



Appeal Decision

Site visit made on 23 May 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2022

Appeal Ref: APP/U5360/W/21/3284620

6 and 7 Grangecourt Road, Hackney, London N16 5EG

- 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 Yitzchok Stroh against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/1765, dated 3 June 2021, was refused by notice dated 23 July 2021.
 - The development proposed is ground floor rear and side infill extensions.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal was amended between the submission of the planning application form and the issuing of the Council's decision notice. The amended description was also used on the appeal form, and I have used it in the banner heading above as it provides a clearer description of the development than the original wording. I have, however, omitted the house numbers as that element was not descriptive of the proposal.

Main Issues

3. The main issues are the effect of the proposed extensions on:
 - The character and appearance of the area; and
 - Nearby mature trees.

Reasons

Character and appearance

4. The appeal site is a pair of adjoining terraced houses on the south side of Grangecourt Road, in a predominantly residential part of Hackney. Both properties have original rear two-storey outriggers. No 6 has previously been extended with single storey rear and side infill extensions – these are somewhat haphazard in appearance and so not sympathetic to the property, and the side extension has left only a narrow space alongside the common boundary. No 7 has not been extended at the rear. The proposed development is rear and side infill extensions at ground floor level; although they would be

similar in their form and detailing they would not be mirror images of one another.

5. At No 6, the extension would project around 3.5m beyond the end of the existing rear kitchen extension (or around 6m beyond the original end of the outrigger), with a total length of extensions beyond the original main rear elevation of around 12.7m¹. The extension would span the full width of the property, and so would fill in the small space between the existing extensions and the boundary with No 7. At No 7, the extension would project around 4.5m beyond the end of the rear outrigger, with a total length beyond the original main rear elevation of around 11.2m. The extension to No 7 would completely fill the space at the side of the existing outrigger. Both extensions would be flat-roofed, and each would have a door and two windows on the rear-facing elevation.
6. The Council's 2009 *Residential Extensions and Alterations* Supplementary Planning Document ("the SPD") provides guidance on a range of matters intended to ensure that domestic extensions contribute to the creation of a high-quality built environment. Among other things, in order to ensure that a rear extension is proportionate in size to the original property, and to ensure that sufficient amenity space is retained, it advises that for terraced houses the maximum depth normally acceptable for a rear extension is 3m. The proposed extensions in this case would be very long, at the rear of No 6 particularly, and would be out of keeping with the original form and proportions of the dwelling. Sufficient amenity space would remain for both dwellings, but the original houses would be dominated by the bulk and length of their rear extensions.
7. The SPD also provides advice about the detailed design of extensions, intended to ensure that they are attractive and respectful additions to the original building. These include that the proportions of the doors, windows and other openings should be sympathetic to the original building, and that extensions should not infringe on existing openings that are to be retained. In this case, the proposed window openings on the rear of the two extensions would have a horizontal emphasis, giving them a squat appearance when compared to the traditional taller-proportioned windows found in the original houses. Their positioning would also bear no relationship to the window openings of the main dwellings.
8. I acknowledge that the proportions and detailing of the existing extension already built at No 6 do not relate well to the elevations and detailing of the original dwelling, but No 7 is essentially unaltered in these respects. Infilling the space at the side of No 7's outrigger would also mean replacing an existing traditional window on the main rear elevation with a high-level shallow and wide window which would be almost letterbox-like in its proportions and again quite at odds with the original building. Such a window has already been installed at the rear of No 6, but the fact that poor design has been accepted in the area the past is not, in my view, an adequate justification for allowing it today.

¹ I have used the appellant's measurements here, which are slightly shorter than the Council's – it is suggested by the appellant that the difference has arisen because the Council included the additional length of overhanging guttering, although it seems unlikely to me that this could account for the discrepancy of 0.6m in one case. Nevertheless, overall the difference in the two parties' precise measurements has not had any significant bearing on my decision.

9. From all the evidence before me, including my observations on my site visit, it is apparent that the local area is one where many other dwellings have been altered and extended; large ground floor extensions beyond and around rear outriggers are reasonably commonplace, and the 3m guideline in the SPD has been breached frequently. The appellant drew my attention to two planning permissions granted for No 6 in 2019 (jointly with No 5, in those cases) which allowed extensions 1m shorter than that proposed in this appeal (so around 11.7m beyond the main rear elevation)², and to an extension permitted at No 4 which would extend around 12.4m beyond the main rear elevation³. I note the appellant's arguments that the original form of the appeal dwellings has already been "considerably altered" and eroded by existing and other approved extensions, and that the proposed extension at No 6 is a "negligible" 0.3m longer than the approved scheme at No 4.
10. However, there comes a point where the cumulative impact of a series of extensions or alterations becomes significantly harmful to the character and appearance of the host building. In my view, this development would reach and pass that point in respect of the appeal properties; this would not simply be a factor of the proposed extensions' length and bulky form, but also their unsympathetic design. The length of the proposed extensions may not have been such a significant issue had the scheme as a whole represented a well-considered remedy to the harmful visual impact of the existing poorly-designed extensions at the rear of No 6. Instead though, the proposal would further spread an unsympathetic design across an additional property. In so doing, it would miss the opportunity to add to the overall quality of the area, as sought by Paragraph 130 of the National Planning Policy Framework ("the Framework").
11. I conclude that, because of their bulk, massing, and detailed design (notably the size, scale and siting of window and door openings), the proposed extensions would be harmful to the character and appearance of the area. The development therefore conflicts with Policy LP1 of the Hackney Local Plan ("the HLP"), and with Policy D3 of the London Plan 2021. Among other things, these policies seek to ensure that new development is of the highest architectural and design quality, and enhances its local context. For the same reasons, the proposal conflicts with the requirements of the Framework which seek to achieve well-designed places.

Trees

12. There are tall mature trees at the southern end of the appeal site, adjoining the boundary with properties on St. Kilda's Road. Although in rear gardens they are also visible from the street through the spaces between blocks of houses. Overall, with other trees nearby they help to green the area, making a positive contribution to its pleasant and mature character, as well as potentially also to its biodiversity.
13. No information has been provided in respect the trees' root zones or any measures which might be necessary to protect them during development. I am mindful of Paragraph 131 of the Framework's advice that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change, and its requirement that

² LPA Refs: 2019/2697 and 2019/2871

³ LPA Ref: 2019/1139

existing trees should be retained wherever possible. However, given the separation between the proposed extensions and the trees' trunks I am satisfied that, had the proposal been otherwise acceptable, it would have been possible to impose a condition to ensure that the trees and their roots were given appropriate protection during construction work.

14. The appellant has drawn my attention to the Council's decision notice for an earlier refused planning application on the appeal site which did not refer to the impact on trees⁴. However, there is nothing before me which explains why that was so, nor (notwithstanding my conclusion on this matter) to justify the appellant's claim that the Council's decision in respect of trees in this case has been unreasonable.
15. I conclude that, subject to the imposition of a condition as I have just described, the proposed development would not cause unacceptable harm to nearby mature trees. The proposal would therefore comply with the requirements of Policies LP47 and LP51 of the HLP, which seek to protect trees and biodiversity.

Other Matters

16. The Council considered that the principle of residential extensions at the appeal site was acceptable, and that the development would not cause unacceptable harm to any neighbours' living conditions. Had the proposal been otherwise acceptable, a condition to ensure that the extensions to both Nos 6 and 7 were carried out together would have been necessary to ensure that the increased length of the building at No 6 would not have had an adverse effect on daylight and outlook in the rear outrigger of No 7. This is not an unusual consideration, and, overall, none of the evidence before me leads me to a different conclusion on these matters. However, that the proposed development would be acceptable in these respects does not outweigh or mitigate the other harm I have found.

Planning Balance and Conclusion

17. The proposed development would not cause unacceptable harm to the mature trees close to the boundary of the appeal site. However, the extensions would be harmful to the character and appearance of the area. The proposal would therefore conflict with the development plan taken as a whole.
18. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector

⁴ LPA Ref: 2020/1772