



Appeal Decision

Site visit made on 1 November 2022

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2023

Appeal Ref: APP/U5360/W/22/3299018

54-56 Moundfield Road, Hackney, London N16 6TB

- 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 Yehoshua Reiss against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/3769, dated 27 December 2021, was refused by notice dated 4 May 2022.
 - The development proposed is the erection of a ground and a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a ground and a first floor rear extension at 54-56 Moundfield Road, Hackney, London N16 6TB in accordance with the terms of the application, Ref 2021/3769, dated 27 December 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 submitted plans: drawing no. MR 54-56-SP-00 rev. RV00 - location and site plan; drawing no. MR.54-56.PR-02 rev. RV00 - proposed floor plans; drawing no. MR.54-56.PR-03 rev.RV00 - proposed floor plans; drawing no. MR.54-56.PR-04 rev.RV00 - proposed front and rear elevations; drawing no. MR.54-56.PR-05 rev.RV00 - proposed side elevation and section; drawing no.MR.54-56.PR-06 rev.RV00 - proposed side elevation and section.
 - 3) The development hereby approved shall be undertaken in accordance with the materials specified in Section 14 of the Application Form.
 - 4) Prior to the first occupation of any part of the first floor extension hereby approved, nesting boxes for swifts shall be provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The nesting boxes shall thereafter be retained.

Preliminary Matters

2. The description includes a ground floor extension. The Council has confirmed that prior approvals for the same ground floor extensions to both No. 54 and No. 56 Moundfield Road have been granted. I also saw on site that these ground floor extensions have already been substantially constructed. The appeal has been determined on this basis.

3. I have been provided with copies of prior approvals to raise the roof of both No. 54 and No. 56 by an additional storey. I saw that works to create this extra storey to each property are underway. The appeal has been determined also on this basis.
4. The appellant has provided amended plans with this appeal to reduce the width of the first floor extension. The changes proposed go beyond what I can reasonably accept as part of this appeal without prejudicing other interested parties who have not been consulted. Consequently, this appeal has been determined based on the same proposal the Council considered.

Main Issue

5. The main issue is the effect of the proposed first floor extension upon the character and appearance of the area, with particular regard to siting, scale and design.

Reasons

6. No. 54 and 56 Moundfield Road are two inner terraced dwellings, this terrace runs along part of one side of this segment of Moundfield Road. The properties in this terrace were originally constructed as two storey, however subsequent alterations have included raised roofs, roof alterations and rear extensions.
7. The first floor extension would span part of the rear elevations of both Nos. 54 and 56 Moundfield Road, directly above the flat roofed ground floor extension currently being constructed. The proposed extension would sit amongst a variety of different roof styles, including both pitched and flat roofs.
8. The extensions and alterations being undertaken to these properties will result in the brick wall of the rear elevation being raised a further storey higher, consequently the proposed first floor extension would be a storey below the eaves height of the host buildings. This would to an extent reduce the scale of the first floor extension in comparison to the altered size of the properties. This diminishing effect together with the siting of the extension on the rear elevation of the properties would result in a scale of extension that is consistent with the appearance of the resultant properties.
9. Whilst the flat roofed form of the proposed extension is not in strict conformity with the pitched roof of the host buildings, given the large flat roofed single storey extensions under construction and the prevalence of other flat roofs in the immediate area, the form of the proposed first floor extension is not uncharacteristic in this case.
10. I consider the siting, scale, and design of the proposal taken as a whole to relate sympathetically to the character and appearance of the properties and the surrounding terrace of which they form part. Accordingly, the proposal respects the character and appearance of the area consistent with Policy LP1 of the Hackney Local Plan 2033 adopted July 2020 (HLP), which amongst other things, requires extensions to existing properties to be well designed and reflect the local character and context. The proposal would also be broadly consistent with the Supplementary Planning Document Residential Extensions and Alterations (April 2009) (REA), which requires rear extensions to be subordinate to the host dwelling, with their form, materials and fenestration of the extended property being followed. The Council also found the proposal to be contrary to the REA because of its width, however the reference to the

extension being half the width of the property relates to side, rather than rear extensions.

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 materials condition is necessary to protect the appearance of the area. As raised by the Council, I have also imposed a condition requiring details of swift nesting boxes to be submitted pursuant to Policy LP47 of the HLP in the interests of biodiversity. Whilst surface water conditions were recommended from an internal consultee, I have not included these given that the first floor extension will be wholly above a ground floor extension, resulting in no net increase in impermeable areas.

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