to Local Plan¹ Policy DM1; or to Hackney Core Strategy (2010) policy 24, which together amongst other things, seek to protect local character.

Living Conditions

11. As noted above, there are neighbouring buildings close to the boundaries on either side of the appeal property's rear garden. The proposed development would only project around as far as the building along No 11's boundary and less than half the distance than the building along No 15's boundary. As a consequence of this, I find that the proposal would have little or no impact on the amount of daylight received by, or on the outlook from, neighbouring properties.
12. Further to the above, I am mindful that the appeal property already benefits from a decision² issued in July 2019, which stated that prior approval was not required for the erection of a rear extension similar to that the subject of this appeal
13. Taking all of the above into account, I find that there would be no harm to the living conditions of neighbouring occupiers with regards to daylight and outlook and that the proposed development would not be contrary to the National Planning Policy Framework; to London Plan (2016) Policies 7.4 and 7.6; to Local Plan³ Policy DM2; to Hackney Core Strategy (2010) policy 24; or to the Council's SPD, which together amongst other things, seek to protect residential amenity.

Conditions

14. I have considered the conditions suggested by the Council against the tests set out in Paragraph 55 of the Framework. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.
15. A condition requiring materials to match those of the existing house is necessary to protect the character and appearance of the host property and wider area. A condition requiring a suitable surface water drainage scheme is required in the interests of preventing the exacerbation of surface water flood risk to adjoining land.

Conclusion

16. For the reasons given above, the appeal is successful.

N McGurk

INSPECTOR

¹ Hackney Development Management Local Plan (2015).

² Reference: 2019/2097.

³ Hackney Development Management Local Plan (2015).