



Appeal Decision

Site visit made on 27 August 2021

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021

Appeal Ref: APP/U5360/D/21/3266444

116 Osbaldeston Road, Hackney, London N16 6NJ.

- 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 Klein against the decision of the London Borough of Hackney Council.
 - The application 2020/3410, dated 10 November 2020, was refused by notice dated 4 January 2021.
 - The development proposed is erection of first floor extension (rear).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the period since the appeal was submitted the Government has published a revised version of the *National Planning Policy Framework* (The Framework). Also, since the submission of the appeal, the Mayor of London has published the adopted *London Plan 2021* (LP2021). This replaces the *London Plan 2016* which is referred to in the appeal documentation. As an adopted plan I must consider the policies of the LP2021. However, in respect of this appeal, Policy D3 and HC1 are the principal relevant policies and these largely cover similar points to former Policies 7.4, 7.6 and 7.8. Neither the new policies in LP2021 nor the revised Framework have brought me to any different decision on the appeal and therefore I have not considered it necessary to invite the appeal parties to comment on the new documents.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building, its surroundings on Osbaldeston Road and on the Northwold and Cazenove Conservation Area.

Reasons

4. The appeal site is located on the east side of Osbaldeston Road, a tree lined street in the Northwold and Cazenove Conservation Area. The street is characterised by 2 storey terraced housing, typically with basement and attic accommodation, traditionally designed and constructed in brick, painted brick or render under tile roofs. There is an attractive rhythm to the front elevation with uniform detailing of projecting full height bays under a triangular hipped roof detail. No 116 is one of a group of dwellings of identical design within the terrace stretching from No 114 north to No 120. The rear of these properties has a uniform appearance too with each having a 3 storey shallow projecting flat roofed offshoot across approximately half the rear elevation matched on the adjacent house. Each property therefore

has a rear projecting section and indented return to the rear elevation so that the rear building line has a rhythm to it stepping in and out along the terrace. There are few rear extensions other than on the appeal site where there is a rear, single storey, ground floor extension. There are no first floor rear extensions.

5. I have been referred to rear extensions above ground floor at Nos 110 and 112 Osbaldeston Road which the appellant considers justifies the appeal proposal. However, from my observations on site (views were partially obstructed) these properties appeared to have a different form of rear elevation to that described above and in any event do not form part of the terraced group containing the appeal property. I am not therefore persuaded that the extensions to these properties represent a similar alteration to that proposed on the appeal site. I will therefore determine the appeal proposal on its own merits.
6. The construction of a first floor, flat roofed extension on top of the existing kitchen extension would add scale and mass to the rear elevation of the property at a high level which would appear incongruous in the prevailing pattern of development described above on the rear of the terrace.
7. It has been put to me that the extension will not be seen from the street, is modest in scale and will utilise matching materials and therefore its impact is limited. Notwithstanding that the extent of the proposed projection is only 1500mm, it would be readily visible in views from the rear windows of properties in Forburg Road in which the extension would appear an awkward and obtrusive addition, out of keeping with the rest of the terrace. Moreover, the fact that a development cannot be seen from the public realm should never be a justification for granting poor design within a Conservation Area.
8. The Framework at paragraph 130 requires that developments must be sympathetic to local character to create high quality buildings and spaces amongst other things and in these respects the proposal fails. Policy D3 of the LP2021 reflects the Framework in requiring development to respond to the existing character of a place and be of high quality, with architecture that pays attention to detail. The same is the case with *Hackney Local Plan* (HLP) Policy LP1 which requires all development to be of the highest architectural and urban design quality and to respond to local character and context and be compatible with existing townscape amongst other things. For the above reasons i.e. the positioning and design of the first floor rear extension, the proposal would have an unacceptable impact on the established character and appearance of the terrace and constitute harm to the Conservation Area.
9. As such the requirements of the Framework at paragraph 199 and Policy HC1 of LP2021 would not be met. I accept that the harm to the Conservation Area would be less than substantial and in these circumstances the Framework at paragraph 202 allows for any public benefits of the proposal to be taken into consideration. In this case the appellant has presented no public benefits. Any benefit from the extension would be a largely private benefit to the owners of the property. As such the harm to the Conservation Area would not be outweighed. The extension would also be in conflict with HLP Policy LP3 which, in conservation areas, requires development to preserve or enhance the character and appearance of the area including the established local character of individual buildings and groups of buildings. In this case the proposal fails to achieve this and fails to at least preserve the Conservation Area.

Other Matters

10. I understand the appellant's wish to make sustainable and effective use of housing

land an objective which is encouraged by the Framework in Section 11. I acknowledge that this national policy objective makes the principle of the development acceptable. However, paragraph 124 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting. Sustainable and effective use of the dwelling to provide additional accommodation at first floor level would not therefore outweigh the harm to the character and appearance and to the Conservation Area as a result of the proposal.

Conclusion

11. In reaching my decision I have had regard to the matters before me but for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR