



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: 15 September 2021

Appeal Ref: APP/U5360/D/21/3268818
48 Craven Walk, Hackney, London N16 6BU.

- 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 Berger (Firbex Ltd) against the decision of the London Borough of Hackney Council.
 - The application 2020/3573, dated 15 September 2020, was refused by notice dated 27 January 2021.
 - The development proposed is first floor rear infill extension.
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Decision

1. The appeal is dismissed.
2. An application for costs was made by Mr Berger of Firbex Ltd against the London Borough of Hackney Council. This application is the subject of a separate decision.

Preliminary Matters

3. Although the appellant refers to the appeal being a 'Prior Approval' appeal in his statement this is not in fact the case. The application was a normal householder application and I have determined it on that basis.
4. 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 is the principal relevant policy and this largely covers similar points to former *London Plan* Policies 7.4 and 7.6. Neither the new policy 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

5. The main issue is the effect of the proposed development on the character and appearance of the host building and its surroundings on Craven Walk.

Reasons

6. The appeal site is located on the south side of Craven Walk, a residential street with short terraces of 4 two storey houses finished in painted brick and render under tiled roofs. The original 2 storey front elevations have an attractive uniformity with a repeating gable detail along the frontage marred only by the addition of front box dormers at roof level.

7. The rear of the short terrace reveals that it was similarly designed with a uniform approach with each of the 4 properties' rear elevations sharing half a projecting gable section and indented return with its neighbours. It has been put to me that as a result of alterations to the rear of the properties this original uniformity has been lost amongst a wide-ranging design of rear extensions. Whilst it is true that there are differing extensions at ground floor level and the addition of roof level accommodation utilising large box dormers, including on the appeal property, the strong gable feature and indented return remains at first floor level allowing the original character of the house to be 'read'.
8. The proposed first floor infill bathroom extension would remove the indent, removing the original articulation to the rear elevation. I acknowledge that the alteration would be a modest extension but nevertheless it would be significant in its impact, further eroding the character of the terrace.
9. I have been referred to a couple of similar extensions to the rear of Leadale Road which the appellant considers justify the proposed extension at the appeal site. I took the opportunity to view the rear of Leadale Road with the appellant's agent and, whilst it was difficult to obtain a clear view of the elevation, I am satisfied that the design of the rear of Leadale Road was different. The prominent gabled rear offshoots as present on Nos 44-50 Craven Walk are not a feature of Leadale Road at first floor and therefore the cases are not sufficiently similar and I have determined the appeal case on its own merits.
10. I acknowledge that the proposed extension would not be visible from the street but there are numerous private realm views of the rear of the terrace from the adjacent gardens, allotment gardens and rugby ground. In these views, particularly in winter when trees are bare, the extension would appear intrusive and out of keeping with the original design and character of the terrace. Moreover, whereas the existing air conditioning units are tucked away within the first floor return, the effect of the extension, if these were to be retained, would be that they would have to be sited more obtrusively than is currently the case.
11. 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 its surroundings on Craven Walk contrary to these development plan policies.

Other Matters

12. The first floor room in the gabled offshoots in both Nos 46 and 48 have a window on the corner of the gable that turns the corner and in the case of No 46 this window return would be directly facing the infill extension and close to it. Whilst I accept that, in its own right, this would not be sufficient reason to dismiss the appeal, together with the impact on the character and appearance of the property it increases the harm from the proposal.
13. I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 and I understand the appellant's wish to achieve additional living space and

facilities for a large family and 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 house extensions 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 would not therefore outweigh the harm to the character and appearance as a result of the proposal.

Conclusion

14. 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