



Appeal Decision

Site visit made on 13 September 2022

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2022

Appeal Ref: APP/U5360/W/21/3284166

32-34 Castlewood Road, Hackney, London N16 6DW

- 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 J Silver against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/2213, dated 19 July 2021, was refused by notice dated 27 September 2021.
 - The development proposed is an outbuilding in the rear garden to be used in connection with existing apartments as ancillary residential accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for an outbuilding in the rear garden to be used in connection with existing apartments as ancillary residential accommodation at 32-34 Castlewood Road, Hackney, London N16 6DW in accordance with the terms of the application, Ref 2021/2213, dated 19 July 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CRH.30.LP; CRH.30-34.PR.BP.01; CRH.30-34.PR.BP.01.FP.01; CRH.30-34.PR.FP.02; and Materials document.
 - 3) Prior to superstructure works, detailed specification and a drainage layout using 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. The approved drainage system shall be maintained for the lifetime of the development.

Preliminary Matters

2. At the time of my site visit the outbuilding had been sited at the rear of No 34 and adjacent to the side boundary. However, this existing building is in a different position to the proposed building. I have considered the appeal on the basis of the submitted plans which seek permission to erect the outbuilding to the rear of Nos 32 and 34 and adjacent to the rear boundary of the appeal site.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site includes 32 and 34 Castlewood Road which are tall, mid-terraced dwellings that have been converted into flats. The outbuilding would be sited at the rear of the dwellings and would not be visible from the front of the appeal site or street.
5. No boundary treatment exists between the rear gardens of Nos 30, 32 and 34. From my site visit, it was clear that the garden areas have been purposefully designed as a communal space for the shared use of the occupants of those dwellings. For example, the paved patio areas traverse the garden's full width, play equipment and seating areas have been located without regard for dividing plot boundaries, and the bikes and scooters deposited across the space suggest that children are free to play across the extent of the shared garden. The rear gardens now form a single communal garden both in character and function. I have considered the appeal on this basis.
6. The surrounding terraced dwellings are tall and appear to provide 3 or 4 storeys of living accommodation. The single-storey outbuilding would appear subordinate to the dwellings due to the differences in height and proposed siting adjacent to the rear site boundary. The presence of the tall conifer hedge at the site boundaries would obscure views of the outbuilding. The open character of surrounding gardens would therefore be unaffected by the proposal.
7. The outbuilding has a large footprint relative to other types of garden building such as sheds or summerhouses. However, the outbuilding's total floor area is similar to that of a double garage and is therefore not excessive for an ancillary building in a residential setting. Sited within the communal garden space, the bulk and scale of the outbuilding does not appear out of context.
8. The rear elevations of surrounding terraced dwellings are clearly visible from the appeal site. Dwellings generally appear heavily modified through the addition of balconies, flat-roofed extensions and other modern features. Large rear box dormers faced with grey or brown tiles dominate the skyline and give the area a geometric form characterised by straight lines and flat roofs.
9. The outbuilding is of a modern, contemporary design and is constructed of materials which appear high quality. The outbuilding is dark 'anthracite' grey in colour and has a flat roof topped with pea gravel. The full width of the front elevation is glazed with uPVC windows and doors. The outbuilding's rectangular form, materials and colour do not therefore appear out of keeping with the character and appearance of the area.
10. For the reasons above, I do not consider the proposal would harm the character and appearance of the area. Therefore, the proposal does not conflict with Policy D1 of the London Plan 2021 which provides a framework for delivering growth through good design; nor with Policy D3 of the London Plan 2021 or Policy LP1 of the Hackney Local Plan 2020 which generally require new development to respond positively to local character and context.

11. In addition, the proposal accords with the design principles for outbuildings contained in the Hackney Residential Extensions and Alterations SPD 2009, as the proposal would not affect the amenity value of neighbouring gardens or cause an unacceptable intensification of use.

Other Matters

12. Concerns have been raised that the outbuilding may be used as commercial office space, which may in turn affect the living conditions of neighbours. I have determined the appeal on the basis that the outbuilding is ancillary to the host properties as per the planning application.
13. It has been suggested that the proposal may affect outlook and result in a loss of garden space. The single storey, flat-roofed outbuilding would be lower in height than the existing boundary treatment and would be sited at the rear of the appeal site. The proposal would not therefore adversely impact upon the outlook of occupants of the host properties or neighbouring properties. Whilst the proposal would involve the loss of some open garden space, I do not consider this would significantly affect the quality or enjoyment of the garden.

Conditions

14. I have attached a condition specifying the approved plans in the interests of providing certainty.
15. The Council has requested a condition relating to use of external materials. The material types are set out in the 'Materials document' which I have specified as an approved plan. I do not therefore consider a further condition relating to materials to be necessary.
16. The Council indicates the site has a 'medium' risk of surface water flooding. I therefore concur with the Council's recommendation for a condition requiring the submission of a drainage layout and specification of a sustainable drainage system. The condition is necessary to ensure the development manages drainage and surface water run-off sustainably and would ensure the proposal complies with policy LP1 of the Hackney Local Plan 2020 which requires new development to be sustainable in design and construction.

Conclusion

17. For the reasons given above, the proposal would accord with the development plan taken as a whole and therefore I conclude that the appeal should succeed.

E Dade

INSPECTOR