
Appeal Decisions

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 A Ref: APP/U5360/D/21/3271546

134 Clapton Common, Hackney, London E5 9AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr S. Rosengarten against the decision of London Borough of Hackney Council.
 - The application Ref 2020/3563, dated 17 November 2020, was refused by notice dated 12 January 2021.
 - The development proposed is erection of ground floor rear infill extension and first floor rear extension.
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Appeal B Ref: APP/U5360/D/21/3271549

134 Clapton Common, Hackney, London E5 9AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr S. Rosengarten against the decision of London Borough of Hackney Council.
 - The application Ref 2021/0075, dated 12 January 2021, was refused by notice dated 11 March 2021.
 - The development proposed is erection of ground floor rear infill extension and first floor rear extension and roof extension over.
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Decisions

Appeal A Ref: APP/U5360/D/21/3271546

1. The appeal is dismissed.

Appeal B Ref: APP/U5360/D/21/3271549

2. The appeal is allowed and planning permission is granted for erection of ground floor rear infill extension and first floor rear extension and roof extension over at 134 Clapton Common, Hackney, London E5 9AG in accordance with the terms of the application, Ref 2021/0075, dated 12 January 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matters

3. The application relating to Appeal A did not have a description of development on the application form. I have therefore taken the description from the Council's decision notice and the appeal form.

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 Policies 7.4 and 7.6 in the *London Plan 2016*. Neither the new policy 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

5. The main issue in respect of both appeals is the effect of the proposed developments on the character and appearance of the host building and its surroundings on Clapton Common.

Reasons

6. The north side of Clapton Common where the appeal site is located is characterised by large, detached and semi-detached 2 storey houses constructed in brick and render under tiled roofs. The houses are set back from the road in generously sized plots. No 134 and its immediate neighbours have prominent twin gabled bay detailing on the front elevation but otherwise the forms of the buildings are different particularly at roof level with No 134 having a pyramidal main roof.
7. To the rear, No 134 and its neighbours have existing ground floor extensions. Appeal proposals A and B both would infill the section on the east side of No 134's existing ground floor extension making it full width and would construct a full width first floor extension extending out about 2.2 metres from the rear wall of the main house over the ground floor extension. The difference between the proposals in A and B is that in Appeal B this first floor extension would be covered by an extended section of the main roof. It has been put to me that Appeal B was submitted with the main purpose of improving the appearance of the design of the extension at first floor level.
8. In respect of the ground floor infill extension, it is not a matter of dispute between the parties that the proposal would be acceptable. The *Hackney Residential Extensions and Alterations Supplementary Planning Document* (SPD) would allow full width ground floor extensions on detached houses. Although it refers to a maximum depth on rear extensions to detached houses of 4 metres, this advice predates the change to Permitted Development which allows deeper extensions subject to Prior Approval. In any event, the proposal would not extend any further in depth than the existing extension, would be smaller in depth than the rear extension on the neighbouring house at No 136 and would replace a smaller pitched roof and lean to structure at the east end of the building. So, in floorspace terms, the actual increase would be very small. As the proposal would continue the design and materials of the existing rear ground floor extension the result would be a more coherent ground floor elevation and an improvement in the appearance of the existing rear of the house.

9. Turning to the matter of the proposed first floor extension, I accept that at present there does not appear to be any similar first floor extensions in the immediate vicinity. Whilst it has been put to me that the properties on this side of Clapton Common share a common rear building line this is not in fact the case. The main house at No 132 projects just over a metre beyond the rear elevation of No 134 and has a very large, obtrusive, full-width box dormer roof extension on the rear of the property which also wraps round onto the side elevation. Nos 138 and 140 Clapton Common are positioned slightly further forward in their plots thus the rear building line is not consistent.
10. However, I accept that the first floor flat roof extension tucking in just under the eaves line of No 134 as proposed in the Appeal A proposal would appear awkward in the context of the main house. It would appear to dominate the rear elevation and would be out of keeping with the treatment of high level roofs in the vicinity. It would conflict with the advice in the SPD that rear extensions should be subordinate by terminating a storey below the eaves line.
11. For the above reasons Appeal A would conflict with the policy objectives of the LP2021 Policy D3 which requires development to respond to the existing character of a place and be of high quality, with architecture that pays attention to detail. It would also conflict with *Hackney Local Plan 2033* (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.
12. By contrast the design in Appeal B, incorporating the first floor extension within the house by extending the roof, would appear a much more integrated design solution. It has been put to me that this would disrupt the building line along the rear of the properties but, as stated above, this is not uniform. The extended roof and first floor would only be approximately 1 metre deeper than No 132 and would have significantly less mass at a high level than the dormer roof extension on that property. Moreover, in the context of significantly different roof designs across the roofscape of Nos 132, 134, 136 and 138 and in particular the large rear and side box dormer at number 132 the slight deepening of the roof on No 132 would not be obtrusive. Viewed from both the rear and sides the modest extension to the roof would remain proportionate to what is a large, detached house. The general principles in respect of two storey extensions of maintaining proportionality and ensuring the extension would not appear over dominant viewed from neighbouring gardens set out in the SPD would therefore be achieved. The plot size also has ample depth to accommodate the proposal.
13. Admittedly, the roof form would change from a pyramidal, hipped design to incorporate a short ridge on a north/south axis but, although this slightly extended ridgeline would be visible from the street, no other part of the extension would be. The roof pitches and materials would be identical to the existing and the overall impact on the character and appearance of the property would therefore be minimal.
14. As such the Appeal B proposal would not harm the character and appearance of the host dwelling and its surroundings and would conform with the policy objectives of LP2021 Policy D3 and HLP Policy LP1 and the guidelines in the SPD.

Conclusion and Conditions

15. I have considered the matters before me in respect of both Appeals and, for the reasons given above, I conclude that Appeal A should be dismissed due to the harm to character and appearance of the host dwelling but that Appeal B should be allowed and permission granted for the ground first and roof extension subject to the conditions set out in the schedule of conditions below.
16. The Council suggested standard conditions, which I have considered in the light of the advice in the Framework and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty. The Council also proposed the standard matching materials condition. This is necessary to ensure the character of the house and surrounding area is protected. Finally, because the house is in an area at risk from surface water flooding it is important that the proposal utilises sustainable drainage solutions to reduce this risk and I attach the condition proposed by the LLFA.

P. D. Biggers

INSPECTOR

Schedule of Conditions Appeal B Ref APP/U5360/D/21/3271549

- 1) The development hereby permitted shall begin not later than three years from the date of approval.
- 2) The development hereby permitted shall be carried out in accordance with the Planning Statement and the following approved plans:
CC.134.PR.201; CC.134.PR.202; CC.134.PR.203; CC.134.PR.204; CC.134.PR.205
- 3) The materials to be used in the construction of the external surfaces of the ground and first floor extensions and roof extension to the development hereby permitted shall match those used in the existing dwelling.
- 4) Prior to superstructure works, detailed specification and a drainage layout of at least one suitable sustainable drainage system (i.e. water butt, raingarden, bioretention planter box, living roof, permeable paving etc.) shall be submitted to, and approved by the LPA, in consultation with the LLFA. If soakaways (i.e. plastic modules and soakaway rings are used), an infiltration test must be carried out to ensure that the capacity of the soil is suitable for infiltration. It must be demonstrated that there will be no increase in surface water flow being discharged offsite and an overall reduction in peak flow rate and volume for all return periods up to the 1 in 100 year storm events plus an allowance for climate change. Thereafter the extension shall be constructed in accordance with the approved drainage details.