



Appeal Decision

Site visit made on 18 October 2022

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2023

Appeal Ref: APP/U5360/D/22/3303377

3 Alvington Crescent, Hackney, London E8 2NN

- 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 Harry Eccles-Williams against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/1014, dated 19 April 2022, was refused by notice dated 16 June 2022.
 - The development proposed is the erection of first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of first floor rear extension at 3 Alvington Crescent, Hackney, London E8 2NN in accordance with the terms of the application, Ref 2022/1014, dated 19 April 2022, subject to the following conditions:

(1) The development hereby permitted shall begin not later than three years from the date of this decision.

(2) The development hereby permitted shall be carried out in accordance with the approved plans; drawing no. 4D-228 E 00 – block and location plans; drawing no. 4D-228 PO1 – proposed drawings floor plans; drawing no. 4D-228 PO1A – proposed drawings floor plans; drawing no. 4D-228 PO2 – proposed drawings elevations; drawing no. 4D-228 PO4 – proposed sections; and drawing no. 4D-228 PO3 – proposed drawings elevations.

(3) The brick to be used in the construction of the external surfaces of the development hereby permitted shall match the brick used on the original part of the building.

(4) Before first occupation of the extension hereby approved, two swift boxes shall be installed close to the eaves of the extension, and these boxes shall thereafter be retained in perpetuity.

Main Issue

2. The main issue is the effect of the proposed first floor extension upon the character and appearance of the St Marks Conservation Area (the CA).

Reasons

3. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At paragraph 197, the National Planning

Policy Framework (the Framework), sets out matters which should be considered, including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

4. The CA is centred around St Marks Church and contains several streets of mainly terraced properties of varying styles. Alvington Crescent being one of these streets, having terraced housing to either side of its partly curved road. According to the St Marks Conservation Area Appraisal (CAA) the properties on Alvington Crescent were later additions to the CA, and despite some war damage, are on the whole well preserved. On this side of Alvington Crescent the terraced housing has some variety, including both 3 storey and 2 storey properties, with some featuring basements.
5. No. 3 Alvington Crescent is a mid-terraced three storey dwelling, featuring an existing modest flat roofed two storey projection across part of its rear elevation. This rear projection is attached to a mirrored projection to the rear of No.5. I saw this feature is replicated also on the rear elevations of No.1, No.7 and No.9. Submitted aerial photography also indicates that other properties in the middle and towards the other side of this terrace, which are not visible from the garden of the appeal site, have similar rear projections. No. 3 has also been extended to the rear at ground floor, beyond its first floor projection.
6. The proposal would be 1.5 metres deeper than the existing first floor projection and would extend beyond the first floor projection of No.5 by this amount. Its modest size and design would relate sympathetically to the host dwelling and the properties surrounding the site, maintaining the characteristic, stepped appearance of extensions on the rear of nearby properties.
7. The appeal site is not readily visible from public vantage points. Views of the rear elevation are nevertheless available from the private areas of nearby properties to the rear and sides of the appeal site. Such views are partly interrupted by the established planting around the rear sides of the appeal site. Furthermore, owing to the curved form of the terrace and the degree of variety in the rear elevation of the terrace, I conclude that the proposed addition would not interrupt the joint symmetry of No. 3 and No.5, or the wider terrace. A direct view of the rear elevation of the appeal property would change very little.
8. In view of the above, I find the proposed first floor extension would be in keeping with the character and appearance of the host property and the wider terrace, ensuring the character and appearance of the CA is preserved. In doing so, the statutory test is complied with. The proposal also complies with the collective requirements of Policy HC1 and Policy D3 of The London Plan, The Spatial Development Strategy for Greater London, adopted March 2021 (LP), Policy LP1 and Policy LP3 of the Hackney Local Plan 2033 adopted July 2020 (HLP), that amongst other things, collectively require new development to be high quality, respecting the local character and being sympathetic to the significance of heritage assets. In addition, I find the proposal to be consistent with the Hackney Residential Extensions and Alterations SPD (REA), 2009,

which requires such extensions to be considered on their individual merits, whilst ensuring they are subordinate to the host property and respect its form, materials and fenestration.

9. I also find the proposed extension not to conflict with the requirements of paragraph 197 of the Framework and the CAA, which seek to ensure development preserves the significance of heritage assets.
10. The Council have referred to the proposal being in conflict with Policy D4 of the LP. This is a broad strategic design policy which I do not regard as directly relevant to the determination of this appeal.

Conditions

11. I have imposed a standard implementation condition, along with a condition listing the approved plans to provide certainty over what has been approved. A condition is also necessary to control the external finishes to protect the character and appearance of the area. Finally, as stated by the Council, to accord with Policy LP47 of the HLP and to preserve Hackney's urban biodiversity, a condition is necessary to secure the provision of two swift boxes.

Conclusion

12. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is allowed.

A Hunter

INSPECTOR