



Appeal Decision

Site visit made on 24 November 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/U5360/D/20/3258514
118 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 Mr S Heiss against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2020/1239, dated 21 April 2020, was refused by notice dated 16 June 2020.
 - The development proposed is described as ground floor extension and rear loft extension.
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Procedural Matters

1. The appellant must be the same person as the applicant for the planning application. The planning application did not include an applicant's name. It has been confirmed by the agent for the appellant that Mr S Heiss was the applicant the agent for the planning application was working for.
2. The description of proposed development does not include 2 sky lights on the front roof slope which are shown on the plans. For the avoidance of doubt, I have made my decision on the basis that they form part of the proposal.
3. I agree with the Council's conclusion regarding the proposed loft extension. I conclude that given its siting, design and size, it would not harm the character or the appearance of the host property or the area, nor would it harm the living conditions of occupiers of existing properties, and it would provide satisfactory living conditions for future occupiers.
4. I note that since the determination of the planning application the Council has adopted a new Local Plan. I have made my decision taking account of the most up-to-date policies.

Decision

5. The appeal is allowed, and planning permission is granted for ground-floor extension, rear loft extension and front sky lights, in accordance with the terms of application Ref 2020/1239, dated 21 April 2020, at 118 Olinda Road, Hackney, London N16 6TP, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PR-E001 C, PR-E002 C, PR-L001 C, PR-P001 B, PR-P002 B, PR-P003 C, PR-P004 C, PR-S001 C.

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

Main Issues

6. In light of the above, the main issues are:

- the effect of the proposed ground-floor extension on the character and appearance of the host building and the area, and
- the effect of the proposed ground-floor extension on the living conditions of existing occupiers of number 116 Olinda Road.

Reasons

Effect on the character and appearance of the host building and the area

7. The appeal site comprises a 2-storey, terraced dwelling located within a residential area. From what I could see of the properties in the area, several have benefited from rear extensions and/or rear dormers (of varying sizes), and/or inserted sky lights in the roof.
8. The proposal would demolish an existing single-storey extension attached to the rear outrigger, and a single-storey open-sided timber structure attached to the side of the outrigger, which has an opaque corrugated sheet covering on top. The extension and timber structure extend to the rear and side boundaries of the site, filling the plot. The only existing outdoor space within the site is the area covered by the timber structure.
9. The proposed ground-floor extension would increase the depth of the outrigger by around 1 m and extend its width by around 1.5 m to the side boundary with number 116 Olinda Road. Given that the outrigger already exists, the extent of the proposed extension consists of an infill strip along the side of the outrigger and a strip along its rear. Consequently, I disagree with the Council's conclusion that the proposed rear extension would not be subordinate to the dwelling. In addition, as the single-storey rear extension would be demolished, outdoor amenity space would be restored at the rear of the property.
10. I therefore conclude that the proposal would not harm the character or appearance of the host dwelling or the area. As such, it accords with policies LP1 of the Hackney Local Plan 2033 (July 2020), (HLP), 7.4, 7.6 of The London Plan: The Spatial Development Strategy for London, Consolidated with alterations since 2011 (March 2015), (the LP), guidance within the Supplementary Planning Document: Residential Extensions and Alterations (2009), (SPD) and paragraph 127 of the Framework. Collectively, and among other things, these policies and guidance require new development to be of high-quality design, be sympathetic and respond to local character and be compatible with the existing townscape.

Effect on the living conditions of existing occupiers of number 116 Olinda Road

11. The proposed ground-floor extension would extend the built form up to the rear side boundary with number 116 Olinda Road, resulting in their being a wall around 4 m long and 2.5 m high adjacent to the boundary. There is a habitable room window on the inset rear elevation of No 116. The current relationship between the 2 properties already restricts the outlook from No 116 and the

extent of light received in the ground-floor habitable room that the window referred to serves.

12. As the side elevation of the proposed extension would only be around 2 m from the side elevation of the rear outrigger at No 116 and within 1 m of the habitable room window on the inset rear elevation, I consider the proposal would detrimentally harm the outlook from No 116, and it would also reduce light levels to the habitable room. Consequently, I conclude that the proposed rear extension would unacceptably harm the living conditions of the existing occupiers of No 116. As such, the proposal does not accord with policies LP2 of the HLP, 7.6 of the LP or sub paragraph 127 'f' of the Framework. These policies seek to ensure that new development does not have a significant adverse effect on the living conditions of occupiers of existing neighbouring properties.

Other considerations

13. Planning legislation requires me to determine the appeal in accordance with the development plan, unless material considerations indicate otherwise.
14. The appellant has drawn my attention to the fact that the Council has, since the determination of the current proposal, granted planning permission for a single storey rear extension and loft conversion at the property, in August 2020. The main difference between the 2 applications is that the single-storey rear extension in the current proposal is 1 m deeper than that in the approved, extant scheme. The appellant has stated that they would implement the approved scheme, should the appeal be dismissed, and I have no reason to doubt their intention. Therefore, I consider there to be a fallback position to which I attach significant weight as a material consideration.
15. I consider that the appeal proposal would not have any greater impact on the living conditions of the existing occupiers of No 116 than the scheme approved by the Council. It is for this reason I am allowing the appeal, contrary to the development plan.

Conditions

16. I have attached a condition specifying the approved plans, for the avoidance of doubt, and a condition regarding materials to protect the character and appearance of the area.

Conclusion

17. For the reasons outlined above, I conclude that the appeal is allowed.

J Williamson

INSPECTOR