



Appeal Decision

Site visit made on 26 April 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2022

Appeal Ref: APP/U5360/W/21/3282871

3 Adley Street, Hackney, London E5 0DY

- 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 Josh Chesterfield against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/1433, dated 7 May 2021, was refused by notice dated 12 July 2021.
 - The development proposed is erection of a timber garden out-building.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a timber garden out-building at 3 Adley Street, Hackney, London E5 0DY in accordance with the terms of the application, Ref 2021/1433, dated 7 May 2021, 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: JC2: Proposed elevations (A3) Rev C; JC3: Proposed true elevations (A3) Rev C; JC4: Proposed floor & roof plans (A3) Rev C; and JC5: Block & location plans (A3) Rev C.
 - 3) Prior to superstructure works, detailed specification and a drainage layout of at least one suitable sustainable drainage systems (i.e. water butt with overflow, raingarden, bioretention planter box, living roof (substrate depth of 80-150mm excluding the vegetative mat), permeable paving, etc.) shall be submitted to, and approved by the Local Planning Authority. If soakaways i.e. plastic modules and soakaway rings are used, an infiltration test must be carried out to ensure that the capacity of the soil is suitable for infiltration. It must be demonstrated that there will be no increase in surface water flow being discharged offsite and an overall reduction in peak flow rate and volume.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The proposal would be located in a corner of the rear garden serving the ground floor flat of 3 Adley Street. Although the out-building would be larger than the garden shed currently located at the site, its size would not be excessive or out of character for out-buildings typically located to the rear of residential properties. The proposal would be clearly subservient to the host property, and would not have an excessive footprint compared to the area of the garden.
4. Although the out-building would project above the boundary treatment of the appeal site, this projection would not be excessive. It would be visible from nearby rear gardens, but given the limited scale of the proposal it would not be viewed as an obtrusive or overdominant feature in views of the rear of the site.
5. Due to its location in a rear garden and the screening effect of surrounding properties and planting, the proposal would not be readily visible from the streetscape even allowing for the gaps between buildings. This is the case even having regard to the location of the site close to a corner at one end of Adley Street.
6. Out-buildings are not a common feature in the rear gardens of Adley Street. However, even in this context, the building would be of an appropriate scale and design and would not appear as an incongruous feature in the area.
7. I conclude that the proposal would not harm the character and appearance of the area. The proposal would therefore not conflict with the design requirements of policies D1, D3 and D4 of the London Plan 2021 and policy LP1 of the Hackney Local Plan 2020. The proposal would also not conflict with the National Planning Policy Framework in respect of achieving well-designed places. The proposal would also comply with the advice of the Council's Residential Extensions And Alterations Supplementary Planning Document 2009 with regards to the construction of outbuildings in rear gardens and the effect on the character of an area.
8. For the reasons given above, I conclude that the appeal should be allowed. In addition to the standard time limit condition, it is appropriate to impose a condition to require that the development be carried out in accordance with the approved plans for certainty. A condition is also necessary in respect of sustainable drainage to ensure that the site is properly drained, although I have amended the suggested wording to clarify the role of the Local Planning Authority with regards to discharging the condition.

David Cross

INSPECTOR