



Appeal Decision

Site visit made on 18 August 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2022

Appeal Ref: APP/U5360/D/22/3295432

52 Cranwich Road, Hackney, London, N16 5JN

- 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 Israel Kahan against the decision of the London Borough of Hackney Council.
 - The application Ref 2021/3772 dated 23 December 2021, was refused by notice dated 17 March 2022.
 - The development proposed is excavation of basement and erection of extension to existing ground floor extension.
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Application for Costs

1. An application for costs was made by Mr Israel Kahan against London Borough of Hackney Council. The cost application is the subject of a separate decision.

Decision

1. The appeal is allowed and planning permission is granted for excavation of basement and erection of extension to existing ground floor extension at 52 Cranwich Road, Hackney, London, N16 5JN in accordance with the terms of the application ref: 2021/3772 dated 23 December 2021, subject to the following conditions:
 - 1) The development to which this permission relates must be begun not later than the expiration of three years, beginning with the date of this decision;
 - 2) The development hereby permitted shall be undertaken in complete accordance with the following approved plans: Location plan dwg.no: 0-01, CR.52.PR.01, CR.52.PR.02, CR.52.PR.03, CR.52.PR.04, CR.52.PR.05, CR.52.PR.06 and CR.52.PR.07.
 - 3) The materials used in development hereby permitted shall match those of the existing dwelling unless details are submitted to, and approved in writing by, the Local Authority or controlled by another condition;
 - 4) Prior to the occupation of the development hereby approved, details of a green roof, designed for biodiversity with a minimum substrate of 80mm, and as part of a sustainable urban drainage system, shall be submitted and approved by the Local Planning Authority in writing. The green roof shall be retained thereafter in perpetuity. The development shall not be carried out otherwise than in accordance with the details thus approved;
 - 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 LPA, in consultation with the LLFA. 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 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 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".

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. This appeal is accompanied by an application for costs. This has been determined within a separate decision.

Main Issue

4. The main issue is the impact of the proposal upon the character and appearance of the surrounding area.

Reasons

5. There are two elements to the appeal proposal as outlined in the development description. The refusal reason before me is solely based upon the extension to the existing ground floor extension given that the Council's report confirms that the proposed basement, which would be located wholly within the footprint of the existing dwellinghouse, would be considered appropriate. I have no evidence before me to conclude differently with regard to the proposed basement subject to the application of conditions specific to the proposed basement.
6. The appeal site is a three-storey, mid-terrace, building in use as a single dwellinghouse. Rear extensions are characteristic within the terrace within which the appeal site stands and the host building already benefits from a large wraparound ground floor extension. The proposal would see an extension to the existing ground floor extension which would result in the extension being full width, extending a further 2.5m in depth than existing, giving an overall depth of 5.5m.
7. The character of the building has been eroded over time due to piecemeal development and, whilst this is not adequate justification alone for the proposal

or further development, I do not find that the extension proposed would result in impacts which would warrant refusal. I do not find the proposal would harm the scale, massing and rhythm of the buildings from the rear nor would that it would represent an incongruous, obtrusive and overbearing extension that would detract from the rear of the host building and the terrace within which it is located.

8. At the time of my site visit I noted, to the left of the host building (when stood facing the rear elevation in the garden), part of the roof of a large extension two properties down. This is also shown in the imagery, provided by the Council, on page two of their report. Further examples of a number of large rear extensions are also demonstrated within the image on page 5 of the appellant's statement. There is therefore strong evidence of extensions of this scale within the terraced row, and the vicinity, and I do not find the proposal would be notably larger than others within the terrace nor within the immediate locality. The proposal would be of appropriate character for the surrounding area within which it stands considering existing development.
9. When stood in the garden of the appeal site the proposal would look largely similar to that which already exists. In addition the proposal would not be realistically visible in public views and would also be limited in private views as a result of it being a single storey structure combined with the garden lengths, trees at the end of gardens and orientation of surrounding residential properties. This restricts any impact the proposal could have on the visual qualities, i.e. the appearance, of the area and host building. This is supported by the limited views available of a comparable sized ground floor rear extension two buildings down from the appeal site. Overall I do not find that the scale, bulk, massing and position would result in an obtrusive and incompatible form of development which disrupts the established grain of the area or which would fail to respect the character and appearance of the surrounding area.
10. The proposal would be consistent with London Plan 2021 Policy D3 which requires development to be of high quality, respond to the existing character of a place and deliver buildings and spaces that positively respond to local distinctiveness through scale, appearance and shape with due regard to existing building types, forms and proportions. The proposal would also be consistent with Hackney Local Plan 2033 Policy LP1 that requires development to respond to local character and context and be compatible with local views.
11. The Council's refusal reason references the Supplementary Planning Document Residential Extensions and Alterations 2009 (SPD); however, the Council do not provide any assessment against this guidance. I note extension exceeds the depths advised within this document. Departure from such guidance can be justified if the proposals which do not comply with it are, overall, consistent with the overarching objectives which are to ensure good quality, appropriate, design for both the host building and wider area which also maintains an appropriate level of residential amenity.
12. The Councils report also confirms that they consider the proposals would not result in any impact upon residential amenity. Based upon my site visit, a consideration of that assessment and a lack of objection (albeit this latter point is a neutral consideration) I have no reason to conclude differently on this point. I find that this, combined with my findings as to character and

appearance, supports departure from the SPD guidance as acceptable in this case.

Other Matters

13. The appellant has referred to a delegated report for a similar proposal which was approved at 38 Cranwich Road. Whilst a copy of the decision notice and plans were submitted with this appeal a copy of the delegated report, which is quoted, is not before me. Similarly reference is made to an appeal decision (APP/U5360/D/21/3273407) and the appellant has provided quotations from this, however, a copy of the appeal decision is not before me.

Conditions

14. The Council have suggested three standard conditions in their questionnaire which I have applied. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. A materials condition is required to ensure the proposal matches the host dwelling and that any deviations in materials from existing are approved by the Council to ensure an appropriate finish. The exception to this is a green roof, as outlined below.
15. The Council have also suggested three additional conditions with their submissions. The first relates to provision of a green roof as was specified to be an intended condition within their original delegated report and this condition is necessary to enhance biodiversity and manage flood risk.
16. A condition relating to specification and layout of drainage is required to ensure sustainable drainage. A condition relating to investigation/trial pit and monitoring with regard to the basement level is required to ensure flood risk mitigation given that the site is shown to have a medium risk of surface water flooding and an increase potential for elevated ground water as was outlined within the Council's delegated report.

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR