



Appeal Decision

Site visit made on 8 February 2022

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2022

Appeal Ref: APP/U5360/D/21/3281347

13 Bethune Road, Hackney, London, N16 5BW

- 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 Kahan against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/0739, dated 9 March 2021, was refused by notice dated 4 June 2021.
 - The development proposed is the erection of 2 storey rear extension above existing single storey rear projection.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the dwelling and the area. The development plan includes policies D1 and D4 of the London Plan (2021) and policy LP1 of the Hackney Local Plan 2033 (2020) which together seek to ensure that all development is of the highest quality. The guidance in the Council's 'Residential Extensions and Alterations' Supplementary Planning Document (2009) (SPD) advises that all extensions should be subordinate to the principal building.
3. The appeal site comprises a Victorian dwelling with a main hipped roof. Whilst it has the appearance of a semi-detached dwelling on its front elevation and has a separate roof from its neighbour at no 11, it is adjoined to the neighbouring dwelling at first floor level like others in the street, creating a terraced appearance on the rear elevation. The terrace has been subject to significant alterations of a variety of sizes and forms.
4. At my visit, I saw that some building works were underway on the rear elevation of the appeal dwelling, including roof alterations (under a lawful development certificate) and a ground floor extension to infill the side return (under prior approval). There is an existing single storey ground floor extension of considerable length with a flat roof which the Council considers is immune from enforcement action.
5. The proposed development would extend above part of the existing ground floor extension at first and second floor levels. It would have a flat roof and the eaves would align with those of the main roof.

6. The appellant has incorrectly referred to the SPD guidance for side extensions but as the proposal would be on the rear elevation of the property, the guidance for rear extensions applies instead. These should be at least one storey lower than the eaves height of the principal building. Slightly larger rear extensions may be considered where they adjoin an existing, approved larger extension or there are similar in the immediate vicinity.
7. Whilst the proposed extension would be smaller than some of those in the terrace, by reason of its extension beyond the hipped roof section of the elevation, its width would not be subordinate to that of the main, hipped roof part of the dwelling. As the eaves height would match that of the main building, it would exceed the SPD guidance and the extension would be unacceptably bulky both in itself and together with the existing extensions at the property. Furthermore, the proposed window openings would not reflect the proportions of most of the existing upper floor openings in the terrace and would unacceptably emphasise the width of the extension. The proposal would not, therefore, be sufficiently subordinate to the dwelling.
8. I have not been provided with any details of the age and planning status of the other alterations in the terrace and it is unclear to me whether or not they are authorised. It seems likely that many predate the Council's current local plan and its strong emphasis on the highest quality design. Moreover, I saw at my visit that many of those do not make a positive contribution to the character and appearance of the terrace by reason of their siting, size and bulk. I find then that the existing extensions in the terrace do not set a precedent for this extension or provide justification for an exception to the Council's SPD.
9. Although there may be a demand for large family-sized units in the area and support for those in national, London and local policy, the plans show that the property already has four bedrooms. As the proposal would not create an additional unit, any 'presumption in favour of sustainable housing development' would therefore not apply in this case.

Conclusion

10. For the reasons stated above, I conclude that the proposed development, by reason of its siting, bulk and design, would result in significant harm to the character and appearance of both the dwelling and the area. As such, it would be contrary to the development plan policies referred to earlier and there are no material considerations that indicate otherwise. The appeal should be dismissed.

Sarah Colebourne

Inspector