
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: 5 October 2021

Appeal Ref: APP/U5360/W/21/3271085

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 2020/4029, dated 16 December 2020, was refused by notice dated 1 March 2021.
 - The development proposed is an extension of the lower ground and ground floor.
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Decision

1. The appeal is allowed and planning permission is granted for an extension of the lower ground and ground floor at 95 Geldeston Road, Hackney, London E5 8RS in accordance with the terms of the application, Ref 2020/4029, dated 16 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.95.EX.01, GR.95.EX.02, HR.25.EX.03, GR.95.PR.01, GR.95.PR.02 and HR.25.PR.03.
 - 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) A scheme for the provision and implementation of flood resilient and resistant construction details and measures for the extension against surface water and groundwater flood risk shall be submitted to and agreed, in writing with the LPA in consultation with the LLFA prior to the construction of the measures. The scheme shall be carried out in its entirety before the extension is occupied and; constructed and completed in accordance with the approved plans in line with BS 8102:2009 code of practice for "protection of below ground structures against water from the ground" and BS 8582:2013 code of practice for "surface water management for development sites" where applicable.
 - 5) Prior to superstructure works, detailed specification and a drainage layout of at least one suitable sustainable drainage systems (i.e. water butt, raingarden, bioretention planter box, living roof (substrate depth of 80-150mm excluding the vegetative mat), 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.

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 property is a three storey end of terrace dwelling in an urban residential location, which is largely made up of rows of terraces and flatted blocks. The property currently has a single storey extension to the rear and some rooms at basement level. The proposal would replace the existing rear extension with a two-storey extension at ground floor and lower ground floor level.
7. Although, due to the subterranean nature of the basement extension, the proposal would largely appear as a single storey extension, its significant depth would result in a large addition to the rear of the property. However, as it would replace existing extensions which are similar in depth to the proposal, it would not appear as an entirely new addition to the site and would not appear significantly more dominant than the current rear extensions. Although the existing extensions may not have planning permission, they appear to have been in situ for a long period of time and still form an integral part of the character of the appeal dwelling and the host terrace from the rear.
8. The proposal would also be smaller in depth and massing than the rear extension at the neighbouring property, 97 Geldeston Road, which although is not located within the same terrace row and is different in design, would sit

directly next to the proposal. Due to this, the proposal would not appear overly prominent when viewed alongside this neighbouring extension. Its end of terrace location and positioning next to this neighbouring extension would also ensure that the proposal would have a limited impact on the host terrace. Furthermore, as the bulk of the proposal is located to the rear, it would have no impact on the appearance of the terrace within the streetscene.

9. The sliding doors would be a modern addition to a dwelling with a traditional appearance and would not match other fenestration in the property. However, they are a common feature in residential extensions, including some of the surrounding properties, and would not have a substantial impact on the overall appearance of the dwelling. Similarly, the proposed rooflight is a common feature within surrounding properties and, in comparison to the resultant size of the dwelling, would not appear overly large or out of keeping.
10. The proposal would not comply with the Residential Extensions and Alterations Supplementary Planning Document (2009) which states that for rear extensions on terrace dwellings, the maximum depth normally acceptable is 3 metres. However, due to the setting and the presence of existing rear extensions as discussed above, the resultant depth would not be detrimental to the host dwelling.
11. In conclusion, I find that the proposed development would not harm the character and appearance of the host dwelling or 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.

Other Matters

12. The appellant has submitted amended plans showing the proposed extension with a reduced width to overcome the Council's concerns. However, as the original design has been found acceptable, it was not necessary to consider the amended design as part of the appeal.

Conditions

13. 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. The two conditions regarding surface water drainage requested by the Council have been included as the Council indicate that the site is located within a critical drainage area. Therefore, these conditions are deemed necessary to ensure that the subterranean nature of the proposal does not further impact upon this.

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