



Appeal Decision

Site visit made on 26 April 2022

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 June 2022

Appeal Ref: APP/U5360/W/21/3285670

4 Castlewood Road, Hackney, London, N16 6DW

- 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 Rivkah Dreyfuss against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/2142, dated 22 June 2021, was refused by notice dated 6 September 2021.
 - The development proposed is described as 'Extension of basement Synagogue with rooflights; Proposed installation of front steps within the front lightwell, installation of front doors at basement level to the front, erection of a front boundary wall and reduction of parapet height on north-eastern boundary.'
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Decision

1. The appeal is allowed, and planning permission is granted for an extension of basement Synagogue with rooflights; Proposed installation of front steps within the front lightwell, installation of front doors at basement level to the front, erection of a front boundary wall and reduction of parapet height on north-eastern boundary, at 4 Castlewood Road, Hackney, London, N16 6DW, in accordance with the terms of the application, Ref 2021/2142, dated 22 June 2021, and subject to the schedule of conditions appended to this decision.

Preliminary Matter

2. Planning permission¹ was recently granted which allowed, amongst other alterations, an extension of the basement of the appeal property. Work had commenced at the time the site visit was carried out and the whole of the rear garden space had been excavated to basement level.

Main Issue

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

Reasons

4. The appeal property is in a predominately residential area. It forms part of a terrace of dwellings with a tight grain and set in a linear pattern of development. The large, terraced properties have relatively modest rear garden spaces enclosed by high walls, and these bound the rear gardens of dwellings on Craven Walk. Many properties including the appeal property have large rear extensions, and this has eroded the original consistency in the built form and layout at the rear of the dwellings.

¹ Ref 2021/0924

5. Rear extensions to surrounding properties have also significantly diminished a number of rear garden spaces in the area immediate to the appeal property. However, the original plan of dwellings with rear gardens is still a characteristic feature of the area. This aside, the recent planning permission has allowed the excavation of the entire rear garden space at the appeal property to the basement level. This has resulted in the remaining rear garden comprising a small sunken courtyard area encased by high walls. The original plan form of the property has therefore been substantially altered.
6. The flat roof of the proposed basement extension would be set lower than the boundary wall. The bulk of the basement form would also be enclosed within the remaining rear garden space of the appeal property. Consequently, it would not visually disrupt the original massing and vertical emphasis of the host property when observed from within the terrace. Moreover, as it would not protrude above the boundary walls it would not appear as an overbearing structure when viewed from neighbouring properties and it would also be screened from wider street views, in Craven Close, by the high side boundary wall of No 2. For these reasons the proposal would not harm the appearance of the appeal property or the character of the wider area.
7. This proposal would result in almost all the rear garden space being covered by the basement development and a significant section of the proposed roof would comprise a bank of rooflights. However, although details have not been submitted as part of the appeal, the appellant is willing to accept a condition requiring a scheme for a green roof. This would ensure that the roof feature would appear more in keeping with the openness and natural appearance of a garden. This would soften the visual effect of the development and I am satisfied that this matter could be secured by condition.
8. For the reasons outlined above I find that the proposal would not have a harmful effect on the character and appearance of the area. It would not in this regard conflict with policy D4 of the London Plan, policy LP1 of the Hackney Local Plan (Local Plan) and guidance set out in the Residential Extensions and Alterations Supplementary Planning Document which collectively require, amongst other matters, that all new development must be of the highest architectural and urban design quality and must respond to the local character and context. Nor would it be inconsistent with the design policies of the National Planning Policy Framework for the reasons outlined.

Other Matters

9. Permission has previously been granted for the use of the site as a Synagogue². Matters associated with the acceptability of this use are not before me and I have nothing to lead me away from the Council's position that it would continue to be acceptable at the scale proposed. Inconvenience during building works is short term and, so of limited weight. Antisocial behaviour in the area and any damage that may have occurred from previous building works have little to do with the planning merits of the case before me. These matters have therefore not been determinative in this decision.
10. The place of worship serves a local community and whilst I observed that parking in the area was limited and busy, I see no evidence that this is as a

² Ref 2002/1336

result of the activities associated with the Synagogue. Therefore, I attach limited weight to this matter.

Conditions

11. In addition to the required time limit, the Council suggested a list of conditions which I have considered. Requiring the development to be built in accordance with the approved plans is necessary for certainty. Approval of details in respect to windows, front lightwell and the green roof are also necessary in the interest of the character and appearance of the area.
12. A condition limiting the number of people using the property is reasonable and necessary to protect the living conditions of occupants of neighbouring dwellings. I have made minor amendments to the Council's suggested wording in the interest of precision.
13. Conditions requiring sustainable drainage systems and urban biodiversity enhancement are supported by policies of the Local Plan and are reasonable in the interest of the local environment. I have incorporated the matter of biodiversity into the green roof details condition for brevity. In respect to drainage, I have added text to ensure implementation of the approved works.
14. The appellant has given written agreement for a pre-commencement style condition related to groundwater. Assessment of this matter can only be carried out prior to the development and is necessary in the interest of flood risk mitigation. I have made minor amendments to the suggested wording to delete unnecessary information.

Conclusion

15. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, the appeal is allowed.

A J Sutton

INSPECTOR

Appendix

Schedule of 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: CR.4.LP Location Plan, CR.06.PR.101 and CR.06.PR.102 Proposed Floor Plans, CR.06.PR.103 Proposed Section and CR.06.PR.104 Proposed Elevations.
- 3) The property subject of this planning permission shall accommodate no more than 48 people at any one time.
- 4) Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, before the relevant work is commenced. The development shall be carried out in accordance with the approved details prior to the first use of the development and retained as such thereafter:
 - a) 1:20 detailed drawings of the windows proposed within the front elevation,
 - b) Materials details of the front elevation lightwell including the boundary wall and all ground surfaces,
 - c) Full details of a green roof provided on the flat roof above the basement projection. The green roof must be a bio-diverse, substrate-based extensive green roof (80mm minimum depth), and
 - d) Full details of the swift and bat boxes and their location.
- 5) 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. The development shall be carried out in accordance with the approved details. 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.
- 6) No development shall commence, other than works of demolition, until a report (including intrusive investigation/trial pit and monitoring where necessary) demonstrating that the basement development hereby permitted will not increase the potential for groundwater flooding to itself or to the surrounding area during and post-construction has been submitted to the Local Planning Authority (LPA) for approval. Where groundwater is identified as a potential risk, details of appropriate controls including flood resilience and/or resistance measures shall be submitted to the LPA for approval and the approved measures incorporated before the basement is occupied. The basement shall be constructed and completed in accordance with the approved plans in line with BS 8102:2009 code of practice for "protection of below ground structures against water from the ground.