
Appeal Decision

Site visit made on 3 May 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 May 2022

Appeal Ref: APP/U5360/W/21/3282165

1 Londesborough House, Londesborough Road, Hackney, London N16 8RJ

- 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 N Patel of KPMG Real Estates Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/0864, dated 16 March 2021, was refused by notice dated 22 July 2021.
 - The development proposed is extension at ground and first floor to the side, part basement level and rear of an existing two storey, three bedroom dwelling and a three storey extension above the existing house to create 3No. additional self-contained residential units with associated private amenity and communal refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the development on:
 - the living conditions of occupants of adjacent dwellings in Barbauld Road and of Knebworth House in relation to outlook; and
 - the character and appearance of the area.

Reasons

Living conditions

3. The appeal property is a 2-storey dwelling which is attached to the side of a broad fronted 5-storey block of flats. Knebworth House, a similar block of flats, stands roughly parallel towards the east, separated by a wide communal space. The compact back garden spaces of several 3-storey dwellings which form part of a terrace facing Barbauld Road to the north otherwise back directly onto the site.
4. The 5-storey main block of Londesborough House has a substantial physical and visual presence. Insofar as this is appreciable from dwellings and garden spaces immediately to the north, some separation and visual relief is currently provided by the much lesser height, mass and scale of the appeal property.
5. The appeal scheme would involve a significant enlargement of the appeal property, entailing increases in its height, mass and footprint. Built form would

be brought much closer to the garden boundaries to the north, at an increased depth, and substantially increased height. Whilst the latter would remain less than that of the main 5-storey block, it would be a storey greater than that of the terrace facing Barbault Road. The resulting sense of physical overbearing of the compact garden spaces to the north would be oppressive, with occupants of Nos 42 and 44 most adversely affected, and those of dwellings to either side moderately less so.

6. Planning permission has previously been granted for the enlargement of the appeal property. There are substantial similarities between the schemes, however they differ insofar as the approved scheme would entail enlargement to 3 rather than 4 full storeys, equating to a not insubstantial difference of around 3 metres in height at eaves and ridge. Notably the approved scheme would not result in built form much different in height to the terrace facing Barbault Road. The resulting physical and spatial relationship would thus be similar to that seen between 3-storey terraces at junctions in surrounding streets.
7. The approved scheme would clearly give rise to some overbearing of adjacent space. Nonetheless, the effects would be greatly amplified in relation to the appeal scheme given the much greater height and massing of the proposed development. Moreover, they would not be typical of any established pattern. The approved scheme does not therefore provide a direct basis to accept the harm that would arise in relation to the appeal scheme.
8. It is suggested that the proposed hipped roof design would provide mitigation. This is however a feature common to both the appeal and approved schemes, and thus it would do nothing to directly mitigate the effect of the additional storey.
9. As noted above, Knebworth House is well separated from Londesbrough House, and is similarly 5-storeys in height. There is no equivalent 2-storey dwelling attached to the end of Knebworth House opposite the appeal site. As such there appears to be no direct or obvious scope for the development to have an adverse effect on the outlook of occupants of Knebworth House.
10. For the reasons outlined above I conclude that whilst the development would have no adverse effect on the living conditions of occupants of Knebworth House, the effects in relation to occupants of adjacent dwellings in Barbault Road would be unacceptable. The development would therefore conflict with Policy LP2 of the Hackney Local Plan 2033 Adopted 2020 (the LP) which requires the design of new development to ensure no significant adverse effect on the amenity of neighbours.

Character and appearance

11. As described above, Londesborough House consists of a main broad fronted 5-storey block with small 2-storey dwellings attached at either end. The design is symmetrical. The appeal scheme would cause the composition to become unbalanced, and the proposed design and detailing would not match that of the rest of the building. As such the development would not integrate.
12. However, as outlined above, the approved scheme is largely similar in its basic design to the appeal scheme. The rationale underpinning acceptance of the approved scheme is unclear. Nonetheless, in this instance the fact that the

appeal scheme would be one storey greater in height would make little difference the perceived effects in relation to the overall design of Londesborough House. On this basis the effects cannot be considered unacceptable.

13. Viewed in context the height and proportions of the existing dwelling draw a very loose parallel with that of rear wings attached to the terrace fronting Barbauld Road. As noted above the approved scheme would also draw some parallel given its similarity in height to the main body of the terrace. The appeal scheme would draw none. It would however present an intermediate stepping down in the height of built form when viewed across the frontage in Londesborough Road. The relationship of the development with its setting would be weaker, but would not appear incongruous.
14. For the reasons outlined above I conclude that the development would not have an unacceptable effect on the character and appearance of the area. The scheme would therefore comply with Policy LP1 of the LP which amongst other things states that development must be compatible with the existing townscape. Whilst the decision notice also cites Policies D3 and D4 of the London Plan 2021, these appear to be more concerned with outlining a framework for the design process, rather than the provision of criteria against which to assess a scheme.

Other Matters

15. The appellant has submitted a viability assessment which concludes that the development would be marginal/unviable. Though this casts doubt on whether the scheme would actually be implemented were I to allow the appeal, if it was, it would provide a net increase of one additional flat over and above the previous approval. This would be in a sustainable location and would make more efficient use of the site. The social and economic benefits would however be very limited in scale, and insufficient to outweigh the harm that I have identified above.

Conclusion

16. The effects of the development on the living conditions of occupants of adjacent dwellings in Barbauld Road would be unacceptable, giving rise to conflict with the development plan. There are no other considerations which alter or outweigh these findings. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR