



Appeal Decision

Site visit made on 1 April 2022

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st April 2022

Appeal Ref: APP/U5360/D/21/3288321

120 Brooke Road, Hackney, London N16 7RS.

- 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 Phil Langley and Nishat Awan against the decision of the London Borough of Hackney Council.
 - The application 2021/2440, dated 9 August 2021, was refused by notice dated 5 October 2021.
 - The development proposed is single storey side and rear extension.
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Decision

1. The appeal is allowed and permission is granted for a single storey side and rear extension at 120 Brooke Road, Hackney, London N16 7RS in accordance with the terms of the application Ref 2021/2440, dated 9 August 2021 and subject to the following conditions:
 - 1) The development hereby permitted shall be begun no later than the expiration of 3 years from the date of approval.
 - 2) The development hereby permitted shall be carried out in accordance with the submitted documents and the following approved plans: 422-110; 422-111; 422-112; 422-113; 422-114; 422-120; 422-121; 422-130; 422-131.
 - 3) No development above floor slab level shall commence until details and samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
 - 4) Notwithstanding the details on drawing No 422-114, the air source heat pump shall be designed and installed in a manner to ensure that it does not generate noise levels at the property boundary in excess of existing background noise.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and its surroundings on Brooke Road and the Northwold and Cazenove Conservation Area.

Reasons

3. Brooke Road, where the appeal site is located is characterised by traditionally designed, two storey, terraced housing with lower ground floors, built in brick and render under slate or tiled roofs. The terrace has a uniform design with ground

floor bay window and pilastered entrance details and is one of several similar in a tight group of streets dating from the late 1800s and which form the Conservation Area. The property is not listed and is not noted as being a building of significance in the Conservation Area.

4. No 120 stands at the west end of the terrace of housing and on its western side a more recently built apartment block has been constructed which turns the corner onto Maury Road.
5. To the rear of the Brooke Road terrace the original properties have a paired semi-detached rear outrigger extension which extends up from basement/garden level to first floor eaves level on the main house. These outriggers have an indented side return back to the rear elevation of the main house and in No 120's case an open stone staircase links French windows at the rear of the ground floor of the main house to the garden. The proposal is to construct a narrow side extension to cover in these stairs and provide a covered linking route to a new single storey rear extension at garden level.
6. The rear extension would extend 3 metres from the rear of the original outrigger and would be similar in depth to another single storey rear extension on the terrace at No 124. However, in the appeal case, the rear extension would be full width to connect with the side extension covering the linking stair. It has been put to me that the 'wraparound' extension proposed would not be a form that is typical of the Conservation Area. Whilst I accept this may not be a form that would be acceptable mid-terrace because of the disruption to the pattern of indented returns between the rear outriggers and also the impact on residential amenity, in the appeal case, No 120 is at the end of the terrace and the side extension would be on the gable end.
7. In terms of the impact of the extension on the character and appearance of the property viewed from the rear, because it would be at garden level and, notwithstanding the fact that it extends the full width, provided the colouring for the facing material is carefully chosen, which can be conditioned, it would sit comfortably in the context of the upper storeys. The single storey, low massing would appear secondary and subordinate as required by guidance in the *Hackney Residential Extensions and Alterations Supplementary Planning Document (SPD)* and would be in line with the guidance in the SPD regarding dimensions of extensions on terraced properties. I note that the SPD does advise that extensions should relate well to any existing original offshoots and ideally not extend beyond them. However, as stated above, in the context of the end of terrace location, an extension extending beyond the width of the original rear outrigger would not be detrimental to the form of the terrace in this case.
8. The proposed design of the extension and the intended materials would give the new extension an attractive, contemporary form. This would be complementary to, rather than competing with, the traditional styling of the host building and in that respect the proposal would respect the character and appearance of the host dwelling.
9. There is a partial view of the side and rear of No 120 over a garden wall at the rear of the flats, referred to above, from Maury Road. In this view the top part of the side extension over the linking staircase and its glazed roof would be visible. However, provided the brickwork on the west facing elevation of the side extension is carefully chosen to match the existing gable to No 120, which can be conditioned, the extension would not harm the character and appearance of the Conservation Area. I am not therefore persuaded that the extensions would be unduly dominant as set out in the reason for refusal.

10. Regarding the proposed siting of a bike store and air source heat pump in the front garden to No 120, the garden is well screened to the street by hedging and the proposed designs for the bike store and louvred enclosure for the air source heat pump would be neat and unobtrusive. Neither would impact on the character and appearance of Brooke Road or the Conservation Area.
11. Accordingly, there would be no harm to the significance of the Conservation Area and while the extensions may not necessarily enhance, they would meet the statutory test of preserving the character of the Northwold and Cazenove Conservation Area. The impact would therefore be at worst neutral. As such, the proposal would comply with both the requirements of the *National Planning Policy Framework* (the Framework) at section 16 in respect of the historic environment and also with the *Hackney Local Plan* (HLP) Policy LP3 which seeks to protect and enhance the Borough's heritage assets. At section E the Policy refers specifically to the Borough's Conservation Areas and sets out the parameters which can influence character and appearance. Whilst it is accepted that what is proposed is not necessarily a common form of development in the area, the parameters listed are generally met and the form, in this case, would not be harmful to the Conservation Area.
12. The proposal would also be compliant with the Framework in section 12 on design and Policy LP1 of the HLP both of which seek a high quality of design in all new development that is sensitive to local character. Policy LP1, in particular, supports innovative contemporary design where it respects and complements historic character which I am satisfied would be the case here. I am satisfied that, for the reasons above, the proposed side and rear extensions in this particular case would not conflict with the criteria in these policies or with guidance in the SPD.

Other Matters

13. No objections have been raised by either the Council or third parties in respect of living conditions for neighbours but in view of the proximity of the side extension to the apartment block on the corner of Brooke and Maury Roads I considered this matter on site. There are some ground floor windows in the apartment block facing towards the proposed side extension but for the most part these did not appear to be windows to main habitable rooms. Moreover, the increase in height of the side extension compared to the existing side wall to the stairs would be modest and unlikely to adversely affect living conditions.

Conditions and Conclusion

14. The Council suggested a number of conditions. I have considered these in the light of the advice in the Framework and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty.
15. The control of materials would be important in order to retain the character and appearance of the area. Whilst the Council has proposed that the standard wording requiring materials to match the existing building should be imposed, I am not satisfied that in this case that would be appropriate as the stated intention is to use some different materials on the external wall of the rear extension. In order to give the Council the opportunity to control material, colours and textures, etc I intend to reword the condition to require the submission and approval of material details and samples. As the appellant expected a materials condition in any event, I do not consider that this amended condition would be unreasonable in the circumstances.

16. The Council has not indicated any other conditions in its appeal questionnaire but it is clear from the case officer's report that, in the event the proposals were permitted, a condition would be required to control potential noise from the air source heat pump. The appellant would be aware of this and has not raised any objection. I will therefore add a condition to this effect in the interests of avoiding impacts of noise pollution.
17. I have considered the matters before me and, for the reasons given above, I conclude that the appeal should be allowed and permission granted for the extensions subject to the conditions set out above.

P. D. Biggers

INSPECTOR