



Appeal Decision

Site visit made on 12 October 2021 by M Long

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2022

Appeal Ref: APP/U5360/D/21/3275430

136 Olinda Road, Hackney, London N16 6TP

- 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 Rosenberg against the decision of The London Borough of Hackney.
 - The application Ref 2021/0355, dated 4 February 2021, was refused by notice dated 19 April 2021.
 - The development proposed is described as the "erection of a two-storey rear extension formed of a first floor rear infill extension (already received planning permission) and a second floor roof extension".
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Decision

1. The appeal is dismissed.

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. 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 Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the neighbouring occupiers at No 138 Olinda Road with regard to light, outlook and whether there would be an overbearing impact and sense of enclosure.

Reasons for the Recommendation

Character and Appearance

5. The appeal site is located in a predominantly residential area comprised of a variety of housing types, including a large amount of terraced housing. The appeal property is located at the end of a terrace characterised by dwellings of a similar design. The appeal property is a two-storey dwelling with an outrigger and has been subject to numerous extensions at the rear, including a large roof extension at second floor level that extends onto the outrigger. Upon my visit to the site, I observed a significant number of rear extensions on surrounding properties, some of which were visible from the appeal property.
6. From the documents submitted at appeal stage, it is understood that several other schemes have been granted consent at the appeal property. This includes an extension at first floor level almost to the full width and depth of the ground floor extension as well as an extension of the outrigger's depth at second floor level, but not quite to the full extent of the floors below. At the time of the site visit, it was evident that these works had not yet been implemented. The proposed scheme would include similar extensions at first and second floor level but with the second floor also increased in width which would reduce its set back from the eastern boundary from approximately 1.4m to 0.5m.
7. The proposed width of the second-floor extension would substantially alter the proportions of the host dwelling and result in the loss of the definable outrigger feature which forms part of its intrinsic character. The proposed additional bulk at second floor level would be unsympathetic to the existing roof form and would be incongruous along the wider terrace which appears to largely retain its outrigger forms. The Residential Extensions and Alterations Supplementary Planning Document (SPD) requires that roof additions are proportionate to the existing roof form, therefore the proposal would conflict with this document. Although there would be very limited public views of the extension, the significant height of the proposed additional bulk at second floor level would be prominent from the surrounding properties.
8. Given the above, the proposal would result in harm to the character and appearance of the area. As such, the proposal would be contrary to the Hackney Local Plan 2033 (adopted July 2020), specifically Policy LP1 which seeks to ensure that development responds to local character and context and is compatible with the existing townscape. Although conflict with Policy D4 of The London Plan (adopted March 2021) is mentioned by the Council, this Policy is strategic in nature and focuses on the design process and scrutiny, it does not appear to be directly relevant to the modest nature of the appeal scheme.

Living Conditions

9. The appeal dwelling shares a boundary with No 138, the neighbouring property to the east. No 138 is a two-storey, end-of-terrace property with rear windows at both ground and first floor level. It is set back from the shared boundary by a short distance resulting in a small gap between the two properties.
10. Given the substantial width and depth of the previously approved extension at first floor level, the proposed additional bulk at second floor level would be largely obscured from the rear of No 138. Although the appeal scheme would reduce the set back of the second-floor extension from the shared boundary,

there would be limited visibility of the second storey and so the proposal would not result in an unacceptable overbearing impact or sense of enclosure. Moreover, the level of outlook experienced by the occupiers of No 138 from the rear windows and garden would not be significantly different from the level associated with the completion of the previously approved extensions.

11. Similarly, the additional bulk at second floor level would have a limited impact upon the level of light received by No 138 beyond the effect of the previously approved extension at first floor level, which would not result in an unacceptable effect on living conditions in this regard. The Residential Extensions and Alterations SPD states that extensions at roof level should have regard to the amenity of neighbours and, in relation to this particular issue, the proposal would comply with the relevant sections of this document.
12. For the above reasons, the proposal would not result in an unacceptable effect on the living conditions of the neighbouring occupiers at No 138 Olinda Road with regard to light, outlook and whether there would be an overbearing impact and sense of enclosure. As such, the proposed extension would accord with Policy LP2 of the Hackney Local Plan 2033 which seeks to ensure new development has no significant adverse impacts on the amenity of neighbours. It would also comply with Policy LP17 which seeks to ensure extensions are of high quality design and that regard is had to the Residential Alterations and Extensions SPD. In the second reason for refusal reference was made to Policy D4 of The London Plan, however this Policy does not directly address living conditions and is not considered relevant to this issue.

Other Matters

13. The appellant has stated that the proposed development would provide improved accommodation that responds to the specific needs of their family. However, this is a private benefit that would not outweigh the harm identified against the character and appearance of the area.

Conclusion and Recommendation

14. I have concluded that the proposed development would not result in an adverse impact on the living conditions of neighbouring occupiers. However, given the identified harm to character and appearance, the proposed development would not accord with the development plan, when considered as a whole. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

M Long

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 dismissed.

Martin Seaton

INSPECTOR