



Appeal Decision

Site visit made on 10 November 2022

by D Barlow BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2023

Appeal Ref: APP/U5360/W/22/3296342

36-38 Warwick Grove, Hackney, London, E5 9HU

- 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 Feldman (Wexton Partners Corp) against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/0272 dated 4 February 2022, was refused by notice dated 1 April 2022.
 - The development proposed is the erection of joint single storey rear and side extensions; a Sukkah roof at first floor level and the erection of a rear dormer and a front dormer at No 36.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a joint single storey rear and side extension, a Sukkah roof at first floor level and the erection of a rear dormer and a front dormer at No 36, at 36-38 Warwick Grove, London E5 9HU, in accordance with the terms of the application Ref 2022/0272 dated 4 February 2022, subject to the following conditions:
 - 1.The development hereby permitted must be begun no later than the expiration of three years beginning with the date of this permission.
 - 2.The development hereby approved shall only be carried out and completed strictly in accordance with the following approved plans: WG36&38.LP; WG.36 &38.PRO110; WG36&38.PRO120; WG36&38.PRO130; WG36&38.PRO140.
 3. The development hereby approved shall provide two swift boxes close to the eaves prior to first occupation and shall be retained as such in perpetuity.
 4. Prior to superstructure works, detailed specification and a drainage layout of at least one sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority. The specification should demonstrate that there will be no increase in surface water flow being discharged offsite and an overall reduction in peak flow and volume.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area with particular regard to the front dormer window.

Reasons

3. The host properties form part of a terrace of bay fronted dwellings located between 2 tall apartment blocks fronting the road. Roof lights and dormer windows on the front elevation of the terrace are visible within the street scene, including a flat roof box dormer next door at No 34.
4. The new dormer window would be of a flat roof design and would follow the line of the adjacent in situ dormer windows, covering most of the width of the property but set down from the ridge line and of modest height. It would be of a similar design to the front dormer at Nos 34 and 32. Although I am advised that these windows do not benefit from planning permission, I have not been provided with evidence to indicate that the Council is seeking their removal. The medium sized proposal for the host property would be in keeping with its neighbours and the area generally.
5. The Council has previously granted planning permission¹ for single storey rear and side extensions, a Sukkah roof and a rear dormer and has indicated that given this, it has no concern with these aspects of the proposals. On the basis of the evidence before me I have no reason to find differently.
6. I therefore conclude that the proposal would respect the character and appearance of the host building and area in accordance with the London Plan Policies D3 and D4, and the Hackney Local Plan (2020) Policy LP1 which, amongst other matters, collectively seek good design which is compatible with the existing townscape. In addition, the Council's Supplementary Planning Document (SPD) on Residential Extensions (2009) is complied with in so far as it allows such proposals where a number of front roof extensions have been constructed and already altered the visual appearance of a number of streets in the Springfield Park Area.

Conditions

7. I have assessed the conditions provided by the Council for the original application in regard to the advice provided in the National Planning Policy Framework and the Planning Practice Guidance.
8. Condition 1 is as required by the Town and Country Planning Act 1990; Condition 2 is necessary for certainty; Condition 3 in the interests of biodiversity and Condition 4 to ensure that the site is suitably drained.

¹ Ref 2021/2675

Conclusion

9. For the reasons given above, and taking into account all other considerations, the appeal is allowed.

D Barlow

INSPECTOR