

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: 3 February 2022

Appeal Ref: APP/U5360/W/21/3268163

8, Flat A, Ashenden Road, Hackney, London E5 0DP

- 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 Gavin Borthwick against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2020/3366, dated 7 November 2020, was refused by notice dated 11 January 2021.
 - The development proposed on the application form is: Ground floor extension (wraparound).
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Decision

1. The appeal is allowed, and planning permission is granted for Ground floor rear/side (wraparound) extension at, 8 Flat A, Ashenden Road, Hackney, London, E5 0DP in accordance with the terms of the application, Ref 2020/3366, dated 7 November 2020, subject to the following condition:
 - 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: 01/01A, 01/08D 02/08D, 03/08D, 04/08D, 05/08D, 06/08D, 07/08D & 08/08D.
 - 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) No development beyond slab level shall take place until a sustainable drainage plan and specification including at least one suitable sustainable drainage system (i.e. water butt, raingarden, bioretention planter box, living roof (substrate depth of 80-150mm excluding the vegetative mat), permeable paving, etc.) has been submitted to and approved in writing by the Local Planning Authority. If soakaways i.e. plastic modules and soakaway rings are used, an infiltration test must be carried out to ensure that the capacity of the soil is suitable for infiltration. The submitted drainage plan must demonstrate that there will be no increase in surface water flow being discharged offsite and an overall reduction in peak flow rate and volume. Thereafter, the approved sustainable drainage system shall be incorporated into the
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development and fully operational prior to the first use of the extension hereby permitted and shall be retained for the lifetime of the development.

- 5) No development shall commence until details of flood resilient and resistant construction measures to be incorporated into the development to protect against surface water flood risk have been submitted to and agreed, in writing by the Local Planning Authority. Thereafter, the approved measures shall be completed and operational before the extension is occupied and shall be retained for the lifetime of the development.

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 Council's decision notice referred to policies 7.4 and 7.6 of the London Plan (2016) in the reasons for refusal. Since the determination of the application, the new London Plan has been adopted in March 2021. I afforded the main parties an opportunity to comment upon the implications of this change for the purposes of determining this appeal. No further comments have been made by either party. The proposal has therefore been considered against the development plan of the Hackney Local Plan 2033 (2020).

Main Issues

4. The effect on the character and appearance of the appeal building and surrounding area.

Reasons

5. No. 8 is the ground floor flat located in a two-storey terraced property. It sits within a perimeter block with the rear elevations retaining a number of original features including paired two storey additions. These two storey additions projects across part of the rear elevation which leaves a gap between the addition and the shared boundary.
 6. Both the Council and appellant note that properties in the terrace have not extended beyond the rear wall of the two-storey addition, however, they do note that development has occurred from the side up to the shared boundaries, thus filling the gap between the rear addition and shared boundary.
 7. During my site visit I was able to observe the neighbouring ground floor infill development at No. 6. However, as a result of the high boundaries and verdant back gardens, I was unable to view other ground floor developments in this short terrace.
 8. The proposal seeks to extend out from both the side and rear of the existing rear addition. It would extend out at the side across to the shared boundary with a light well sited adjacent to the original rear elevation. From the rear it would, as confirmed by the Council and depicted on the drawings, extend out from the rear addition by 3 metres.
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9. I appreciate the overall depth of the proposed extension along the shared boundary would, as confirmed by the Council, be 10.4 metres, and this would possibly appear excessive when considered on its own. However, in the broader context of the site and when considering the proposal's design, form and mass, it would appear subservient to the predominant form of the two storey L-shaped rear addition of the main building. In particular, the side infill would replicate similar development elsewhere and the rear addition, beyond the outrigger, would be modest in relation to the scale of the existing property and the associated external space.
10. I accept that the rear finished building would not be in full conformity with other properties in the terrace where single storey extensions have not extended beyond the existing rear additions. However, the fact that it would be different is not an indication of harm. The prevailing characteristic of the rear terrace would be retained, and it would still be possible to discern the original two storey addition from the subordinate ground floor rear extension. The proposal would therefore as a result of its design, scale and mass, remain subservient to the original dwelling and would not appear as a dominant feature in the streetscape.
11. Moreover, given the concealed position of the appeal site, within a perimeter block, views of the proposal would be restricted to only a few neighbouring properties. As such, the overall change resulting from the appeal proposal would be minor and not draw the eye.
12. Overall, the proposal is considered to comply with the fundamental aims of the Supplementary Planning Document Residential Extensions and Alterations (2009) (SPD) which seeks new development proposals to be sensitive to the original building and respect the character of the area.
13. In conclusion, the proposal would not harm the character and appearance of the appeal property and surrounding area. Accordingly, the proposal would comply with Policy LP1 of the Hackney Local Plan 2033 Strategic Planning (2020), which seeks development to be of the highest architectural and urban design quality and responsive to local character.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development is carried out in accordance with them as this provides certainty. To ensure the satisfactory appearance of the finished building, a condition is attached to require the external materials match those of the existing dwelling.
15. The Council have submitted a number of suggested conditions which seek to prevent the area from surface water flooding. The Officer's report notes the site is shown to have a 'high risk' of surface water flooding, this has not been contested by the appellant. The proposed conditions to mitigate against surface water flooding are therefore considered reasonable and necessary.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I find that there are no material considerations that indicate the decision should be made other than in accordance with the development plan. I recommend that the appeal should be allowed.
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S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

17. 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
