
Appeal Decision

Site visit made on 28 February 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2023

Appeal Ref: APP/U5360/D/22/3302125

55 Lockhurst Street, Hackney, London E5 0AP

- 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 and Mrs A & H Cottey against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/0407, dated 21 February 2022, was refused by notice dated 14 April 2022.
 - The development proposed is the erection of an additional storey accommodating single bedroom to existing rear outrigger.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an additional storey accommodating single bedroom to existing rear outrigger at 55 Lockhurst Street, Hackney, London E5 0AP in accordance with the terms of the application Ref 2022/0407, dated 21 February 2022, subject to the conditions set out in the schedule to this decision.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and the local area.

Reasons

3. The appeal property is a substantial mid-terrace dwelling with a large dormer extension and a part 2-storey, part single storey rear projection that lies within a predominantly residential area. Like No 55, several properties in the same terrace have been extended and externally altered particularly at the rear. Consequently, the terrace to which No 55 belongs has a varied rear profile.
4. An additional storey is proposed to the 2-storey element of the existing rear projection to create 3 levels in all. A noticeably taller and larger building would result with the new flat roof terminating at the eaves of the main building. This arrangement would potentially be at odds with some of the guidance in the Council's Supplementary Planning Document, *Residential Extensions and Alterations* (SPD). Specifically, the SPD notes that rear extensions must be at least one storey lower than the eaves height of the property to achieve subordination to the principal building.
5. Nevertheless, the new addition would not cover the entire width of the main building, nor would it project above the eaves into the main roof. When seen from the back garden of No 55 and those of neighbouring properties, the new

addition would not draw the eye as overly tall, large, or bulky given the substantial built form and height of the host building beyond and the wider terrace. Taken together with matching external materials, as proposed, and a consistent pattern of fenestration to unify the overall design, the completed rear projection would remain subservient to the host building.

6. The finished rear elevation of No 55 would differ to the attached properties on either side of the site that have smaller rear projections set at a lower level. It would also contrast with the 3-storey rear projections further along the terrace at the back of Nos 49 and 51 that were extended as a pair. Nonetheless, the appeal dwelling already has a large rear projection with a flat roof that differs to others in the rest of the terrace and the proposal would blend in with the rear façade of the host building. Given the varied context within which the proposal would be seen, no undue dominance, incongruity or a sense of an imbalance in built form between adjacent dwellings would result. By respecting the scale, design and general appearance of the host building and the character and qualities of the local area, the proposal would adhere to the key principles of the SPD. Therefore, I find that a conflict with some of the guidance within the SPD is insufficient reason to withhold planning permission.
7. On the main issue, I therefore conclude that the proposed development would not materially harm the character and appearance of the host building or the local area. As such, it does not conflict with Policies D1, D3 and D4 of The London Plan, Policy LP1 of the Hackney Local Plan 2033 (LP) of the SPD. These policies and guidance broadly aim to ensure that new development achieves high quality design; responds to local character and enhances the context; is compatible with the townscape; and optimises the capacity of the site.
8. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building. A condition is also imposed to require that nesting boxes suitable for swifts are installed to encourage biodiversity. These conditions reflect those suggested by the Council with a slight amendment to No 4 for clarity and precision.
9. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of 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 following approved plans: Refs 129/PL01, 129/PL02, 129/PL03, 129/PL04, 129/PL05, 129/PL06, 129/PL07, 129/PL08, 129/PL10, 129/PL11, 129/PL12 and 129/PL13.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Before the development hereby permitted is first occupied, two boxes suitable for swifts shall be installed close to the eaves of the building and these boxes shall be permanently retained as such thereafter.