



Appeal Decision

Site visit made on 16 January 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09th February 2023

Appeal Ref: APP/U5360/W/22/3295835

20 - 22 Rookwood Road, Hackney, London N16 6SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Chesky Schapira against the London Borough of Hackney.
 - The application Ref 2021/3285, is dated 8 November 2021.
 - The development proposed is described in the application as erection of single storey side and wrap-around extensions at 20-22 and second floor rear roof extensions (above the main with erection of second floor above the outriggers and rear roofslope).
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Decision

1. The appeal is allowed and planning permission is granted for erection of single-storey ground floor side infill extensions at 20-22, extensions above first-floor outriggers, and roof extension to rear main roof at 20 - 22 Rookwood Road, Hackney, London, N16 6SS in accordance with the terms of the application, Ref 2021/3285, dated 8 November 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council altered the description of development to read 'erection of single-storey ground floor side infill extensions at 20-22, extensions above first-floor outriggers, and roof extension to rear main roof.' This is also the description used by the appellant on the appeal form. I consider this to be a more accurate description of the appeal proposal and I have therefore used this in my decision above.
3. The appeal relates to a failure to determine the application within the prescribed period and the Council has not objected to the scheme but suggests a number of conditions, should the appeal be allowed.

Main Issues

4. From the evidence before me I consider the main issues are the effect of the proposal on (i) the character and appearance of the area; and (ii) living conditions for occupiers of nearby dwellings, with particular regard to privacy and outlook.

Reasons

Character and appearance

5. The appeal site is located within the mid-terrace of a group of properties that are characterised by their expansive outriggers and other rear extensions,

primarily of brick construction. Roof pitches are varied in their design and properties have been substantially altered to the degree where existing flat roof extensions above outriggers reach eaves height, and ground floor side infill extensions are commonplace. Glimpsed and limited views of the rear elevations of the terrace can be appreciated from a nearby pedestrian passage and the adjoining lower street.

6. The Council's 'Residential Extensions and Alterations Supplementary Planning Document 2009' (SPD) discourages taller, eaves height rear extensions, though highlights that where an application property immediately adjoins an existing larger extension, or where there are already a number of such extensions, then slightly larger rear extensions may be considered. Window detailing and use of similar materials to existing buildings is also noted in the SPD as being an important design principle.
7. Although the proposal would not be lower than the eaves height of the building, it would be of a similar scale and design to existing extensions either side and constructed from matching brickwork. Street facing rooflights and new rear windows would be of a modest scale and symmetrically positioned within the roof space and elevations respectively. The lower, full-width extension would reflect the current design of the property and would be of a similar scale to other ground floor extensions. For the above reasons, the proposal would be compatible with the adjoining larger extensions and would respond positively to local character, which would be in accordance with the SPD.
8. Therefore, I conclude on this main issue that the proposal would have an acceptable effect on the character and appearance of the area. As such, the proposed development would not conflict with Policies LP1 and LP17 of the Hackney Local Plan 2020 (HLP), Policies D3 and D4 of the London Plan 2021 (LP) and the Council's SPD, which amongst other things seek to promote developments that respond to local character and that are compatible with the existing townscape.

Living conditions

9. Large rear gardens provide substantial separation distances between the rear elevations of facing properties. No windows would be added to the side elevations of the roof extension or ground floor side infill extensions, which would maintain acceptable privacy levels, where no windows currently exist.
10. The proposed infill extension facing No 18 would be at a relatively low height and would therefore not have an unacceptable overbearing effect on neighbouring outlook from their rear windows, which are primarily orientated to face down the garden rather than directly towards the extension. Although the proposal would be relatively close to the side elevations of neighbouring properties and their upper floor windows, its depth and height would not be excessive and consequently the outlook from these windows out over side walls and roofs would not be substantially restricted. Furthermore, the principal outlook of existing upper floor accommodation is to the rear, where windows also exist. Consequently, the outlook of neighbouring occupiers would not be harmfully compromised as a result of the proposal.
11. For these reasons, the proposal would have an acceptable effect on the living conditions of the occupiers of nearby dwellings, with particular regard to privacy and outlook. As such, the proposed development would not conflict

with Policy LP2 of the HLP, Policy D3 of the LP and the Council's SPD, which together in this respect seek to ensure developments provide a good level of amenity.

Conditions

12. The Council has suggested a number of conditions which I have considered against advice in the National Planning Policy Framework and Planning Practice Guidance. I have made such amendments and omissions as necessary to comply with those documents.
13. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord.
14. No compelling evidence has been provided to justify the joint commencement of works, and the Council's suggested condition is not sufficiently precise to ensure a partially completed development would not result.
15. Details of external surfacing materials and rooflights are required in the interests of the character and appearance of the area.
16. Details of a scheme for drainage are required to ensure effective drainage facilities are provided.
17. A condition requiring the provision of swift nesting bricks/boxes is required in the interests of biodiversity.

Conclusion

18. For the reasons given I conclude that the appeal should succeed.

J Hills

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun within three years of the date of the permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: E00; E01; E02; E03; E04; E05; E06; E07; E08; P01; P02; P03; P04; P05; P06; P07; P08.
- 3) Full details, with photo samples of the materials to be used on the external surfaces of the building, including glazing, shall be submitted to and approved by the local planning authority in writing prior to the commencement of above ground works. The approved details shall be implemented prior to first occupation of the development and shall be maintained as such thereafter.
- 4) Detailed drawings/full particulars of the proposed roof lights must be submitted to and approved by the local planning authority in writing prior to the commencement of above ground works. The approved details shall be implemented prior to first occupation of the development and shall be maintained as such thereafter.
- 5) Prior to the commencement of above ground works, details of a sustainable drainage system for the site shall have been completed in accordance with the submitted details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
- 6) Prior to the first occupation of the development hereby approved details of swift nesting bricks and/or boxes shall be submitted to and approved by the local planning authority in writing. The approved details shall be implemented prior to first occupation of the development and shall be maintained as such thereafter.