
Appeal Decision

Site visit made on 20 March 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2023

Appeal Ref: APP/U5360/D/23/3314871

11 Harcombe Road, Hackney, London N16 0RX

- 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 Pat and Stephina Smyth against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/2531, dated 18 October 2022, was refused by notice dated 14 December 2022.
 - The development proposed is a POD room – loft conversion.
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Decision

1. The appeal is dismissed.

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 mainly 3-storey mid-terrace dwelling with a mansard style roof that stands within a mainly residential area, within which residential terraces predominate. I saw that some properties in the same terrace as No 11 have been externally altered and extended at the rear. Although these changes have resulted in some variety to the existing built form, characteristic features of this terrace include the subordinate relationship of the 2-storey rear outrigger to the more substantive and taller main dwelling beyond. The site does not fall within a conservation area nor is No 11 a listed building.
4. A new extension is proposed on the 2-storey outrigger at the back of No 11, with materials to match those of the host building. It would introduce a 3rd storey to the outrigger and extend over almost its entire length with only a modest set back from the ground floor rear wall. The upper section of the proposal would project well above the eaves of the main building with the party wall along one side of the outrigger extended upwards. Due to its considerable scale and mass, the new extension would appear as overly large and bulky 'box-like' addition that would relate poorly to the appearance and modest proportions of the existing outrigger. By introducing a substantial new built form in a high-level position, the appeal scheme would also unduly disrupt subordinate relationship between the outrigger and the main house.
5. The Council's Supplementary Planning Document, *Residential Extensions and Alterations* (SPD) states that additions to the roof form should be in scale with

- and proportionate to the existing roof. For the reasons given, the proposed development would not adhere to this guidance.
6. While the new extension would be at the back of the host building, away from public view, it would nonetheless form part of the character of the local area as it is experienced and appreciated from nearby properties. From the back gardens of neighbouring buildings, the proposal would draw the eye as an overly dominant and uncharacteristically large addition even among the varied built form at the rear of No 11 and along the wider terrace.
 7. The appellants place some reliance on roof level additions made to the rear outrigger at other properties along Harcombe Road, Oldfield Road and Kynaston Road with some details and photographs provided. Having carefully considered this evidence, I agree that several cases share some common features with the appeal scheme with some examples clearly visible from the road, unlike the proposal before me. Nevertheless, a key planning principle is that each development should be assessed on its own merits. To my mind, the schemes cited by the appellants serve to illustrate that changes to a building at a high level do have a significant impact on the character and appearance of that property and the local area to which it belongs.
 8. My own conclusion in relation to the specific merits of this case is that the scale, mass, and position of the proposed extension would cause it to unduly compromise the form and appearance of the host building and there would be a significant adverse impact on the surrounding area. Even if the Council has been inconsistent in its decision taking, and similar developments have been permitted elsewhere, this is not in itself an appropriate reason to find in favour of a development that in my view would cause harm.
 9. On the main issue, I therefore conclude that the proposed development would materially harm the character and appearance of the host building and the local area. Accordingly, it is contrary to Policies D1, D3 and D4 of The London Plan, Policy LP1 of the Hackney Local Plan 2033 and the SPD. These policies and guidance aim to ensure that development achieves high quality design, responds to local character and context and is compatible with the townscape. It is also at odds with the policies of the National Planning Policy Framework (the Framework), which require that development is sympathetic to local character and adds to the overall quality of the area.
 10. The proposal would provide additional living accommodation that, once complete, would improve the living conditions of the appellants. That others raise no objection does not necessarily mean that the proposal is therefore acceptable. These considerations do not outweigh the significant harm that I have identified.

Conclusion

11. The proposed development would conflict with the development plan, as a whole. There are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR