
Appeal Decision

Site visit made on 13 October 2021

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2021.

Appeal Ref: APP/U5360/D/21/3271801

4 Jessam Avenue, Hackney, London E5 9DU

- 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 B Gross against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2020/3352, dated 5 November 2020, was refused by notice dated 30 December 2020.
 - The development proposed is the erection of part single and part two storey rear extensions.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of part single and part two storey rear extensions at 4 Jessam Avenue, Hackney, London E5 9DU in accordance with the terms of the application, Ref 2020/3352, dated 5 November 2020, subject to the conditions contained within the attached Schedule.

Main Issue

2. The main issue in this case is the effect of the proposed extensions on the character and appearance of the host dwelling and the surrounding area.

Reasons

3. The appeal relates to a traditional semi-detached house which sits within a row of similar dwellings. A noticeable element of the street scene is the variety of alterations which have been added to some of the dwellings, including a range of very prominent roof dormers.
4. The proposal seeks to add a part two storey and part single storey extension to the rear of the dwelling. Planning permission has been granted for 'single storey rear and side extension at ground floor level and a single storey rear extension at first floor level' at the appeal property on 15 March 2021 (Ref 2021/0129). The appellant has explained that the only material difference between the approved scheme and the appeal proposal is the overall width and siting of the two storey element.
5. The two storey element would project some 3 metres from the main rear elevation of the host dwelling. It would sit above part of the single storey extension and would project sideways to the boundary shared with No. 6 Jessam Avenue, rather than sitting flush in line with the side elevation of the host dwelling as in the case of the approved scheme.

6. The Council asserts that the proposed first floor addition would not be in scale with and proportionate to the roof of the host dwelling and would change its form, contrary to the advice contained within its adopted Supplementary Planning Document titled '*Residential Extensions and Alterations*' (SPD). However, the arrangement proposed would not appear unsightly and the first floor extension would be set well back from the front elevation of the host dwelling. As a result, the appeal dwelling and No. 6 Jessam Avenue would still appear as physically separate dwellings and only very limited views of a small proportion of the first floor extension would be available within the street scene, when stood directly opposite the gap between these dwellings. Given the recessed nature of the proposed first floor addition, I am also satisfied that it would not unduly imbalance or disrupt the unity of the pair of semi-detached dwellings of which the appeal dwelling is part. This unity is already significantly disrupted by the roof additions at the attached dwelling, No. 2 Jessam Avenue.
7. For the above reasons, I find that the proposed extensions would not harm the character and appearance of the host dwelling or that of the surrounding area. In such terms, I find no conflict with the overall aims of policy D4 of the London Plan, policy LP1 of the adopted Hackney Local Plan or the SPD, which collectively promote high quality design which respects and responds to local character and context.
8. In addition to the standard conditions which limit the lifespan of the planning permission and direct that the development takes place in accordance with the approved plans, the Council has suggested three conditions in the event the appeal succeeds. I agree that the external materials of the extensions should match those of the existing dwelling in order to ensure a visually acceptable development. I also agree that conditions relating to drainage details and flood risk mitigation are required in order to address the issues outlined by the Council's Drainage Engineer, which have not been disputed by the appellant.
9. In allowing the appeal, I shall impose these conditions.

David Fitzsimon

INSPECTOR

SCHEDULE OF 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 drawing numbers:

JA.4.LP, JA.04.PR.101, JA.04.PR.102, JA.04.PR.103 and JA.04.PR.104
- 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
- 4) At least one sustainable drainage system (ie. water butt, raingarden, bio-retention planter box, living roof (substrate depth of 80-150mm excluding the vegetation mat), permeable paving etc.) shall be implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority. If soakaways ie. 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 being discharged off-site and an overall reduction in peak flow rate and volume. The approved details shall be implemented prior to any superstructure works taking place.
- 5) A scheme for the provision and implementation of flood resilient and resistant construction details and measures for the site against surface water flood risk shall be implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the extension is substantially completed.