
Appeal Decision

Site visit made on 14 February 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2023

Appeal Ref: APP/U5360/D/22/3309847

34 Forburg Road, Hackney, London N16 6HS

- 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 P Landau against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/1974, dated 8 August 2022, was refused by notice dated 4 October 2022.
 - The development proposed is erection of rear ground floor infill extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an alternative scheme as part of this appeal. As this scheme has not been subject to public consultation, I have not taken it into consideration.

Main Issues

3. The main issues are (i) whether the proposed development would preserve or enhance the character and appearance of the Northwold and Cazenove Conservation Area (CA) and (ii) the effect of the proposed development on the living conditions of occupants of No 36 Forburg Road (No 36), with particular regard to outlook and light.

Reasons

Character and appearance

4. The appeal property is a 2 storey mid-terrace dwelling, with a raised basement. The significance of the CA derives from the high quality and variety of Victorian properties within it. Terraces are of a similar height, appearance and materials, and have a variety of architectural embellishments. The planned nature of the area is evident in the long curved parallel streets leaving no backland plots.
 5. Views to the rear are largely screened from the public realm by the existing terraced houses. The rear elevations are characterised by 3 storey outriggers, which have a lower roof height than the principal parts of the dwellings. The outriggers give the rear of the terrace a distinctive architectural rhythm. The regularity of these outriggers and the space provided by the back gardens make a positive contribution to the significance of the CA.
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6. The Hackney Residential Extensions and Alterations Supplementary Planning Document 2009 (SPD) sets out design guidelines for rear extensions and permits full width single-storey rear extensions on terraced houses. The SPD states that the maximum depth of extensions would normally be 3 metres from the rear of the property. The SPD acknowledges that dwellings that have rear projecting elements, such as outriggers may have limited capacity to be extended further. Where outriggers are present, the SPD specifies that the form of an extension should follow that of the existing rear projecting element and not project past the side wall of the original extension.
7. The consented scheme and the existing single-storey extension already equate to significant extensions to the rear of the property. When taken together with these additions, the proposed development would appear excessive in scale and result in a disproportionate extension to the existing dwelling. Further, the proposal would have a narrow hipped roof to one side, which would sit awkwardly with the design of the main flat roof. The extent of the flat roof and asymmetrical roof form would fail to respect the architectural character of the host building. The proposed extension by reason of its size and design would be an overly prominent feature, notably dissimilar and out of scale with adjacent properties. It would detract from the attractive rear outriggers and open garden spaces characteristic of the terraced row, and fail to be sympathetic to its surroundings causing harm to the character and appearance of the host dwelling and the CA.
8. Although I appreciate that rear extensions form part of the character of the area, there are no extensions of this scale or depth on the properties either side of the appeal property. Consequently, the proposal would appear overly prominent and detract from the simple form of the rear elevation. My attention has been drawn to schemes in the locality that have received planning permission or have been allowed at appeal. Most schemes preceded the adoption of the Hackney Local Plan (LP) 2033, adopted in 2020 and were therefore considered against different development plan policies. Other schemes differ in design and/or do not project as far back as the appeal proposal. These schemes are therefore not directly comparable. I have assessed the proposal on its own merits and do not consider that the other schemes before me justify the harm that I have identified.
9. Having regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal would fail to preserve the character or appearance of the CA. However, in the context of the CA as a whole, the proposal would be relatively modest. Consequently, it would cause less than substantial harm to the significance of the CA, as a designated heritage asset. While I accept that the enhanced internal living accommodation would be a benefit to the appellant, no public benefits have been demonstrated that would outweigh the harm to the CA. I therefore conclude that the appeal scheme would conflict with the National Planning Policy Framework (the Framework).
10. Overall, I conclude that the proposed development would fail to preserve the character and appearance of the host property and the significance of the CA. The proposal would conflict with Policies LP1, LP2 and LP3 of LP and Policies D3, D4 and HC1 of the London Plan 2021, which require developments to respect local character, deliver high quality design and preserve or enhance the significance of the CA. The proposal would also be contrary to the Council's

SPD, which seeks that extensions preserve or enhance the appearance of the borough's residential areas.

Living conditions

11. The neighbouring property at No 36 has been divided into 2 flats. The proposed extension would be sited next to the joint boundary and in combination with the extension constructed under permitted development rights would extend 8 metres from the principal rear elevation of the appeal property. Although the roof has been designed so that it would be lower in height adjacent to the boundary with No 36, the side wall of the extension and the steep pitch to the higher flat roof would be apparent above the fence line from the windows of No 36 and its courtyard garden.
12. Given the siting, excessive depth and height of the proposed extension, it would appear particularly oppressive from the lower windows and garden of the neighbouring property. The proposed development would result in a loss of outlook and lead to an increased sense of enclosure that would harm the living conditions of occupants of No 36.
13. Even if the boundary fence could be increased under permitted development, the proposed extension would exceed the height of 2 metres and my findings in respect to harm regarding enclosure and outlook would remain.
14. Whilst I note the findings of the daylight and sunlight assessment, the proposal would result in a reduction of daylight to the rear windows of No 36 (one of which is a bedroom). Daylight into these rooms is already limited and a further reduction adds to my concerns about the oppressive impact of the extension.
15. Overall, I conclude that the proposal would be harmful to the living conditions of occupants of No 36 with particular regard to outlook and light. The proposal would conflict with Policy LP2 of the LP and Policy D3 of the London Plan 2021, which require that new development does not have a significant adverse impact on the living conditions of neighbours. It would be contrary to the Council's SPD, which seeks that proposed extensions do not result in an unacceptable loss of daylight and outlook from the windows of neighbouring properties. The proposed development would also conflict with the Framework, which requires that developments provide a high standard of amenity for existing and future users.
16. I do not find any conflict with Policy LP1 of the LP, as this policy is not relevant to living conditions.

Conclusion

17. For the reasons given above, I conclude that the proposal conflicts with the development plan as a whole and the Framework and there are no material considerations that outweigh this conflict. The appeal is therefore dismissed.

A James

INSPECTOR