



Appeal Decision

Site visit made on 25 August 2022 by R Dickson BSc (hons) MSc

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/U5360/D/22/3300729

4 Glading Terrace, Stoke Newington, London N16 7NR

- 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 Nicholas Babaian against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/0265, dated 4 February 2022, was refused by notice dated 31 March 2022.
 - The development proposed is for the use of existing flat roof as amenity roof terrace, new 'sky door' opening, and erect boundary screening and planters.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions on the neighbouring occupiers, in particular 4 Stoke Newington High Street, with particular regard to noise, disturbance and outlook.

Reasons for the Recommendation

4. Glading Terrace is a comparatively quiet street, containing a mix of uses, set behind and running parallel with the much busier Stoke Newington High Street. The roofscape of Glading Terrace is varied, with both flat roofed buildings and pitched roof buildings, at varying heights. On the western side of the road, some buildings have roof terraces or balconies, the former not being immediately apparent at street level.
5. 4 Glading Terrace has a sloped rear elevation that backs on to 4 Stoke Newington High Street, in very close proximity. There is a small rear courtyard at first floor level, which is accessed by a door on the first floor. Rear windows at first floor and second floor level are also in very close proximity to rear windows of 4 Stoke Newington High Street. 4 Stoke Newington High Street is 4 storeys high, while the appeal property is 3 storeys high. The floor to ceiling heights are greater on Stoke Newington High Street when compared to the smaller mews properties to the rear, including the appeal site. The effect is that the top two storeys of the properties on Stoke Newington High Street are above the flat roofline of the appeal property.

6. Owing to that close proximity, the proposed boundary screening would create an increased sense of enclosure for the occupants of 4 Stoke Newington High Street, particularly at second floor level (i.e. the third storey). Occupants looking out of rear windows at that level would be faced with an additional sense of enclosure in very close proximity. As described above, there is an existing sense of enclosure to the rear but the introduction of the proposed boundary screening would increase the sense of enclosure to a degree that would adversely affect the outlook of the occupiers of 4 Stoke Newington High Street.
7. The first floor windows of 4 Stoke Newington High Street face the appeal property, and have limited outlook due to the existing arrangement. While the boundary screening would increase the height of the appeal property, the set back of the screening combined with its height would not increase the sense of enclosure nor would it have a detrimental impact on outlook for the occupants at first floor level, given the existing situation, as depicted on the 45 degree sight lines and sectional plan provided by the appellant. However, my views in that regard do not off-set the harm that would be caused due to the proximity of the screen to windows at second floor level.
8. I am not aware of the degree of obscurity of the boundary screening to the rear and north side, however I find that even a lightly obscured glazed screen would cause an unacceptable sense of enclosure for the residents of 4 Stoke Newington High Street, specifically those at second floor level. Therefore, I do not find that the harm could be mitigated by the imposition of a suitably worded condition.
9. Due to the close proximity of the proposed roof terrace to the top two floors of 4 Stoke Newington High Street, the introduction of noise and activity at this level in this location has the potential to cause disturbance to the occupiers of 4 Stoke Newington High Street. However, it is not uncommon to find roof terraces or gardens in close proximity to neighbouring properties in urban areas and there is nothing to indicate that residents would behave in an anti-social manner or generate significant amounts of noise whilst using the area. Therefore, I do not find that this increase of noise and activity would be so intense as to significantly disturb the neighbouring occupiers.
10. The appellant has drawn my attention to other roof terraces near to the appeal site. A roof terrace at 6 Glading Terrace can be seen from street level, however its relationship with 6 Stoke Newington High Street is significantly different compared with the appeal site and the rear property. 6 Glading Terrace and 6 Stoke Newington High Street are one built form, and therefore do not have the same 'cut out' section separating the building facing the high street and the building facing Glading Terrace. The roof terrace at 4 Stoke Newington High Street is also significantly different from the proposed roof terrace, in so far as it does not provide the same impacts on privacy as the proposed roof terrace, owing to the position compared to other buildings. Consequently, these examples are not comparable to the appeal proposal and do not weigh in favour of it.
11. Accordingly, while the proposed development would not harm the living conditions of the occupants of 4 Stoke Newington High Street in respect to noise and disturbance, the proposed development would harm the living conditions of the occupants of 4 Stoke Newington High Street, with particular

regard to outlook at third floor level. It would therefore be contrary to Policies D6 and D14 of the London Plan 2021, Policies LP2 and LP58 of the Hackney Local Plan 2033 Strategic Planning (2020) and the Hackney Supplementary Planning Document Residential Extensions and Alterations (2009).

Other Matters

12. The residents of 4 Glading Terrace have access to the small courtyard on first floor level which provides some outdoor space. In a busy urban area it is not unusual for outdoor space to be restricted and residents may make use of local parks and other spaces for recreation. I recognise that opportunities to do so were restricted during the pandemic, but those temporary restrictions have now passed. Consequently, whilst the balcony would enhance the living space for residents of the dwelling this private benefit would not outweigh the harm that would be caused to neighbouring residents on account of the increased sense of enclosure and the introduction of noise and activity in close proximity.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Chris Preston

INSPECTOR