



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: 13th January 2022

Appeal Ref: APP/U5360/D/21/3282584

1 and 3 Whatcotts Yard, Palatine Road, Hackney, London N16 8ST

- 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 Bortolo Garibaldo against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2021/1465, dated 5 January 2021, was refused by notice dated 14 July 2021.
 - The development proposed is a roof extension.
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Decision

1. The appeal is allowed, and planning permission is granted for construction of roof extensions together with alterations to the fenestration at 1 and 3 Whatcotts Yard, Palatine Road, Hackney, London N16 8ST in accordance with the terms of the application ref: 2021/1465, dated 5 January 2021 and subject to the conditions in the schedule at the end of this document.

Preliminary Matter

2. I have determined this appeal on the basis of the Council's description of development as: construction of roof extensions together with alterations to the fenestration at the location of 1 and 3 Whatcotts Yard. I consider that this is a more accurate specification for the proposals and location than stated in the planning application form.

Main Issue

3. The main issue in this appeal is the effect of the proposals on the character and appearance of the property, terrace and surrounding area.

Reasons

4. Nos.1 and 3 Whatcotts Yard are the end buildings of a contemporary award-winning terrace. The terrace is located in a backland position between the rear gardens of older terraced housing along the parallel roads of Brighton Road and Palatine Road.
5. The mid-terrace dwelling of No.2 Whatcotts Yard was granted permission for a roof extension in 2020. The proposed roof extensions would replicate the form, external materials and roof slope of the existing two end dwellings of the terrace and would raise their height by around 1.45 m. Raising the roof height would increase the ceiling height of the two top mezzanine floor rooms, making

the accommodation more useable and compliant with the London Plan Residential Design Standards for ceiling heights.

6. The Council, in the Officer's Delegated report, refers to objections received from neighbour consultations. It concludes that there would be no adverse impact on the amenity of surrounding neighbours from the proposal. That includes consideration of received daylight /sunlight, the effect on outlook (including bulk and dominance issues), privacy and overlooking, noise concerns and light pollution.
7. I see no reason to disagree with that conclusion and consider that there would be no significant increase in harm to the amenity of neighbours in view of the separation distance of the building from surrounding properties and the relatively small increase in height which is proposed.
8. The Council considers that the proposals by reason of scale, siting and design would result in an obtrusive and incompatible form of development. Having regard to design, I find that the proposal would be in keeping with the existing building. This is because the extensions would use matching materials and would continue the existing sloping roof form for the two parts of the terrace. The scale of the roof extensions is limited compared to the proportions of the building and terrace. The uniformity of the terrace has already been disrupted through the roof extension at No.2 and I consider that there would be no significant harm to the appearance of the building through the appeal proposals. I have also taken into account the fall-back position whereby Nos.1 and 3 could be increased in height, albeit to a lesser extent than proposed, through permitted development rights.
9. The design, use of modern materials and form of the terrace contrasts with that of the older surrounding terraced properties. The Council considers that the building, as backland development, must be subservient to the height of the surrounding terraces, in particular to the terraces to the south and east of the appeal site. However, there are mansard roof extensions along the terrace to the south of the site, some of which have been granted permission by the Council, thereby increasing the height of the terrace. Having regard to the design of the appeal building, separation distance and height of neighbouring buildings, I consider that the proposed increase in height would not make it unduly dominant within the context of the surrounding development.
10. The Council has indicated that none of the specific guidance for roof extensions in its *Residential Alterations and Extensions* supplementary planning document is relevant to the proposal. However, I see no conflict from the proposals with the conditions quoted in the Planning Officer's report concerning high quality design, departing from or disrupting the existing roof form, or being in scale and proportionate to the existing roof.
11. I find that the proposals would have no significant harmful effect on the character and appearance of the property, terrace or surrounding area. The development would therefore not conflict with policy D3 of the London Plan regarding optimising site capacity through the design-led approach and with Hackney Local Plan policy LP1 regarding design quality and local character.

Conditions

12. 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 terraced building. The Planning Officer's report refers to a requirement for a biodiversity related condition where a roof commencement height of five metres or above is involved, should permission have been granted. I therefore include a requirement for the erection of bird nesting boxes at the building.

Conclusion

13. I have taken all other matters raised into account. However, for the reasons given above I consider that the appeal should be 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: 2019_P_001A & 2A, 2019_P_015A, 2019_P-002 to 018 inclusive and Design 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) Within three months of the date of this permission details of bird nest boxes to be added to the building, their proposed location and a timetable for their installation shall be submitted to the local planning authority for approval in writing. Development shall be carried out in accordance with the approved details and timetable and the nest boxes thereafter retained.