



Appeal Decision

Site Visit made on 11 May 2021

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th June 2021

Appeal Ref: APP/E5900/W/20/3260169

Flat 1, 406B Hackney Road, London E2 7AP

- 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 H Lee & L Greenlee against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/20/01220, dated 11 June 2020, was refused by notice dated 10 August 2020.
 - The development proposed is a single storey rear extension to create a new dining area; associated alterations to a ground floor flat that includes the creation of a terraced area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The living conditions of neighbouring occupiers with regard to privacy and noise; and,
 - The character and appearance of the surrounding area, including the Hackney Road Conservation Area (HRCA).

Reasons

Living Conditions

3. The appeal site is a long, narrow plot accessed off Hackney Road, it contains a four-storey building, the lowest storey of which is a half-basement, it is part of a terrace. To the rear of the building is a small courtyard which backs on to a block of flats that front on to Teesdale Close and are also four-storeys tall. Between the courtyard and Teesdale Close is a single-storey extension serving a neighbouring dwelling, while to the other side is a neighbour's courtyard which is separated from the appeal site by a tall brick wall. The proposal would infill the courtyard with a single-storey extension with a roof terrace.
4. The proposed floor of the roof terrace would be at a similar height to the boundary walls of the existing courtyard. Whilst it would be served by balustrades with obscured glazed screens these would be relatively short and would not be sufficient to prevent overlooking down to the courtyard of the neighbouring property. The existing trellis in the neighbour's courtyard is also not sufficient in height to prevent overlooking, as this would be lower than the proposed balustrade. Although parts of the neighbour's courtyard are visible from the bedroom window of the appeal site, this is at an acute angle and

- predominantly screened by the existing boundary wall. The proposed terrace however would allow clear and direct views towards the courtyard and would result in a significant loss of privacy for the neighbouring occupiers.
5. Moreover, although the first-floor window above the neighbour's extension is obscure glazed, it is openable. I find it likely that the window would be open during hot weather, when the roof terrace is also more likely to be used. This would allow views into the room it serves resulting in an unacceptable loss of privacy for the neighbouring occupiers to the detriment of their living conditions.
 6. Given the closeness of the surrounding windows and the block of flats to the rear of the site, I find that noise from the existing courtyard is likely to already be very noticeable at the surrounding properties. Although the roof terrace would bring the noise source closer to upper floor windows where bedrooms are likely to be present, any likely increase in noise resulting from this would be unlikely to be significant or unacceptable.
 7. For the above reasons the proposal would, by way of allowing the overlooking of neighbouring properties, harm the living conditions of neighbouring occupiers. As such the proposal would be contrary to Policy 7.4 of the London Plan and Policy D.DH8 of the Tower Hamlets Local Plan 2031 (THLP) which require development to be of a high quality design which protects the amenity and privacy of occupiers of new and existing building.

Character and Appearance

8. The appeal site is within the HRCA, a long conservation area which largely follows Hackney Road. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national planning policy on heritage assets is set out in the National Planning Policy Framework (Framework). At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
9. The HRCA appraisal sets out the significance of the area as stemming from the age of the buildings, their form, and the grain of development. The proposed location of the extension is at the back of the site where it is not read in connection with the frontages of Hackney Road, and where the backs of the buildings are more varied. There is a space between the rear of the terrace and a modern block of flats on Teesdale Close which allows some glimpses towards the appeal site. Teesdale Close has a varied character as a result of modern development and the former Teesdale Street School. The block of flats adjacent to the site is in a contemporary design with exposed structural metalwork, large areas of glazing, and balconies along the front elevation facing Teesdale Close.
10. As a result of the surrounding development, the proposed ground floor extension would not be readily visible. Moreover, I find that such an extension, given the varied appearance of the rear of the terrace and the existing neighbouring extension, would not be harmful to the legibility of the historic

form of the host building. I note that the Council have also reached a similar conclusion in this regard.

11. As the balustrades are set well back from Teesdale Close, they would not be a prominent or significant addition to the host building. Moreover, as the balustrades would be glazed, I find that they would not be a bulky feature and that the contemporary style of the balustrades would help maintain a visual separation between them and the host dwelling. This, along with the siting away from the more regular frontages along Hackney Road, would help preserve the legibility of the building's historic form and appearance. They would also be seen in the context of the similar balustrades serving the balconies of the modern block of flats to the rear of the site, helping maintain a coherent appearance within the street scene.
12. I note the Council's concerns regarding the level of detail submitted for the proposed balustrades. However, I find that the information before me is sufficient to make a judgement on any impact in relation to both the character and appearance of the surrounding area, and the HRCA.
13. In light of the above, I conclude that the proposed extension and roof terrace would not harm the character and appearance of the surrounding area and would preserve the character and appearance of the HRCA. As such the development complies with Policies 7.4, 7.6 and 7.8 of The London Plan, and Policies S.DH1 and S.DH3 of the THLP. These Policies collectively, and amongst other things, require development to be of a high quality design which positively responds to its context, preserving, or enhancing, any heritage assets. It would also comply with the overarching aims of the Framework.

Other Matters

14. Whilst I have no doubt that the provision of additional accommodation and a roof terrace would be of benefit to the appellant, this does not present a compelling reason why planning permission should be granted for an otherwise unacceptable development.

Conclusion

15. Notwithstanding my findings in relation to the effect of the proposal on the character and appearance of the surrounding area and HRCA, the harm to the living conditions of neighbouring occupiers is a sufficient reason, following the development plan and the Framework as a whole, to dismiss the appeal. There are no other material considerations that indicate the decision should be made other than in accordance with the development plan.
16. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR