



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: 21 September 2021

Appeal Ref: APP/U5360/D/21/3268637

9 Ashstead Road, Hackney, London E5 9BJ.

- 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 Heitner against the decision of the London Borough of Hackney Council.
 - The application 2020/3002, dated 1 October 2020, was refused by notice dated 29 January 2021.
 - The development proposed is the extension of lower ground and ground floor levels and front and rear lightwells.
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Decision

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

Preliminary Matters

3. 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* (LP 2021). 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 LP 2021. 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.
4. 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.
5. It should be noted that there is a concurrent appeal Ref APP/U5360/D/21/3266266 at the same property for roof extensions and dormers. However, as the two appeals have been submitted separately and deal with two distinct extension proposals, I have dealt with them separately.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the host building and its surroundings on Ashstead Road.

Reasons

7. The appeal site is located on the north east side of Ashstead Road, a tree lined street of 2 storey terraces constructed in brick and render some with basement and or loft accommodation. The street is characterised by shallow frontage gardens some with hedging and shrubs. The north east side of the street falls away towards Lingwood Road behind the appeal property and houses on this road are below the level of those in Ashstead Road. The ground floor at the rear of the appeal property is therefore considerably above actual ground level with the rear garden accessed by steps and it is this change in level that the appellant would utilise to create basement accommodation. A number of properties mainly on the north east side of the road clearly have made similar alterations however only some of these have constructed larger front lightwells with access steps as is proposed at the appeal site.
8. The property already has the benefit of permission for a first floor extension (ref 2020/3004) above the existing ground floor on the rear façade. Whilst the proposed ground and lower ground floor extensions in their own right would appear proportionate to the rear elevation, in combination with both the permitted first floor and the proposed roof extension, the extensions would be disproportionate to the scale of the original house and completely dominate the rear of the property materially altering its character and appearance.
9. Turning to the proposed alteration to the front elevation to install a lightwell. The proposal is for a large, deep lightwell with stepped access and railings. The lightwell would take up nearly two thirds of the width of the front garden and just over two thirds of its depth and allowing for the front access path to the main front door and bin storage, etc. there would be little space left to retain any landscaping and indeed none is proposed.
10. It has been put to me that this area of Hackney is noted in Council documents as 'largely altered' as a result of extensions and alterations and a number of these alterations feature lightwells with stepped access as proposed at the appeal property. Whilst it is true there are a number of properties with basements on the north east side of Ashstead Road (approximately 15) and, from my site visit, I observed that a number of these have lightwells with stepped access, approximately half are smaller, less intrusive, walkover lightwells covered by grids.
11. The *Hackney Residential Extensions and Alterations Supplementary Planning Document* (SPD) allows basement extensions where the house design can support this and where lightwells are a feature of the street. In the case of Ashstead Road, the effect of the larger lightwells with separate stepped accesses on the property frontages is that they are out of keeping with the modest scale of the properties on this side of the road and have resulted in a cumulative loss of landscaping and some of the green character of the street. To allow this appeal, with the lightwell as proposed, would therefore have a further adverse impact on the character and appearance of the road.
12. 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, the proposed basement extension,

in particular its front lightwell would have an unacceptable impact on the character and appearance of the host dwelling to the detriment of the character and appearance of the surroundings on Ashstead Road. It would therefore not meet the above Development Plan policy objectives or the guidance in the SPD.

Other Matters

13. It has been put to me that the construction of the ground floor and basement would also adversely impact on the amount of private rear garden space available to the occupants of No 9. Whilst there would be some decrease in the size of garden available, reducing its depth by about 2 metres and it would be a smaller area than advised in the SPD, there would still be sufficient amenity space for sitting out, drying clothes and children's play. Were this the only issue of concern with the proposal it would not of itself warrant dismissing the appeal but in combination with the harm to the character and appearance of the property it increases the unacceptability of the proposal.
14. I understand the appellant's wish to extend to create a larger family dwelling and 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 extension 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. Moreover, I am not satisfied that other alternative proposals, more in keeping with the area's character could not have met the appellant's needs. Sustainable and effective use of the dwelling to provide additional accommodation at ground and basement levels would not therefore outweigh the harm to the character and appearance of the host dwelling and its surroundings as a result of the proposal and in particular the impact on the street frontage.

Conclusion

15. 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