



Appeal Decision

Site Visit made on 9 November 2021

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Appeal Ref: APP/U5360/D/21/3282937

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 the Council of the London Borough of Hackney.
 - The application Ref 2021/0890, dated 15 March 2021, was refused by notice dated 24 August 2021.
 - The development proposed is extension of the lower ground and ground floor.
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Decision

1. The appeal is allowed and planning permission is granted for 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 2021/0890, dated 15 March 2021, 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.101; GR.95.PR.102 and HR.25.PR.103.
 - 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) 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.

Preliminary Matters

2. My attention has been drawn to a recent appeal decision¹ in respect of an alternative (larger) scheme for the extension of the appeal property. I have had regard to that decision in my consideration of the appeal before me and I have determined the appeal accordingly.

Main Issue

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

Reasons

4. The appeal property is an end-of-terrace dwelling which provides accommodation across three storeys, with additional basement rooms. At the rear, there is a three-storey outrigger with a limited projection beyond the property's main rear wall, from which a longer flat roofed ground floor extension projects into the rear yard and garden area. There are also a variety of extensions present at the rear of nearby properties, most notably at No. 97, which has a large three storey outrigger with a further ground floor extension to the rear of that.
5. The proposed extension would extend to a point broadly level with that of the three-storey outrigger at No. 97. Although it would extend across the whole width of the rear of the property and be a substantial rearward extension, it would not appear excessive in the context of either the appeal property, or of those properties around it. Nor would it exceed the overall projection of the existing rear additions at No. 95. Rather, it would have a shorter overall projection than the existing additions.
6. I do not share the Council's concerns regarding the extension's combination of width and projection having a greater impact upon character and appearance than the existing. Instead, I am satisfied that the proposal would result in an improved and more cohesive appearance of the rear of the property. Furthermore, the subterranean nature of the proposal's basement element and its flat roof form would ensure that its physical presence within the site would be limited and it would be unobtrusive in the context of the surrounding properties. In the context of a host building with an elevated ground floor level and three-storey outrigger of considerable height and bulk which would act as effective counterbalances to the extension's width and projection, I find the proposed extension to be an appropriate and proportionate addition to the property.
7. I have noted the Council's concern regarding the planning status of the extension at the rear of the appeal property and also those at neighbouring properties. From my observations during my visit to the site, all appear to be of a reasonably long-standing appearance, the presence of which contribute to

¹ APP/U5360/W/21/3271085

the character and appearance of the appeal property, its setting and the character and appearance of the surrounding area.

8. The properties to the north of the appeal site may differ in layout and form to that of No. 95 but the scale of the extensions are nevertheless part of the context in which the appeal proposal must be considered. The proposed extension would be only single storey (externally) and of a modest scale and height relative to the appeal property. Its overall depth and width would be neither particularly excessive nor overpowering to the host building or its neighbours, whilst its relatively private location at the rear of No. 95 limits the extent to which it would be visible from beyond the site and its immediately adjoining neighbours. It would not, for these reasons, be the incongruous, dominant or obtrusive addition the Council assert.
9. Local Plan (HLP) policy LP1 and London Plan (LP) policy D3 together seek to ensure that all new development must be of the highest architectural and urban design quality, respond to local context and be compatible with existing townscape including urban grain. Although the proposal would not comply with the guidance for rear extensions to terraced properties set out in the Council's '*Residential Extensions and Alterations*' Supplementary Planning Document, (SPD) I am satisfied that the proposal's proportions would not be harmful to the character or appearance of the appeal property, neighbouring properties or the surrounding area. Despite the technical breach of the SPD's guidance I am satisfied that there would be no conflict with the aims and provisions of HLP policy LP1 or LP policy D3.

Conditions

10. I have considered the list of conditions suggested by the Council in light of the Framework and Planning Practice Guidance. In addition to time limit and plans conditions, the imposition of which are necessary and reasonable in the interests of good planning and to provide certainty, a materials condition is also necessary in the interests of character and appearance.
11. The Council have noted that the site lies in a critical drainage area. As the proposal involves an element of subterranean works, I agree that the suggested drainage and flood resilience conditions are necessary and reasonable in order to ensure that the proposal does not further impact upon drainage issues in the area.

Conclusion

12. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

G Robbie

INSPECTOR