
Appeal Decision

Site visit made on 13 October 2021

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2021.

Appeal Ref: APP/U5360/D/21/3273407
71 Durlston Road, Hackney, London E5 8RP

- 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 Moses Hirschier against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2020/4101, dated 31 December 2020, was refused by notice dated 8 April 2021.
 - The development proposed is the 'erection of rear roof extensions and insertion of rooflights to front roof slope and rear roof slope of rear outrigger.'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of rear roof extensions and insertion of rooflights to front roof slope and rear roof slope of rear outrigger at 71 Durlston Road, Hackney, London E5 8RP, in accordance with the terms of application, Ref. 2020/4101, dated 31 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:
DR.71.LP, DR.71.PR.01 and DR.71.PR.02 Rev A
 - 3) The materials to be used in the construction of the external surfaces of the roof extensions hereby permitted shall match those used in the existing building.
 - 4) Prior to the substantial completion of the development hereby permitted, two swift nesting bricks and/or boxes shall be fitted at eaves level to the host dwelling. The nesting bricks and/or boxes shall be retained thereafter.

Application for Costs

2. An application for costs was made by the Appellant against the Council, which is the subject of a separate decision.
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Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the host dwelling and the Northwold and Cazenove Conservation Area (CA) within which it sits.

Reasons

4. The appeal relates to a traditional mid-terrace dwelling which sits within a row of similar dwellings. The proposal seeks to introduce rooflights to the front roof profile of the dwelling along with the rear roof slope of the rear outrigger. The Council raises no issue with this element of the scheme and nor do I.
5. The proposal also includes the introduction of a box dormer to the rear roof profile with a lower box section linking into to the pitched roof of the existing outrigger. The outrigger occupies a large proportion of the width of the rear elevation of the dwelling. Like the other outriggers within the row, it has a pitched roof with a ridge running parallel to that of the host dwelling, thereby creating a valley where it meets the main rear elevation.
6. The Council's adopted Supplementary Planning Document titled '*Residential Extensions and Alterations*' (SPD) recommends that rear roof dormers should be a minimum of 0.5m below the ridge, a minimum of 1m from the eaves line and should have an overall height that is no more than half the height of the roof. However, the SPD does explain that where a number of large rear box dormers already exist within the immediate vicinity, then a larger rear dormer might be acceptable, subject to provisions.
7. The proposed rear box dormer would span the full width of the property and would be the full height from the eaves level to the ridge. It would be a substantial addition which would add significant bulk to the roof. However, highly material to this case is the presence of large box roof dormers at the nearby dwellings of Nos. 67 and 75 Durlston Road which have already altered the roofscape of this terrace.
8. The proposal also includes a smaller box link from the main roof dormer to the exiting outrigger. Given the width of the outrigger, only very limited views of this element of the development would be visible from the rear of the neighbouring dwellings. I also understand that there are several similar 'full width' roof additions which infill the gap with the rear roof slope of the associated outriggers along this side of Durlston Road, with examples at Nos. 3, 15, 39 and 45 quoted by the Appellant. Furthermore, the Appellant has advised that planning permission has since been granted on 22 October 2021 for a very similar roof addition at No. 65 Durlston Road (Planning Permission Ref. 2021/2677).
9. Given the presence of similar roof additions nearby, I conclude that the proposal would not harm the character and appearance of the host dwelling or the roofscape of the terrace within which it sits and it would have a neutral effect on the character and appearance of the CA. To this end, I find no conflict with the overall aims of policies LP1 and LP3 of the adopted Hackney Local Plan and the SDP, which collectively promote high quality design which respects and complements local context and preserves or enhances heritage assets.

10. In addition to the standard conditions which limit the lifespan of the planning permission and direct that development takes place in accordance with the approved plans, the Council has suggested two conditions in the event the appeal succeeds. I agree that the external materials of the roof additions should match those of the host dwelling in order to ensure a visually acceptable development. I also agree that two swift nesting bricks and/or boxes should be fitted at eaves level to the host dwelling in order to enhance biodiversity within the Borough.

11. In allowing the appeal, I shall impose conditions accordingly.

David Fitzsimon

INSPECTOR