The Planning Inspectorate

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/21/3283963
119 Dynevor Road, Hackney, London, N16 0DA

- 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 E Himmelfarb against the decision of the Council of the London Borough of Hackney.
- The application Ref 2021/1781, dated 4 June 2021, was refused by notice dated 5 August 2021.
- The development proposed is the construction of a single storey wraparound extension. erection of a single storey ground rear extension.

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, including the neighbouring Conservation Area. The development plan includes policy LP1 of the Hackney Local Plan 2033 (2020) which seeks to ensure that all development is of the highest quality and policy LP3 which seeks to ensure that development preserves or enhances the character and appearance of Conservation Areas and their settings.

3. The appeal site comprises a traditional, two storey mid terrace dwelling within an area of similar properties. It abuts the Stoke Newington Conservation Area (CA) on its rear boundary which, by reason of its height and planting, provides substantial screening of the site from and towards the CA. This and the predominantly tall, planted side boundaries also give the site a high degree of privacy from neighbouring properties.

4. The appeal dwelling has been previously extended with a glazed, single storey extension to the side return. The proposed development would include the replacement of that with a wraparound extension, infilling the side return and extending beyond the original two storey outrigger by some 2m. It would have a contemporary form with an asymmetrical gabled, glazed roof.

5. The guidance in the Council's 'Residential Extensions and Alterations' Supplementary Planning Document (2009) (SPD) advises that where houses have a rear projecting element, extensions should not project beyond the side wall of the original rear extension (or outrigger). Slightly larger rear extensions may be considered where they adjoin an existing, approved larger extension or there are similar in the immediate vicinity.

6. Although the appellant says that there is an extension at no 105 which extends beyond the rear outrigger, that does not infill the side return and is not therefore a wraparound extension as proposed here. In any case, I have no evidence regarding the planning status of that extension. The wraparound extension referred to by the appellant at no 147 lies within a separate terrace to the north of the appeal site and again I have no evidence regarding its planning status. Whilst both of those could be argued to be in the immediate vicinity, I have seen no other comparable extensions within this or the adjacent terrace and the examples referred to do not set a precedent for this proposal.

7. The appellant has also referred to examples in the wider area of approved wraparound extensions, including at 40 Dumont Road and 19 Kersley Road. As those are not located within the same street or terrace and cannot be seen from the property, they cannot be considered as within the immediate vicinity. Furthermore, it seems likely that those were approved prior to the adoption of the current local plan and whilst the SPD has been in existence for several years, it is likely that the current policies have a stronger emphasis on design. Therefore, the existing extensions in the area referred to do not set a precedent for this extension or provide justification for an exception to the Council's SPD.

8. I disagree with the Council that the form of the proposal would be jarring. Whilst its asymmetrical roof would differ from the traditional pitched roof of the dwelling, the angle of its main slope would reflect that of the outrigger roof and the contemporary style would clearly distinguish it from the original dwelling.

9. Given the physical separation of the site, screening and lack of intervisibility from the CA, I find that the proposal would not have a significant impact on the CA whose character and appearance would be preserved.

10. However, by reason of the siting of the proposal and its extension beyond the side of the outrigger, the scale would be excessively wide and disproportionate to the main part of the dwelling. At present, the pattern of the side return and outrigger are clearly apparent despite the existing extension but the width of the proposal would partially obscure this, detracting from the architectural integrity of the dwelling. If allowed, it would be likely to set a precedent for similar extensions in the terrace which would detract from the prevailing character and pattern of outriggers and side returns within the terrace.

11. Although the appellant could erect a 3m deep rear extension as permitted development, the impact of that on the pattern of the outrigger/side return would be less than under this proposal. The appellant considers that the proposal would improve the layout of the kitchen and dining space but that is a private benefit which would not outweigh the wider harm I have identified.

Conclusion

12. For the reasons stated above, I conclude that the proposed development would significantly harm the character and appearance of the dwelling and the area, contrary to development plan policy LP1 and there are no material considerations that indicate otherwise. The appeal should be dismissed.

Sarah Colebourne

Inspector