



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/21/3288532

18 Durley Road, Hackney, London, N16 5JS

- 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 Beigel against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/2958, dated 1 October 2021, was refused by notice dated 29 November 2021.
 - The development proposed is the erection of first-floor infill extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a first-floor infill extension at 18 Durley Road, Hackney, London, N16 5JS in accordance with the terms of the application, Ref 2021/2958, dated 1 October 2021, subject to the following 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: E00, E01, E02, E03, E04, E05, E06, E07, P01, P02, P03, P04, P05, P06, P07.
 - 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) Prior to the first occupation of the development hereby approved a minimum of two Swift nesting bricks and/or boxes shall be provided at or close to eaves level of the development hereby approved. The bricks/boxes shall be retained thereafter in perpetuity.
 - 5) No part of the roof at first floor level shall be used for any purpose other than as a means of escape in emergency or for maintenance of the building.

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.
3. 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 and should be at least one storey lower than the eaves height of the building. Slightly larger rear extensions may be considered where they adjoin an existing, approved larger extension or there are similar in the immediate vicinity.

4. The appeal site comprises a traditional, two storey mid terrace dwelling that has been previously extended, including single storey extensions on the rear elevation. The proposed development would extend above a small single storey rear extension, infilling the side return at first floor level. It would be very modest in size, would occupy only a third of the width of the dwelling and would align with the first floor of the adjoining dwelling at no 16. It would have a flat roof which would align with the existing eaves height. Although it would not accord in this regard with the SPD, it would not obscure the main shape of the dwelling as the main roof form of the dwelling would remain and would be clearly seen.
5. Whilst the immediate vicinity does not generally have such extensions, the adjoining dwelling at no 16 has no side return and the presence of a high party wall between the roof of the appeal dwelling and no 16 has created a change in pattern in the terrace. As such, the side return at the appeal site makes little contribution to the character of the dwelling or the terrace and is somewhat dominated by the party wall. The relationship between the site and its neighbour at no 16 therefore has a different character from that of the other dwellings in the terrace which generally mirror their neighbour. The proposed extension would form a subordinate element next to this large wall and the loss of the gap at first floor level would not harm the character of the dwelling or the terrace.
6. I conclude then that the specific circumstances of this site are sufficient to justify a departure from the requirements of the Council's SPD in this case. The proposal would form a modest and subordinate extension which would not harm the character and appearance of the dwelling or the area and would accord with the development plan policies referred to above.
7. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition requiring matching external materials is necessary in the interests of the character and appearance of the dwelling and the area. A condition requiring provision of bird nesting bricks or boxes is necessary in the interests of biodiversity. A condition for the restricted use of the flat roof is necessary in the interests of the living conditions of neighbouring occupiers.

Conclusion

8. For the reasons stated above, I conclude that the appeal should be allowed.

Sarah Colebourne

Inspector