
Appeal Decision

Site visit made on 30 November 2021 by Max Webb BA (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 January 2022

Appeal Ref: APP/U5360/D/21/3279259

37 Egerton Road, Hackney, London N16 6UE

- 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 Shulem Aksler against the decision of the London Borough of Hackney.
 - The application Ref 2021/0920, dated 19 March 2021, was refused by notice dated 26 May 2021.
 - The development proposed is the erection of a rear roof extension to the main roof slope and two Velux windows to the front roof slope.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear roof extension to the main roof slope and two Velux windows to the front roof slope at 37 Egerton Road, Hackney, London N16 6UE in accordance with the terms of the application, Ref 2021/0920, dated 19 March 2021, subject to the following 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: A-DR-00-0001, A-DR-10-0002, A-DR-11-1002, A-DR-11-1003, A-DR-11-1004, A-DR-11-2001, A-DR-11-3001, A-DR-11-3002 and A-DR-11-3003.
 - 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.

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.

Application for Costs

3. An application for costs was made by Mr Shulem Aksler against the London Borough of Hackney. This application is the subject of a separate decision.

Procedural Matters

4. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). I have had regard to this as a

material consideration however, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. The issues most relevant to this appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the host dwelling and the surrounding area.

Reasons for the Recommendation

6. The appeal site is an end terrace property located on a street of both terrace and semi-detached properties. The property sits within a group of similar terraces, although some have existing rear dormer extensions. The properties to the rear of the appeal site also have a number of dormer extensions and rear projections, and therefore, in terms of the rear roof slopes, there is not a consistent character or appearance in the vicinity of the appeal site.
7. The proposal seeks to install a dormer to the rear of the appeal property. Whilst this dormer would be large, the existing rear outrigger would somewhat hide the scale of the dormer. Furthermore, the proposal would be set sufficiently below the ridge to not look overly large for the host dwelling. The proposal would therefore not dominate the existing roof or appear out of scale with the existing property.
8. The proposal would take up a significant amount of the rear roof slope, contrary to the guidance set out in the Hackney Supplementary Planning Document Residential Extensions and Alterations (adopted 2009) (SPD). However, the SPD goes on to suggest that when there are other large rear dormers in the vicinity, a larger dormer may be acceptable. There are multiple properties on the appeal street that have large box dormers and, although there are not enough to make this the predominant character of the area, there are enough to ensure the proposal would not look incongruous or out of scale with the surrounding area.
9. Furthermore, there are a number of properties to the rear of the appeal site that have various projections and dormer extensions. When viewed in this context, the appeal proposal would appear neither obtrusive nor incompatible with the surrounding area.
10. The Council raise no objection to the installation of the front rooflights. As there are a number of other examples on the appeal street, I find no reason to disagree.
11. Overall, the proposed development would not harm the character or appearance of the host dwelling or the surrounding area. It would therefore comply with Policy LP1 of the Hackney Local Plan 2033 (adopted 2020), which aims to ensure development is compatible with the existing townscape. It would likewise conform with Policy D3 of the London Plan (adopted 2021), which seeks for development to respond to the existing character of a place. The proposal would also fulfil the overarching aims of the SPD, which looks to ensure extensions and alterations protect the characteristics of individual dwellings and the wider townscape.

12. The Council have also referred to Policy D1 of the London Plan. Policy D1 is strategic in nature and is therefore not greatly relevant to this householder development.

Conditions

13. The standard time condition has been recommended for reasons of certainty. For the same reason, conditions regarding plans and materials have been recommended, as well as to ensure an appropriate level of design that protects the character and appearance of the dwelling.

Conclusion and Recommendation

14. For the reasons given above and having had regard for the Development Plan when it is considered as a whole, I recommend that the appeal should be allowed.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

K Taylor

INSPECTOR