



Appeal Decision

Site visit made on 9 December 2021

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2021

Appeal Ref: APP/U5360/D/21/3281294

13 Chardmore Road, Hackney, London N16 6JA

- 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 Joseph Benedikt against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2021/1655, dated 24 May 2021, was refused by notice dated 19 July 2021.
 - The development proposed is erection of rear/side ground floor extension.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of rear/side ground floor extension at 13 Chardmore Road, Hackney, London N16 6JA in accordance with the terms of the application ref: 2021/1655, dated 24 May 2021 and subject to the conditions in the schedule at the end of this document.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the building and the Northwold and Cazenove Conservation Area.
 - the effect on the living conditions of neighbours at No.11 Chardmore Road.

Reasons

3. No.13 Chardmore Road is a two storey mid-terrace dwelling located in a predominantly residential area.

Character and appearance

4. The appeal dwelling is located in the northern part of the Northwold and Cazenove Conservation Area. The conservation area is characterised by high density terraced housing built in the late Victorian period. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
5. The proposed single storey rear extension would infill space which has been occupied by a temporary Sukkah structure. A gap of around 0.8 m would be

left from the ground floor rear bay window of the building. It would have a flat roof with a sukkah rooflight and would result in the building being extended to the rear across its full width. There is an existing single storey structure at the rear of No.15 Chardmore Road and also structures at the rear of No.13 Chardmore Road. Although these may be temporary in nature, or do not have permission, the Council has not advised me of any enforcement action which may have been taken. The Council indicated that there were no permitted extensions of a similar scale in the immediate terrace. However, the appellant has provided details of a single storey ground floor infill extension at No.58 Chardmore Road which was allowed on appeal at the opposing terrace (ref: APP/U5360/D/18/3215637) in January 2019.

6. The proposed extension would not be prominent in any public view. The rear part of the building's full height bay window, which is a particular characteristic of the dwellings in the terrace, would not be obscured at first floor level. The extension would respect the character and size of the original house in accordance with the Council's Residential Extensions and Alterations supplementary planning document. In view of the small scale and position of the proposed extension I consider that it would preserve the character and appearance of the conservation area. In this respect I note that the Clapton Conservation Area Advisory Committee raised no objection to the proposal. Consequently, the proposal would not conflict with policies D1, D3 or HC1 of the London Plan. It would also fail to conflict with policies LP1 and LP3 of the Hackney Local Plan. These policies together seek good design and protection of heritage assets.

Living conditions

7. The Council considered that insufficient information had been provided to demonstrate that the proposal, by virtue of its depth, height and siting, would not have an adverse effect on the amenity of the occupants of No.11 Chardmore Road.
8. The nearest windows to the proposed extension would be within the rear ground floor part of the bay at No.11. The appellant has submitted a sunlight and daylight report. This observed that there is already a wall around 2.15 m high at the boundary between the rear gardens of the appeal building and No.11. It concluded that the reduction in daylight and sunlight to the neighbouring gardens and windows of No.11 would all be within the 20% maximum recommended in the Building Research Establishment publication: *Site layout and planning for daylight and sunlight, a guide to good practice (2011)*.
9. From my site inspection it was apparent that the proposal would be likely to affect the outlook for neighbours from the nearest ground floor window in the rear bay at No.11. However, the outlook from the central window in that bay facing the rear garden of No.11 would be unaffected. In terms of privacy the extension would have a blank wall facing No.11 and the roof would be unsuitable for balcony use because of the proposed rooflight. Therefore there would be no significant loss of privacy for the occupants of No.11 as a result of the proposal. I find that the extension would have no undue detrimental effect on the living conditions of neighbours at No.11. There would be no conflict

with policy LP 2 of the Hackney Local Plan which seeks to ensure that proposals have no significant adverse impacts on the amenity of neighbours.

Conditions

10. In addition to the standard condition for the timescale of development I have included a condition to confirm the approved plans. A condition requiring matching external materials is included in the interest of maintaining the character and appearance of the building. In view of the location of the appeal site in an area subject to a high risk of surface water flooding I have imposed conditions to ensure that the extension is constructed to make it flood resilient and also requiring sustainable methods of water drainage.

Conclusion

11. I have taken all other matters raised into account. For the reasons given above the appeal is allowed subject to conditions.

Martin H Seddon

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CR.13.N16 location plan, CR.13.EX.SP site plan, CR.13.EX 01-04 existing plans and elevations, CR.13.PR.01-04 proposed plans and elevations and Design and Access Statement.
- 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) Prior to commencement of superstructure works, detailed specification and a drainage layout of at least one suitable sustainable drainage system (i.e. water butt with overflow, raingarden, bioretention planter box, living roof (substrate depth of 80-150 mm excluding the vegetative mat), permeable paving etc.) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. 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.
- 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 submitted to and approved in writing with the Local Planning Authority in consultation with the Lead Local Flood Authority, 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 current best practice.