



Appeal Decision

Site visit made on 22 June 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2022

Appeal Ref: APP/U5360/W/22/3290941

Flat 4, 11 Moresby Road, Hackney, London E5 9LE

- 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 Olaolu Adeniyi Olanipekun against the decision of London Borough of Hackney.
 - The application Ref 2021/2385, dated 5 August 2021, was refused by notice dated 30 September 2021.
 - The development proposed is the erection of a rear extension at second floor level, relocating the second floor external amenity to the third floor and for the replacement and alteration of existing windows at the third floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and surrounding area, and
 - the living conditions of the occupiers of neighbouring dwellings with regard to privacy and daylight.

Reasons

Character and Appearance

3. The appeal property is located within a two-storey mid-terrace dwelling with additional rooms in the roof accommodated by front and rear dormers. The appeal property is a two-bed flat located within the roof space with access to a roof terrace located above an existing rear outrigger.
4. The proposed extension, above the existing rear outrigger, would not be visible from the public realm and therefore would have a limited impact upon the streetscene. However, the large extension would add significant bulk to the rear of the property which would be highly visible to neighbouring occupiers due to its elevated position as a third storey.
5. Whilst there are a wide variety of roof forms and similar sized extensions in the surrounding area, particularly at 15 Moresby Road, the large windows on the proposed extension would give the property a top heavy appearance. This would add to its significant scale and bulk to the detriment of the character and appearance of the host property and surrounding area.

6. It is noted that the extension is intended to be a contemporary addition to a period property, with modern materials to improve its visual presence. However, the oversized windows on the extension compared to the smaller, more traditional windows at the levels below it would appear contrived and would be in contrast to the examples provided by the appellant in their appeal statement, where large glazing is used at lower levels or throughout the building.
7. The Council indicate that the existing roof terrace does not benefit from planning permission. However, no evidence of any enforcement action has been provided and as it is currently in situ and being used by the occupiers of the dwelling, it must be given due consideration. Whilst not necessarily characteristic of the area, the proposed roof terrace would be a replica of the current roof terrace at an elevated position which would not alter its impact on the character and appearance of the host property or surrounding area.
8. However, due to the scale of the fenestration, the proposed development would harm the character and appearance of the host property and surrounding area. It would therefore conflict with Policy D1 and D3 of The London Plan (2021) and Policy LP1 of the Hackney Local Plan (2020). These policies collectively seek to provide the highest architectural and urban design quality and enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their scale, appearance and shape with due regard to existing street forms and proportions.

Living Conditions

9. The appellant has provided diagrams of a daylight and shadow study, which suggest that the proposal would not further impact the occupiers of neighbouring properties. However, no calculations or additional evidence has been provided to support these diagrams and therefore it is not possible to quantify the impact.
10. The existing outrigger is in close proximity to the rear windows which serve the first floor flat at 11 Moresby Road. The substantial height and depth of the proposed extension along with the proximity to these rear windows would, in my view, have a detrimental impact on the daylight which they receive. This would create a significant overshadowing effect for the occupiers of the first floor flat at No.11 when using the rooms served by these windows.
11. The proposed terrace at third floor level would not result in any worse overlooking than the current second floor level terrace for either the occupiers of 13 Moresby Road or the first floor flat at 11 Moresby Road. The window on the side elevation of the proposed extension would have a similar outlook to the current terrace and therefore would also not increase the current levels of overlooking.
12. Therefore, although the proposal would not result in any more significant overlooking than at present, the proposed development would harm the living conditions of the occupiers of neighbouring dwelling in relation to daylight and would not comply with Policy LP2 of the Hackney Local Plan (2020). This policy states that new development must be designed to ensure there are no significant adverse impact on the amenity of neighbours. Policy D1 of The London Plan (2009) is not relevant to this main issue.

13. The proposal would also conflict with the relevant sections of the Hackney Residential Extensions and Alterations Supplementary Planning Document (SPD) (2009) which states that the size and volume of any extension may be limited by the degree to which it blocks out daylight from the neighbouring properties windows.

Other Matters

14. The personal reasons for the proposed extension in the appellant's submission are noted. However, these would not outweigh the harm found to the character and appearance of the area and the living conditions of the neighbouring occupiers.

Conclusion

15. For the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR