



Appeal Decision

Site visit made on 1 November 2022 by S Wilson LLB MSc LRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2022

Appeal Ref: APP/U5360/D/22/3299059

169 Powerscroft Road, Hackney, London E5 0PR

- 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 Daniel Beard against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/0647, dated 10 March 2022, was refused by notice dated 5 May 2022.
 - The development proposed is the erection of a single storey roof extension at second floor level above the existing rear outrigger.
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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 Issues

3. The main issues are the effect of the proposal on the character and appearance of the host dwelling and the wider area, and on the living conditions of the occupiers of No 171 in respect of outlook and light.

Reasons for the Recommendation

Character and Appearance

4. The appeal building is a two-storey mid terraced house. It has a two-storey outrigger style extension to the rear, a pitched roof over which it shares with No 167. There is a pleasant symmetry and traditional design consistency which these design features display across the rear of the terrace which is visible from Millfields Road and contributes positively to the character and appearance of the area.
5. The insertion of what would be a boxy style roof extension in the appeal building would introduce a bulky addition to the roof which would not only visually dominate its traditional form, but it also would unbalance the rear outrigger with its adjoined neighbour, to the detriment of the terrace's consistency. The appeal property does have an existing mansard extension and this has had an affect on the roof of the original property but, given the wider context and the mass of the extension proposed, I do not feel this would be sufficient to justify it.

Consequently, the proposal would be contrary to Policy LP1 of the Hackney Local Plan 2033 (2020) (the Local Plan) and the Residential Extensions and Alterations SPD (adopted 2009) (SPD), insofar as they require development to be of the highest architectural quality that responds to the existing character and appearance of the area and for development to be in scale and proportion to the roof, not disrupting its form.

Living Conditions

6. The existing two storey outrigger at the appeal site already affects the amount of light that reaches No 171 due to the orientation of that property, as well as the height and the directional travel of the sun during differing seasons. Similarly, it provides some existing sense of enclosure due to its height and proximity to No 171.
7. The main dwelling, rear elevation, first floor, window of No 171 was partially shaded by the existing two storey rear outrigger of No 169 at the time of my visit, which indicates some existing loss of light to this room. The proposal to raise the rear outrigger by another storey will clearly create additional loss of light at this location, due to the positioning of the outrigger and the directional travel of the sun. The harm this would cause would be exacerbated by the duration and low trajectory of the winter sun. However, due to the height and trajectory of the summer sun this would likely not be harmful in the summertime.
8. The existing outrigger roof of the appeal site is single pitched and due to its height and distance from the appeal property, the aforementioned window would experience a clear view of the roof and the sky above. It is clear that the proposal to add another storey at this location would create an additional sense of enclosure experienced from this window. The proposal would replace the majority of this outlook with a flank wall, which would provide little view of the sky above. This would create some additional harmful sense of enclosure for occupiers.
9. The window to the rear elevation of the rear outrigger roof extension at No 171, due to its height and location, would not be affected by loss of light or sense of enclosure.
10. The window on the flank elevation of the outrigger roof extension at No 171 is a very small, obscured glass window. For this reason, any sense of enclosure would be very difficult to perceive. For this window to be affected by loss of light the sun would need to be aligned in such a way as to cast a shadow over the window. Upon my site visit I witnessed the late afternoon Autumn sun and conclude that for the proposal to cast a full shadow over this window would be such a rare and temporary event, that there would be no significant harm arising.
11. The window on the mansard main roof extension of No 171, closest to No 169, due to its high location, with the majority of the window above the proposed roof height, would neither be affected by loss of light nor a sense of enclosure.
12. Whilst the loss of light and sense of enclosure would cause some harm to the rear elevation first floor room at No 171, individually that harm is not significant. However, taken cumulatively, the combination of some loss of light and some loss of outlook would present a significant harmful adverse impact to

the living conditions for occupiers of No 171 and would therefore be unacceptable. The proposal would thus harm the living conditions of No 171 in respect of outlook and light. Accordingly, it would fail to comply with Policy LP2 of the Local Plan, insofar as it requires that there are no significant adverse impacts on the amenity of occupiers or neighbours.

Other Matters

13. There are examples of second-floor outrigger roof extensions at Nos 163 and 171 which I understand benefit from Lawful Development Certificates (LDC). They are however limited and in any case create imbalance with their paired outrigger. They are therefore unsympathetic to the character and appearance of the area. The issuing of a LDC requires compliance with legislative provisions or the balance of probability whereas an application for express planning permission requires an assessment of its planning merits against the development plan. I do not have plans for the aforementioned LDCs before me and as such cannot be certain that what has been built is lawful. They do not therefore justify allowing this appeal.
14. In the case of No 80 Glyn Road, there was no existing paired outrigger extension. In addition, the Inspector in their decision on such, found that views of the rear elevation were limited, which is not the case for the appeal scheme. In regard to No 123 Nevill Road, the appeal considered a mansard roof extension which, according to the Inspector deciding, would have a positive effect of balancing the shared outrigger since there was a similar extension on the adjoining neighbour. With these matters in mind, it is clear the circumstances of the cited cases are not sufficiently similar to the appeal before me. My findings are therefore unchanged.

Conclusion and Recommendation

15. For the reasons given above, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith, I therefore recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

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

John Morrison

INSPECTOR