
Appeal Decision

Site Visit made on 31 August 2021 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2021

Appeal Ref: APP/U5360/W/21/3269023

93-95 Geldeston Road, Hackney, London E5 8RS

- 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 S Berger against the decision of London Borough of Hackney.
 - The application Ref 2020/4011, dated 15 December 2020, was refused by notice dated 9 February 2021.
 - The development proposed is the extension of the rear outriggers of two joint properties.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of the rear outriggers of two joint properties at 93-95 Geldeston Road, Hackney, London E5 8RS in accordance with the terms of the application, Ref 2020/4011, dated 15 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GR.95.LP, GR.93-95.EX.01, GR.93-95.EX.02, GR.93-95.EX.03, GR.93-95.EX.04, GR.93-95.EX.05, GR.93-95.PR.01, GR.93-95.PR.02, GR.93-95.PR.03, GR.93-95.PR.04 and GR.93-95.PR.05.
 - 3) All new external finishes in respect of all the works hereby approved (and any other incidental works to be carried out in this connection) shall match the existing building in respect of materials used, detailed execution and finished appearance, unless otherwise stated on the drawings hereby approved.
 - 4) The construction of the development hereby approved shall only be undertaken as a single operation across both no. 93 and 95 Geldeston Road.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. The parties have been provided with an opportunity to make submissions in respect of the publication. In this respect, I am mindful

that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

4. Since the appeal was submitted a new London Plan was published on 2 March 2021 and so policies 7.4 and 7.6 in The London Plan (2016) referred to in the decision letter are now superseded by policies D1 and D4 of The London Plan (2021). Therefore the appeal will be considered against these policies from the newly published London plan.

Main Issue

5. The main issue in the appeal is the effect of the proposed development on the character and appearance of the host dwelling and terrace.

Reasons for the Recommendation

6. The appeal properties are two adjoining three-storey dwellings located at the end of a row of terraces. Both properties have a three-storey outrigger to the rear with a limited depth. The proposed development would increase the depth of these two adjoining outriggers by extending them into the rear garden.
7. The two properties form one of two pairs of dwellings, 89, 91, 93 and 95 Geldeston Road, with shorter outriggers to the rear, compared with other surrounding dwellings which have larger rear outriggers. Although these four properties are somewhat uniform, some smaller extensions have already been undertaken to the rear of No.95 and No.89, which diminish the unity and characteristic nature of these dwellings. The proposal would further erode any uniformity, however due to the presence of existing extensions and as the proposal would follow the form of the existing outrigger, it would not significantly harm the character and appearance of the overall terrace.
8. The proposal would be a much larger addition to the rear of the host properties than any existing extensions. However, it would be similar in size to other outriggers within the vicinity of the site, including the rear extensions at No.97 and 99 which are adjacent to the appeal site. Therefore, it would not appear overly large or bulky when compared to its surroundings and, as it would match the height and width of the existing outrigger, it would also not appear out of scale with the host dwellings.
9. Therefore, the proposed development would not harm the character and appearance of the host dwelling and terrace and would not conflict with Policy LP1 of the Hackney Local Plan (2020) or Policies D1 and D4 of The London Plan (2021). These policies collectively require new development to be of the highest architectural and urban design quality and be compatible with existing townscape including urban grain.
10. The proposal would also accord with the Residential Extensions and Alterations Supplementary Planning Document (2009) which states that houses which have a rear projecting element may have limited capacity to be further extended to the rear, with form and materials following that of the existing rear projecting element.

Other Matters

11. The appellant has submitted amended plans showing the proposed extension with a pitched roof to match others in the surrounding area. However, as I have found the original design to be acceptable, it was not necessary to consider the amended design as part of the appeal.

Conditions

12. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision. A condition requiring the use of materials matching that of the existing building is also necessary to ensure an appropriate appearance for the development.
13. A condition requiring construction to be undertaken concurrently at No.93 and 95 has also been suggested by the Council. As this would be necessary to ensure that the proposal does not affect the living conditions of the neighbouring occupiers, should only one half of the proposal be constructed, it has been included in the decision.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Martin Seaton

INSPECTOR