
Appeal Decision

Site visit made on 4 November 2022

by Malcolm Rivett BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5th December 2022

Appeal Ref: APP/U5360/W/22/3297458
64A Geldeston Road, London, E5 8SB

- 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 Daskal against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/0286, dated 7 February 2022, was refused by notice date 5 April 2022.
 - The development proposed is loft conversion with erection of an extension between the central valley of the main roof and rear outrigger with associated roof light.
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Decision

1. I dismiss the appeal.

Preliminary Matters

2. The address and description of development detailed above are taken from the appeal form and Council's appeal questionnaire and I am satisfied that these are more specific and accurate than those set out on the original planning application form. As part of my site visit I viewed the appeal property from the kitchen and rear garden of 62 Geldeston Road.

Main Issues

3. The main issues of the appeal are the effect of the proposal on (i) the character and appearance of the dwelling and area and (ii) the living conditions of neighbouring residents, having particular regard to privacy.

Reasons

4. The main public realm vantage point from which the roof level extension would be seen is the car parking area of the adjacent Chedworth House. From here the appeal property has the appearance of already being substantially altered from its original form: the side elevation is finished in white render and the large dormer is prominent. Moreover, the valley between the front and rear parts of the property has a horizontal, rather than "V"-shaped base.
5. The appeal proposal would simply raise, by a relatively limited amount, the height of the base of the valley. However, although somewhat altered in shape, importantly the valley would still be distinct and visible. As such I consider that the change in the appearance of the building would be barely noticeable and it would thus not materially disrupt the rhythm or roofline of the terrace as it

currently exists, nor otherwise harm the character or appearance of the appeal dwelling or area. Consequently, it would not conflict with the parts of policies D3 and D4 of the London Plan or policy LP1 of the Hackney Local Plan which require that development is of the highest quality and pays regard and positively responds to the surrounding character and context.

6. The Council has referred to its Residential Extensions and Alterations Supplementary Planning Document but this does not appear to provide guidance on the specific form of extension proposed in this case. Nonetheless, the proposal would comply with its overall aim of ensuring that residential extensions respect the character of the building and its setting.
7. The scheme would enable the provision of a habitable third floor (ie two storeys above the ground floor) in the rear part of the dwelling, shown on the plans to be used as a playroom. In addition to roof lights it would have a third floor window facing towards the neighbouring property, 62 Geldeston Road. From this window there would be clear and high level views into the rear garden of no 62 and of its kitchen door. Indeed, it seems likely that if the kitchen door were to be open, for example in warm weather, there would be a clear view from the appeal property into the neighbouring dwelling's kitchen.
8. I appreciate that there are existing windows, a door and an external staircase which overlook no 62's rear garden and kitchen door and which inevitably already have the potential to limit, to some degree, the privacy available to no 62's occupants. However, bearing in mind the height of, and angle of view likely to be available from, the proposed playroom window I consider that the proposed scheme would further erode the level of privacy available to these neighbouring residents to the extent that it would result in an unacceptable impact on their living conditions. On this basis I conclude that the proposal would conflict with the requirement of policy D3 of the London Plan that development delivers appropriate privacy.
9. I note that the appellant emphasises that impact on residential and neighbouring amenity are not in dispute. Whilst it may not be a concern of the Council, it has been raised by a neighbouring resident in a representation the appellant has chosen not to comment on.
10. Whilst the proposal would be acceptable in terms of its effect on the character and appearance of the dwelling/area it would be harmful to the living conditions of neighbouring residents. This is harm which I conclude alone justifies the refusal of permission.
11. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Malcolm Rivett

INSPECTOR