
Appeal Decision

Site Visit made on 9 November 2021 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 January 2022

Appeal Ref: APP/U5360/W/21/3269662

74, Second Floor Flat, Rectory Road, London N16 7SH

- 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 Akanni Onigbanjo against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2020/3663, dated 23 November 2020, was refused by notice dated 18 January 2021.
 - The development proposed on the application form is: Building additional level on top of the first-floor rear back addition.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single-storey extension at second floor level on top of existing outrigger at 74 Rectory Road, London, N16 7SH, in accordance with the terms of the application, Ref 2020/3663, dated 23 November 2020, subject to the following conditions:
 1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Floor Plans RRP.02, Existing & Proposed Front Elevations, RRP.03 Existing & Proposed Rear Elevations RRP.04, Existing & Proposed Side (West) Elevations RRP.05, Existing & Proposed Side (East) Elevations RRP.06.
 3. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description used in the banner is taken from the application form. The description used in the formal decision is taken from the Council decision notice as that adequately describes the proposal.

Procedural Matter

4. I requested from the Council copies of the Policies referred to in the decision notice and also afforded them the opportunity to advise which policies in the new London Plan, following its adoption in March 2021, are now relevant in the assessment of the proposal. The Council did not respond to that request and no copies of relevant policies or further information have been received.
5. Consequently, whilst the following policies were referenced in the decision notice: Policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage Assets & Archaeology) of the London Plan, policies LP1 (Design Quality and Local Character), LP3 (Designated Heritage Assets) and LP17 (Housing Design) of the Local Plan 2033, I have been unable to assess the proposal against them. I have therefore determined the proposal in accordance with the National Planning Policy Framework 2021 (the Framework) and the guidance contained within the Hackney Residential Extensions and Alterations Supplementary Planning Document (2019) (SPD).

Main Issue

6. The effect of the proposal on the character and appearance of the appeal property and the surrounding area including the nearby Northwold and Cazenove Conservation Area (CA).

Reasons for the Recommendation

7. The appeal site is a traditional three storey, plus basement mid terraced property. At the front of the terrace, the repeating and uniformed compact front gardens, regular building openings and architectural detailing contributes positively to the character and appearance of the area.
8. At the rear, No. 74 has an existing two-storey outrigger with single storey extension located beyond this. The neighbouring properties have a range of rear additions including single, two and three-storey developments, including the three-storey extension located on the neighbouring property, No. 78. The rear of this part of the terrace therefore lacks the same visual and architectural uniformity that is seen at the front and that irregular pattern now forms part of the established character at the rear of the block.
9. The proposed rear extension would sit upon the existing two storey outrigger to create a third floor which would sit below the eaves of the main roof. The proposed design along with its mono pitched roof and similar materials ensures that it would respect the character of the original property. Whilst I appreciate as a result of its increased height it would not sit entirely below one floor of the eaves on the main building, a requirement which is set out in the SPD, it would, nevertheless, sit below the eaves, thus appearing subordinate to the original. I therefore consider that the proposal achieves the fundamental aims of the SPD which seeks rear extensions to be to be subordinate and which respects the character and size of the original property.
10. The Council note that the proposal sits near to the Northwold and Cazenove Conservation Area. Although the appeal site would be within the setting of the CA, no evidence from either party in respect of the significance of the CA has been submitted. Nor has the Council set out in what way it considers the proposal would be harmful to the significance of the CA. From what I observed on the ground, the proposal is sufficiently far away and is separated by the

Overground line and intervening buildings and trees. Furthermore, it would be seen in context with other neighbouring rear extensions, including the three storey one located upon No. 78. I therefore consider that the effect of the proposal on the nearby CA would be a neutral one.

11. Given the overall design, scale, form and materials along with the presence of similar rear additions nearby, I conclude that the proposal would not harm the character and appearance of the host dwelling or the rear elevations of the terrace within which it sits. It would therefore have a neutral effect on the character and appearance of the nearby CA. The proposal would therefore achieve the aims of the Framework which seeks new development to respond to the local character, and as a result of good architecture and layout is visually attractive. The development would also avoid conflict with the Framework's historic environment conservation requirements.

Conditions

12. The Council has not provided any suggested conditions, nevertheless I have imposed the standard time limit condition and have specified the approved plans as this provides certainty. A condition is necessary for the materials to match those that are used in the existing property to maintain the character and appearance of the area.

Conclusion and Recommendation

13. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal subject to the conditions set out.

Chris Preston

INSPECTOR