



Appeal Decision

Site visit made on 19 January 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2022

Appeal Ref: APP/U5360/W/21/3279384

Flat B, 23 Montague Road, Hackney, London E8 2HN

- 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 A Matthews against the decision of London Borough of Hackney.
 - The application Ref 2021/0513, dated 17 February 2021, was refused by notice dated 4 May 2021.
 - The development proposed is "Proposed rear single storey extension at first floor level".
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Decision

1. The appeal is allowed and planning permission is granted for a rear single-storey extension at first floor level at Flat B, 23 Montague Road, London E8 2HN in accordance with the terms of the application, Ref 2021/0513, dated 17 February 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 302_SL_01; 302_EX_01; 302_EX_02; 302_EX_03; 302_EX_04; 302_EX_05; 302_EX_06; 302_EX_07; 302_EX_08; 302_EX_09; 302_EX_10; 302_PR_101; 302_PR_102; 302_PR_103; 302_PR_104 Rev B; 302_PR_105; 302_PR_106; 302_PR_107; 302_PR_108; 302_PR_109.
 - 3) No development shall commence until details (including photographed samples) of the materials including glazing, to be used in the construction of the external surfaces of the extension hereby permitted, shall be submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the appeal property and the St Mark's Conservation Area.

Reasons

3. The appeal property is an end terrace on Montague Road. It is similar to most of the properties on the Road which are three-storeys in height with deep basements and raised first floors accessed via steep steps to paired front doors. It lies within the St Mark's Conservation Area (CA).

4. The proposal would extend the existing two storey mono-pitched outrigger upwards by an extra storey. It would be finished with zinc cladding and has been stepped in from the end and the outer side of the existing outrigger. The ridge of the extension would sit well below the eaves of the main house and the eaves would be almost a full storey below the eaves of the main house. The resultant structure would, therefore, appear subservient to the host property and not as a bulky or obtrusive form of development. During the winter months it would be visible from the car park behind and from Sandringham Road in the gap between the houses. It would be partially screened by trees in the appeal property's garden during the summer months. However, it would be viewed in the context of other rear outriggers on the Road which are not consistent in design or size. Furthermore, not all outriggers on the Road are paired. Consequently, the proposal would not appear out of keeping or incongruous.
5. The use of zinc cladding introduces a material which is not present in this part of the CA, however, I am mindful of a recent appeal at the same address¹ for a more comprehensive scheme where the Inspector concluded that the use of zinc on a very similar extension would distinguish the new from the old and the design of the extension "would maintain an element of authenticity". I have not been presented with any evidence to persuade me that the use of this material or the form of the proposed development would be inappropriate.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the CA. In considering the effect of the proposal on the CA the impact must be weighed against the harm it would have on the heritage asset.
7. The CA is notable for the excellent survival of high quality middle-class Victorian housing. The St Marks Conservation Area Appraisal (2008) identifies the properties on Montague Road as being surprisingly well maintained and well restored, however, this does not preclude properties being extended and altered. I observed on my site visit, and my attention has been drawn to recent developments close by where outriggers have been extended upwards. The limited scale and appropriate design of the proposal before me respects the original form of the appeal property and the wider terrace and would therefore not cause harm to the character or appearance of the CA.
8. I therefore find that the proposed extension would not have an unacceptably harmful impact on the character and appearance of the appeal property and would not harm and therefore would preserve the character and appearance of the CA. As such it would not conflict with Hackney Local Plan (2020) Policies LP1 and LP3 or The London Plan (2021) Policy D4 which seek to ensure that development is of a high quality and conserves or enhances heritage assets.

Conditions

9. I have considered the Council's suggested conditions in light of the National Planning Policy Framework and Planning Practice Guidance. I agree that a plans condition is necessary and reasonable in the interests of certainty. I have also attached an amended wording of the sample materials condition suggested by the Council which is necessary and reasonable in the interests of character and appearance. The amended wording does not alter the requirements of the

¹ APP/U5360/W/20/3249557

condition and therefore neither party have been prejudiced by the alterations I have made.

Conclusion

10. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

Katherine Robbie

INSPECTOR