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# 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: 24 March 2023**

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**Appeal Ref: APP/U5360/D/22/3309805**

**18 Langford Close, Hackney, London E8 2JW**

- 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 Henrik Ridderheim against the decision of the Council of the London Borough of Hackney.
  - The application Ref 2022/1093, dated 3 May 2022, was refused by notice dated 24 August 2022.
  - The development proposed is the erection of a roof terrace extension, internal alterations and all associated works at 18 Langford Close.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a roof terrace extension, internal alterations and all associated works at 18 Langford Close, Hackney, London E8 2JW in accordance with the terms of the application Ref 2022/1093, dated 3 May 2022, subject to the conditions set out in the schedule to this decision.

## Main issues

2. The main issues are the effect of the proposed development firstly, on the character and appearance of the host building and the local area; and secondly, on the living conditions of the occupiers of nearby properties with particular regard to privacy and potential noise and general disturbance.

## Reasons

### *Character and appearance*

3. The appeal property is a detached 2-storey dwelling of individual design in an area that is characterised by substantial residential terraces. It stands at the end of a cul-de-sac with the back garden of 181 Amhurst Road on one side of the site and a children's playground on another. I saw that several properties that back onto Langford Close include high-level balconies and roof terraces.
4. The proposal is to extend No 18 upwards to provide a new study at roof level together with an enclosed terrace and garden. The new addition would be simple in design and continue the modern style of the host building with matching timber slats and white render. The large-glazed units on 3 sides of the new extension and the timber slats and obscurely glazed screen around part of the new roof terrace would complement the contemporary design and materials of the host building and add further visual interest to its appearance.

5. The appeal dwelling would obviously be taller and more substantial in-built form with the new development in place. As a result, No 18 would gain some prominence in the local street scene and when viewed from nearby properties. Nevertheless, the proposal would be proportionate in scale, mass and height to the host building and blend in seamlessly with its modern, rectilinear style. As a dwelling of bespoke design that clearly stands apart from other nearby buildings, No 18 would continue to stand comfortably and make its own visual statement at the end of Longford Close. The contrast in built form, size and general appearance would ensure that the finished building would not visually compete with nor detract from the traditional style of the taller and far larger terraces that predominate in the local area.
6. The Council's Supplementary Planning Document, *Residential Extensions and Alterations* (SPD) states that roof extensions and alterations should be designed to complement the individual house and the existing streetscape. For the reasons given, the proposal would adhere to this guidance.
7. On the first 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 Policy D4 of The London Plan, Policies LP1 and LP17 of the Hackney Local Plan 2033 or the SPD. These policies and guidance broadly aim to ensure that all new development achieves high quality design; responds to local character and distinctiveness; and is compatible with the existing townscape.

#### *Living conditions*

8. Of the properties close to the site, it is the occupiers of 179, 181 and 183 Amhurst Road that are most likely to be affected by the proposal. The rears of these neighbouring properties are just to one side of the site.
9. A 1.8m high screen with obscure glazing, as proposed, would overcome overlooking problems towards Nos 179, 181 and 183 and others from the new roof terrace. The new timber slats would do likewise in other directions. Since there are numerous high-level windows, balconies and roof terraces that are visible from the site, overlooking is a common characteristic of the relationship between neighbouring properties. In that context, I doubt that the presence of a new privacy screen would significantly heighten a sense of being overlooked for the occupiers of properties in the vicinity of the site. As such, the proposal would not cause a significant loss of privacy through overlooking.
10. As the roof terrace would introduce an area of outdoor amenity space it could give rise to some increase in potential noise and disturbance. However, the roof terrace would be small, and the type and level of associated activity is unlikely to be any greater than that generated by the reasonable use of an outdoor amenity space at ground level or from the nearby children's playground. Given the noise levels resulting from such activity are what could be reasonably expected in a mainly residential area such as this, nearby occupiers would not experience any greater harm from noise and general disturbance because of the development sought.
11. On the second main issue, I conclude that the proposed development would not materially reduce the living conditions of the occupiers of nearby properties. As such, it does not conflict with LP Policy LP2 and the guidance in the Council's SPD insofar as they aim to safeguard residential amenity.

### *Other matters*

12. Given the proposed height of the completed dwelling, and the separation distance between it and the adjacent properties on either side of the site, any loss of natural light due to the proposal would be modest in extent and duration. The appellant's daylight and sunlight report, dated April 2202, also concludes that all neighbouring properties will adhere to the daylight and sunlight guidelines with the new development in place with minimal change to the amount of sunlight reaching nearby gardens. Consequently, the loss of light to the neighbouring properties and their gardens would have no discernable effect on living conditions.
13. The site is small, and the appeal building would be larger if the appeal scheme were to proceed. Even so, the proposal would be readily assimilated into the local area with no increase to the built footprint. As such, it would not constitute overdevelopment of the site. Because the appeal property is of bespoke design, I doubt that any direct parallels can be drawn between the proposal and other sites to the extent that it would set a precedent. In any event, each development should be assessed on its own merits.
14. An interested party considers that the finished building would obstruct a view from their property across housing and trees towards a Church spire. The Courts have held that a change of view is not normally regarded as a planning consideration. In this case, the change of view would not be so great as to have a significant impact on the residential amenities enjoyed by neighbouring occupiers.

### **Conditions**

15. 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.

### **Conclusion**

16. 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 B110578 - 1100 B, B110578 - 3100 B, B110578 - 3500 A and the Site Location Plan, which shows the site edged red.
- 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.