
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: 17 January 2022

Appeal Ref: APP/U5360/D/21/3277907

33, Meynell Road, Hackney, London E9 7AP

- 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 Ms Elena Mackey against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/1043, dated 2 April 2021, was refused by notice dated 27 May 2021.
 - The development proposed on the application form is: Rear roof extension with rooflights to the rear and front.
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Decision

1. The appeal is allowed, and planning permission is granted for a rear roof extension with rooflights to the rear and front at 33, Meynell Road, London, E9 7AP in accordance with the terms of the application, Ref 2021/1043, dated 2 April 2021, 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: AL05 Proposed Block Plan, AL20 Proposed Ground and First Floor Plans, AL21 Proposed 2nd, Loft and Roof Plans, AL25 Proposed Sections AA+BB, AL26 Proposed Sections CC+DD, Rear + Front Elev.
 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.

Main Issue

3. The effect of the proposal on the character and appearance of the appeal property and whether it preserves or enhances the Victoria Park Conservation Area (CA) in which it is located.

Reasons for the Recommendation

4. No. 33 is a two-storey terraced property located within the CA. The significance of the CA, in so far as it relates to the appeal, is derived from the two-storey brick-faced dwellings rich in architectural detail with the front facades having a strong sense of architectural rhythm imparted by the two storey half-hexagonal, bay window with a pitched, slate roof running back into the front plane of the main house; party walls and regular structural openings. Small front gardens behind low brick boundary walls and street trees complement the open nature of Meynell Road contributing to the verdant and attractive character of this part of the CA and also the wider CA.
5. To the rear, No. 33 sits within a perimeter block and as such its rear elevation is not readily visible from the public realm. Whilst it is visible from the rear of neighbouring properties and gardens, given the mature vegetation throughout the area, visibility is likely to be restricted from some areas. Despite the rhythm of the paired three-storey rear outriggers in this section of Meynell Road, due to the incremental changes to the rear roof slopes and elevations of a number of these properties, the architectural coherence, which can be seen at the front, is not as apparent at the rear.
6. The proposal, which seeks at the rear a full width dormer style extension, is similar to existing development at the adjoining neighbouring property No. 34. This existing full width dormer, the Council note, occurred prior to the adoption of the 2009 Residential Extensions and Alterations Supplementary Planning Document (SPD). Full width dormers are also present at No. 29 and No. 30, but there is no record that these have planning consent.
7. As a result of these existing full width rear dormers the original character and appearance of this section of rear roofscape has changed. Having said that, it is not uncommon for more significant alterations to take place in the private space to the rear of terraced properties and, due to the sense of enclosure at the rear of the block, the changes that have occurred have not unduly caused harm to the wider character or appearance of the area.
8. Given the proposal's design, form, and materials it would not detract from the existing character of the appeal property or that of the neighbouring roofscapes in which it would be seen in context with. It would sit between the distinctive party walls and would not appear, when viewed from the rear properties or gardens of overlooking neighbours, overly prominent or incongruous.
9. I note that the proposal does not comply with the technical requirements as set out in the SPD. However, the SPD sets out guidance only and not fixed policy and the proposal would be of a high-quality design, would not exceed beyond the existing eaves or ridge and would, as a result of it siting between the party walls, remain proportionate to the existing roof, notwithstanding its width. Moreover, it would be of a similar design, scale and form of the existing neighbouring development upon this part of the rear roofscape and would reinstate a degree of symmetry in the pair of dwellings, an effect that would not be achieved if the dormer was set in from the side of the party walls. Therefore, whilst the proposal does not comply with the specific technical guidance, as set out in the SPD, it would not be harmful to the character or appearance of the appeal property, neighbouring properties or the surrounding area.

10. Where existing front roof lights appear along Meynell Road, they appear limited to two. However, one of the three proposed would be set back from the prominent roof formation of the half-hexagonal bay window at second floor, thereby limiting its visibility from street views. Having regard to this, in combination, the rooflights would not appear cluttered, nor would they visually dominate the roof plane on account of their overall scale and form. Moreover, they would not detract from the architectural features of the property or that of the wider area.
11. Having regard to the above, I find the proposals would be acceptable and the effect of the proposed development on the appeal property and this part of the CA, and the CA taken as a whole, would be a neutral one and the prevailing character of the CA of attractive, suburban dwellings would be preserved.
12. The proposal therefore complies with Local Plan Policies LP1 and LP3 of the Hackney *A Place for Everyone*, Hackney Local Plan 2033, Strategic Planning (2020) (HLP), and London Plan (2021) (LP) Policies HC1 and D3 which collectively seek to ensure that all new development is of the highest architectural and urban design quality, responds to local context and be compatible with existing townscape including urban grain. Despite the technical breach of the SPD's guidance, I am satisfied that there would be no conflict with the aims and provisions of the above-mentioned policies.
13. In conclusion, I find that the proposed development would not cause harm to the character and appearance of the appeal property and as such would preserve the significance of the CA, as it relates to the appeal site, and as a whole.

Conditions

14. 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

15. 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

16. 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