



Appeal Decision

Site visit made on 28 April 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2022

Appeal Ref: APP/U5360/W/21/3280871

10 Craven Walk, Hackney, London N16 6BT

- 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 Reiner against the decision of London Borough of Hackney.
 - The application Ref 2020/3995, dated 11 December 2020, was refused by notice dated 24 February 2021.
 - The development proposed was originally described as 'Erection of a single storey outbuilding in the rear garden to be used as ancillary office spaces in conjunction with the principle operational use as a Synagogue (Class F1(f))'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form includes an erroneous reference to '10 Craven Close, Craven Walk'. I have used the correct address '10 Craven Walk' in my banner heading as per the address given on the appeal form and the Council's decision notice.
3. The Council's decision notice included an amended description which included reference to 'alterations to front boundary treatment'. The Council has raised no concerns in respect of this element of the proposals and from what I have seen, I find no reason to disagree. Even so, this does not overcome the harm identified under the main issue.
4. The London Plan 2021 (LP 2021) has been published since the Council's decision and this supersedes the Policy 7.4 (Local Character) of the London Plan 2016 and Policy D1 of the Publication London Plan (2020) both of which are referred to in the decision notice. The Council has provided a copy of Policy D1 (London's form, character and capacity for growth) of the LP 2021 with its appeal questionnaire. This policy primarily relates to the preparation of area assessments and development plans. Whilst I have therefore not identified specific conflict with this policy in this instance, this does not diminish the conflict with the development plan identified under the main issue.

Main Issue

5. The main issue is the effect of the proposed outbuilding on the character and appearance of the area.

Reasons

6. Craven Close is mainly characterised by two-storey semi-detached and terraced dwellings. The semi-detached building on the appeal site has been extended, including at roof level. It is in use as a synagogue at ground floor with its first floor and loft space in residential use. The partial use of the host building as a synagogue already differentiates the site from the predominantly residential character of the road. However, the appeal site and the neighbouring properties on the same side of Craven Close have long rear gardens. Built form within these gardens is generally of a small scale and domestic appearance. Therefore, the appeal site contributes to a prevailing spaciousness to the rear of these properties and this complements the surrounding residential context.
7. The footprint and mass of the outbuilding would be substantial. It would occupy most of the rear half of the garden area and would sit very close to the side boundaries of the site. Even accounting for the proposed sedum planted roof; the excessive size of the outbuilding, its flat roofed design, breeze block elevations and numerous windows would combine to give the building an overriding industrial scale and appearance. As a result, the outbuilding would be an incongruous and discordant feature within the rear garden setting of its surroundings.
8. I conclude, the proposal would have a significantly harmful effect on the character and appearance of the area. In that regard it would conflict with the requirements for all new development to be of the highest architectural and urban design quality and to respond to local character and context in Policy LP1 (Design Quality and Local Character) of the Hackney Local Plan (2020).

Other Matters

9. The appellant contends that the outbuilding would not result in any loss of privacy for neighbouring occupiers. The reason for refusal on the Council's decision notice did not suggest that there would be any harm to neighbouring living conditions. From what I have seen, I find no reason to disagree. Even so, this does not overcome the harm identified under the main issue.
10. The planning history indicates that there are two previous planning permissions¹ for a single storey outbuilding on the site. However, the evidence before me suggests that in those instances the approved outbuildings would have a significantly smaller footprint and were to be set further away from the boundary with neighbouring properties than the outbuilding before me. Therefore, the relationship of the proposed outbuilding with the character and appearance of the area is not comparable to the previous permissions. In that regard, the previous permissions do not represent a comparable fall-back position.
11. I acknowledge that the proposal has the potential to improve the facilities associated with the synagogue and that this may be of benefit to the community. However, given the significant harm identified to the character and appearance of the area, I am not persuaded that any such benefits would be of such magnitude that they would justify the harm identified.

¹ LPA Refs 2020/1895 and 2019/1471

Conclusion

12. The proposal would result in significant harm to the character and appearance of the area and therefore conflicts with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Russell

INSPECTOR