
Appeal Decision

Site Visit made on 19 October 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2021

Appeal Ref: APP/U5360/D/21/3275001

55 Leadale Road, Hackney, London N16 6DG

- 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 Weiss against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2020/3800, dated 30 November 2020, was refused by notice dated 25 February 2021.
 - The development proposed is described as 'Demolition of the existing single storey outbuilding and excavation of the rear garden to create a single storey basement providing ancillary residential floorspace together with the insertion of three ground floor roof lights (ground surface)'
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Decision

1. The appeal is allowed and planning permission is granted for 'Demolition of the existing single storey outbuilding and excavation of the rear garden to create a single storey basement providing ancillary residential floorspace together with the insertion of three ground floor roof lights (ground surface)' at 55 Leadale Road, Hackney, London N16 6DG in accordance with the terms of the application, Ref 2020/3800, dated 30 November 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 drawings: EX-L001; EX-P001; EX-P002; EX-P003; EX-P004; EX-E001; EX-S001; PR-L001 Rev C; PR-P001 Rev C; PR-P002 Rev C; PR-P003 Rev C; PR-P004 Rev C; PR-P005 Rev C; PR-E001 Rev C; PR-E002 Rev C; PR-S001 Rev C; PR-S002 Rev C; and Flood Risk Assessment, Surface Water Drainage and SuDS Strategy (FRA) (Reference EX20_107_07)
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development shall be constructed in accordance with the measures outlined within the approved Flood Risk Assessment, Surface Water Drainage and SuDS Strategy (FRA) (Reference EX20_107_07) and the development hereby approved shall not be occupied until the sustainable drainage system for the site has been completed in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan at Section 5.2 of the approved FRA.

Preliminary Matters

2. Reference is made in the Council's reason for refusal to the policies in the London Plan (March 2016) and the Publication London Plan (2020). Since the appeal application was decided, the latest version of the London Plan (2021) has been published and is now part of the development plan for London. The appellant and the Council were invited to provide further representations to the new London Plan policies. No responses were received but the Council has provided the equivalent adopted London Plan (2021) policies to those of the Publication London Plan (2020) referred to in the reason for refusal. I have therefore had regard to the latest adopted London Plan (2021) policies in considering this appeal.
3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Accordingly, both parties were invited to provide representations in relation to the revised Framework. I have therefore considered this appeal with regard to the revised Framework.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the appeal site and surrounding area.

Reasons

5. The appeal site is located at 55 Leadale Road, which is a terraced dwelling with a rear garden comprising various single storey outbuildings. The rear of the property is partially visible from Timberwharf Road. The existing boundary treatment is a metal fence which largely screens views into the rear garden.
6. The surrounding area is characterised by predominantly residential development with various employment uses also fronting Timberwharf Road to the rear of the site. Terraced properties on Leadale Road typically include rear gardens accessible from Timberwharf Road. Large rear extensions, detached outbuildings and garages are common features of the street scene.
7. The proposed development would include the demolition of an existing single storey outbuilding and the erection of a single storey building to facilitate access to the proposed basement. The single storey structure would comprise a flat roof and would be partially visible above the existing fence. This is the only part of the development which would be clearly visible from the street. Rear outbuildings are a common feature of the surrounding area and taking into account the relatively small scale of the proposed single storey building, the proposed development would be in-keeping with this prevailing character, particularly when viewed from Timberwharf Road.
8. The visible elements of the proposed development would all be subservient to the existing dwelling. There is no substantive evidence to suggest that basements are not a common feature of the surrounding area. However, even if this is the case, given the limited visual impact of the development the presence of the proposed basement would not be clearly apparent when viewed from Timberwharf Road. The proposed roof lights may be visible from neighbouring properties, but this would not be a harmful visual impact, given the varied appearance of development to the rear of properties on Leadale Road.

9. The Council has suggested that a 'play room' is not essential. However, this is a matter which carries neutral weight in my consideration of this appeal, given that there is no policy requirement to demonstrate that basements are essential or necessary. The Council has also suggested that the quality of the garden would be reduced as a result of the proposed development. However, no substantive evidence has been provided to support this position and this matter was not included within the reason for refusal. Nevertheless, I consider that an adequate amount of useable private outside space would be retained.
10. In summary, the proposed development would be in keeping with the character and appearance of the appeal site and surrounding area. As such, it would comply with Local Plan (2020)¹ Policy LP1 and London Plan (2021) Policy D6 which, in part, require that development is of a high-quality design which is in keeping with local character.
11. Local Plan (2020) Policy LP2 is not relevant to this main issue as it relates to living conditions. London Plan (2021) policies D4 and D10 are not relevant to this main issue as they relate to procedural planning application requirements and plan-making respectively.
12. The proposed development would also comply with Framework Paragraph 130, which requires that new development is sympathetic to local character.
13. In addition, the proposed development would be consistent with the guidance contained within the SPD (2009)² which provides specific guidance requiring that basement extensions are in keeping with the character and appearance of the surrounding area.

Conditions

14. Condition 2, listing the approved plans, is necessary in the interest of certainty. Condition 3, requiring matching materials, is necessary in order to ensure that the development is in keeping with the character and appearance of the surrounding area. Condition 4 is necessary to ensure satisfactory drainage measures are implemented and maintained. The Council has suggested that the FRA can be listed under the approved plans condition. However, a separate condition is necessary to control timing and implementation of the measures. These conditions accord with the advice contained in the Planning Practice Guidance (PPG).

Conclusion

15. The proposed development would accord with the development plan taken as a whole. There are no other material considerations which indicate that a decision should be made other than in accordance with the development plan. As such, the appeal is allowed subject to conditions.

Luke Simpson

INSPECTOR

¹ Hackney A Place for Everyone: Hackney Local Plan 2033 Strategic Planning (Adopted July 2020)

² Hackney Local Development Framework – Supplementary Planning Document: Residential Extensions and Alterations (approved April 2009)