



Appeal Decision

Site visit made on 4 October 2022

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Appeal Ref: APP/U5360/W/22/3298369

43 Fermain Court East, De Beauvoir Estate, Hackney, London N1 5SY

- 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 Ms Kim Dao against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2020/3799, dated 20 August 2020, was refused by notice dated 18 March 2022.
 - The development proposed is frontal extension into part of balcony (not part of public footpath) to create new kitchen. existing kitchen will be an office.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is a two-storey maisonette flat located on the first and second floors of a large seven story block of residential flats. The appeal site is within the De Beauvoir estate which is characterised by a number of blocks of flats of similar appearance to the appeal site. The block that the appeal site is within, as with the other blocks within the estate feature important design elements which help to visually break up the massing of the blocks and contributes to the character of the area. These elements include an alternating pattern of solid to void between each storey created by alternating floors having a set back entrance and public footpath, thereby providing visual depth to the alternate floors.
4. The proposed development would extend the appeal property at first floor level by way of extending the front elevation towards the public footpath, thereby removing the existing setback entrance. Whilst the appellant states that the extension would not be visible from any key public vantage points, I observed this not to be the case, with clear views of the appeal site available particularly from Herford Road.
5. The Hackney Residential Extensions and Alterations Supplementary Planning Document 2009 (SPD) provides a series of principles to be applied to the assessment of residential extensions and alterations. Whilst the SPD does not include detailed guidance on extensions within blocks of flats such as that proposed, it does provide relevant general design principles with the

overarching aim of the guidance to inform design in order to create a high quality, sustainable built environment which maintains and respects the architectural character of the existing building and its setting.

6. Whilst a certain amount of visual depth will be retained by way of the footpath to the front of the appeal site, and notwithstanding the proposed use of brick matching the existing, extending into the current setback would be clearly visible as an interruption of the existing solid to void ratio, thereby disrupting the uniform appearance of the wider building. Such a disruption would appear incongruous given the contribution the consistency the solid to void ratio provides to the character and appearance of the building.
7. My attention has also been drawn to the existence of similar extensions elsewhere within the estate which I observed on my site visit. However, even if, as the appellants suggests, the proposed development could set a precedent that would be replicated elsewhere within the block, the existence of the few examples within the wider estate do not change the overall existing character of this particular part of the host building, within which the façade and solid to void ratio is largely retained. Any direct comparison with other examples does not therefore, indicate that the form of this proposal would sit comfortably within its setting, and the existence of other examples does not justify further harm.
8. The appellant has highlighted that the National Planning Policy Framework (Framework) seeks to achieve appropriate densities and advocates good design and the creation of better places. Given that the proposed development relates to an extension to an existing residential unit, the proposal would not result in a change of residential density in the area and therefore I do not find that the Framework's provisions in terms of density is relevant to the main issue, although the Framework's provisions in terms of design are reflected within Policy LP1 of the Hackney Local Plan (HLP).
9. Consequently, I conclude that the proposed development would appear as a visually incongruous addition to the building, thereby unacceptably harming the character and appearance of the area. The proposal would therefore conflict with HLP Policy LP1 and guidance set out within the SPD which seeks, amongst other things, to provide the highest architectural and urban design quality and enhance local context by being compatible with the existing townscape. Policy D1 of the London Plan 2021 (LP) refers to the requirement to define an area's character to understand its capacity for growth and at D1(B), direction for growth requirements in the preparation of development plans. In this respect, LP Policy D1 is not relevant to the appeal development.

Other Matters

10. I note that no objections have been received and the appellant has supplied a letter containing details of 6 parties who appear to support the proposed development, although the details within the letter are vague and I therefore give this limited weight. Notwithstanding, even if there is support for the proposal from neighbouring occupiers, this would not outweigh the conflict with the development plan I have identified above.
11. The personal reasons for the proposed development in terms of the benefit of providing a home office for the appellant are noted. However, this would not outweigh the harm found to the character and appearance of the area.

Conclusion

12. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR