



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/21/3285840

11 Mildenhall Road, Hackney, London E5 0RT

- 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 Mrs Salma Madari against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/0552, dated 21 February 2021, was refused by notice dated 7 May 2021.
 - The development proposed is a single storey rear extension & loft conversion with new staircase.
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Decision

1. The appeal is allowed and planning permission is granted for a side infill/rear extension and roof extension with rear dormer at 11 Mildenhall Road, London, E5 0RT in accordance with the terms of the application, Ref 2021/0552, dated 21 February 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: Drawing nos. 11-MRH-Refused-01, 02, 03, 04, 05, 06, 07, 08.
 - 3) Prior to the use of any external materials, details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
 - 4) Before the extensions and alterations hereby permitted are substantially complete, a swift box shall be installed in a suitable position on the dwelling and shall be retained thereafter.

Preliminary Matters

2. I have determined the appeal on the basis of the amended plans submitted by the appellant to correct errors and illustrate the appearance of external materials.
3. In my decision, I have used the description of the development as set out in the Council's decision notice. This more accurately describes the proposed development.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the existing building and area.

Reasons

5. The appeal property is a tall, mid-terrace house. The basement has been converted into a self-contained flat, separate from the other floors of the building which remain as a single dwelling. The appeal building has a typical layout for a terraced house of its age, with an outrigger projecting rearward to form an L-shaped layout which culminates with a gable end. The building is situated within a modest rear garden, enclosed by a tall brick wall along the rear boundary and with wooden fences, trees and shrubs along the side boundaries. Located at the rear of the building, the proposed development would not be visible from the front of the terrace or street.
6. The building has been modified over time through the addition of modern features including uPVC double-glazed windows and doors, a single-storey extension and outbuilding. The building's traditional brick pattern, slate roof, bay windows, tall chimneys, and other original features add visual interest and contribute positively to the character of the area.
7. During my site visit, I observed a number of large box dormers on the rear roof slopes of surrounding properties. Larger rear dormers appear to be a common feature of the area.
8. The proposed dormer would be large, occupying the majority of the rear-facing roof slope. However, the proposed dormer would be set in from the party wall and set down from the ridge. The appellant's statement indicates that the face of the dormer would be finished with slates to match the existing roofing materials. In addition, views of the dormer would be partly obscured by the outrigger. These factors would serve to limit the visual impacts of the proposed dormer.
9. The Hackney Residential Extensions and Alterations SPD (2009) is generally supportive of the construction of rear dormers, stating "*dormer windows ... will normally be acceptable on rear roof slopes*". The SPD states that dormers should be a minimum of 0.5m below the ridge, a minimum of 1m above the eaves line, and the height of the dormer should be no more than half the height of the roof. The proposed dormer would exceed these parameters and therefore would constitute a 'larger rear dormer' in the context of the SPD's guidance. The SPD indicates that larger rear dormers may be acceptable where others exist within the immediate vicinity and sets out certain design criteria for larger rear dormers.
10. The proposal would satisfy the SPD's criteria for larger rear dormers since existing large rear dormers are visible from the appeal site, the appeal property has a roof suitable to accommodate a dormer, and the proposed dormer would not adversely increase visual impacts nor adversely affect the living conditions of neighbours. For these reasons, I consider the proposed dormer is not likely to harm the character and appearance of the building or area.
11. A modern, flat-roofed, single-storey extension adjoins the rear of the appeal property's outrigger. A free-standing outbuilding constructed from blockwork and render is sited adjacent to the existing extension, separated only by a

narrow passageway. The site presently benefits from extant planning permission for a modest side extension.

12. The SPD indicates that extensions to existing houses can generally be accommodated at the rear provided they are designed to respect the character and size of the original house. The proposed extension would be of single-storey height and would broadly cover the footprint occupied by the existing rear extension and outbuilding. Therefore, the proposed extension would be broadly similar in form and scale to the existing built form of the site.
13. Being of single storey height, the proposed extension would appear subordinate to the tall main building. As the proposal would result in only a negligible increase in the scale of development, it would not appear overly dominant or visually bulky, nor result in a significant loss of amenity space. The proposed brick construction would reflect the materials of the original building. For these reasons, the proposed single-storey rear extension would not adversely impact the character and appearance of the building or area.
14. As set out above, the proposal would not give rise to harm to the character and appearance of the building or area. The proposal would not therefore conflict with LP1 of the Hackney Local Plan 2033 (2020) which requires all new development to be of highest architectural and urban design quality or Policy D3 of the London Plan (2021) which requires new development to enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, scale, appearance, and shape.
15. In addition, the proposed rear extension would comply with the guidance contained in the Hackney Residential Extensions and Alterations SPD (2009). Whilst the proposed dormer would exceed the SPD's guidance, I have found that the proposal would satisfy the SPD's exceptional criteria for larger rear dormers.

Other Matters

16. Concerns were raised regarding the effects of the development on light and privacy for neighbours and the effect on the amount of garden space. The dormer would occupy part of the roof slope, set back from the eaves and ridge and existing outrigger, and the single storey rear extension would be of similar scale and footprint to the existing extension and outbuilding. All areas of new glazing would be located on the rear elevation. Consequently, the proposal would not result in a material loss of light, nor adversely impact the living conditions of neighbours in respect of privacy and would not result in a significant loss of amenity space.

Conditions

17. I have attached a condition specifying the approved plans in the interests of providing certainty.
18. A condition requiring approval of materials is also necessary to ensure that the appearance of the proposed dormer and extension reflect the character and appearance of the dwelling and area.
19. Hackney Local Plan 2033 (2020) Policy LP48 requires development schemes involving buildings with an eaves height or roof commencement height of 5 metres and above to provide nesting boxes to help preserve endangered urban

biodiversity in Hackney. As the roof extension will be located above this height, I concur with the Council's requested condition requiring the installation of swift boxes.

Conclusion

20. 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