
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: 9 June 2022

Appeal Ref: APP/U5360/W/21/3286452

151/153 Kyverdale Road, Hackney, London, N16 6PS

- 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 Rachel Englander against the decision of London Borough of Hackney.
 - The application Ref 2021/2040, dated 28 June 2021, was refused by notice dated 17 September 2021.
 - The development proposed is described as 'Single storey side and rear extension for No 151/153, and part first floor rear extension. at No 153, Alterations to the existing front entrance involving new basement access. Further excavation and enlargement of existing basement level. for No 153.'
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. My attention has been drawn to policies that have been superseded by the recently adopted Local Plan and these are not determinative in this case for this reason. However, I note that existing and previous local plan policies are similar in respect to requiring high quality design.

Main Issues

3. The main issues in this case are the effect of the proposal on:
 - The character and appearance of the dwellings and surrounding area; and
 - The living conditions of the occupants of 155 Kyverdale Road, with regards daylight and outlook.

Reasons

Character and Appearance

4. The appeal properties are imposing mid terrace dwellings. The rear of the dwellings are three storeys with full height rear projections, and this gives the built form a distinct vertical emphasis. This along with the linear pattern of development with modest rear garden spaces contributes to the character of the rear of the dwellings and their immediate surroundings.
5. Rear extensions are a feature in the wider area and the principle of the development is not in dispute in this case. The aerial photograph submitted by the appellant shows large rear extensions at a number of properties further along the terrace. However, I observed at the site visit that this feature in the

wider context had limited influence on the appearance of the immediate environs of the appeal properties. Indeed, there are no existing extensions at the appeal properties and evidence indicates that development with planning permission at the immediate neighbouring properties have an approved depth of no more than 5 metres.

6. The proposed ground floor rear extensions would cover the full width of the rear elevation of each dwelling, infilling the existing gap between their respective projections. The bulk of the single storey extensions would cut across the properties, and the substantial depth of the proposed additions would visually unbalance the existing tall narrow forms. This would considerably alter the appearance of the existing and original vertical emphasis of the dwellings. The large extensions would in this regard appear a harmfully dominating feature that would fail to respect and retain the distinct original architectural form and character of the properties.
7. The recent planning permission¹ related to No 153 allows a sizeable rear extension, and this is slightly deeper than existing rear extensions approved at the immediate neighbouring property. However, the total depth of the proposal before me would be deeper still. Whilst it would be only 1 metre increase to that already permitted at No 153, this would result in materially larger single storey protrusions than that permitted at one of the properties or indeed at neighbouring properties.
8. This additional depth when considered cumulatively, would result in substantial extensions to both dwellings that in this case would harmfully tip the existing elegant balance of the built forms and this would adversely diminish the distinct original mass of the properties. Therefore, the proposed increase in depth above that permitted at No 153 would be significant and harmful in this respect. As a result, the proposal would be detrimental to the appearance of the appeal properties and would be out of character with the immediate surrounding area.
9. For the reasons outlined, I therefore find that the proposal would be harmful to the character and appearance of the dwellings and the surrounding area. It would be contrary in this regard to policy D4 of the London Plan, policy LP1 of the Hackney Local Plan (Local Plan) and guidance set out in the Supplementary Planning Document Residential Extensions and Alterations (SPD) which collectively require that all new development must be of the highest architectural and urban design quality which, amongst other matters, respond to local character and context.

Living Conditions

10. To the rear of the appeal properties, the lower ground floor is level with the garden space. This part of the dwellings is screened by tall boundary walls/fences at their shared boundary. Consequently, the outlook from windows at this aspect of No 155, at the shared boundary with No 153, is of a solid boundary. The rear upper ground floor of the properties has an elevated position which at No 155 is accessed by a short flight of stairs.
11. The proposed ground floor rear extension at No 153 would be built up to the shared boundary with No 155. It would be similar in this respect to that

¹ Ref 2019/4220

approved by the extant planning permission for No 153. Although it would be deeper than that already permitted by this permission, the extension subject of this appeal, would be substantially screened by the high fence which divides the properties. Less than a third of the proposed side wall would protrude above the boundary fence. The proposed flat roof would also minimise the bulk of the structure at this boundary, so as it would not appear an imposing feature when viewed from the lower ground floor windows and when in the garden space near the rear elevation of No 155.

12. The lower ground floor window at No 155 is stepped in from the shared boundary such that the small increase in height at this boundary would not significantly restrict daylight from reaching this window. Nor would it harmfully change the existing outlook from this window. As such, this aspect of the proposal would not result in an increased sense of enclosure beyond that which already exists, so would not diminish the existing quality of living conditions currently enjoyed by occupants of No 155.
13. The proposed ground floor extension would be slightly higher than that already permitted at No 153. However, it would be set below the upper ground floor level and views of the structure from the windows at this level would be over the proposal's roof and towards the rear garden space. In this respect it would not encroach on the relatively open outlook currently experienced when looking from the rear upper ground floor rear windows of No 155. Nor would this aspect of the proposal restrict daylight from reaching these windows. Accordingly, the proposal would not appear an overbearing feature when viewed from the rear ground floor windows of the neighbouring property.
14. I therefore find that the proposal would not harm the living conditions of the occupants of 155 Kyverdale Road, with regards to daylight and outlook. It would not be in conflict with those aims of policy LP2 of the Local Plan and guidance of the SPD which require new development to ensure there are no significant adverse impacts on the amenity of occupiers and neighbours. It would also not be contrary to those policies of the National Planning Policy Framework which seek a high standard of amenity for existing and future users.

Other Matter

15. The proposal would result in increased living space to the benefit of the occupants. However, this personal benefit is of only limited weight.

Conclusion

16. While I have found no harm in respect to the living conditions of the occupants of No 155, the proposal would harm the character and appearance of the area, and so would conflict with the Local Plan when read as a whole. Material considerations do not indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, the appeal is dismissed.

A J Sutton

INSPECTOR

