



Appeal Decisions

Site visit made on 22 March 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2023

Appeal A Ref: APP/U5360/D/22/3304626

7 Meynell Road, Hackney, London E9 7AP

- 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 Gibson against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/0839, dated 30 March 2022, was refused by notice dated 25 May 2022.
 - The development proposed is the construction of enlarged lower ground floor level, and rear extensions at lower and ground floor levels, installation of two front-garden lightwells, new boundary treatment, along with partial enlargement of existing rear dormer window and installation of two roof-lights in the front roof slope. Installation of air source heat pumps within rear garden and photovoltaic panels to flat top section of rear roof dormer and addition of three roof lights to flat top section of rear roof dormer.
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Appeal B Ref: APP/U5360/D/22/3304625

7 Meynell Road, Hackney, London E9 7AP

- 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 Gibson against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/0828, dated 30 March 2022, was refused by notice dated 25 May 2022.
 - The development proposed is the construction of enlarged lower ground floor level, and rear extensions at lower and ground floor levels, installation of two front-garden lightwells, new boundary treatment, along with re-cladding of existing rear dormer window and installation of two roof-lights in the front roof slope. Installation of air source heat pumps within rear garden and photovoltaic panels to flat top section of rear roof dormer and addition of three roof lights to flat top section of rear roof dormer.
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Decision

1. Appeal A is allowed and planning permission is granted for the construction of enlarged lower ground floor level, and rear extensions at lower and ground floor levels, installation of two front-garden lightwells, new boundary treatment, along with partial enlargement of existing rear dormer window and installation of two roof-lights in the front roof slope. Installation of air source heat pumps within rear garden and photovoltaic panels to flat top section of rear roof dormer and addition of three roof lights to flat top section of rear roof dormer at 7 Meynell Road, Hackney, London E9 7AP in accordance with the terms of the application Ref 2022/0839, dated 30 March 2022, subject to the conditions appended to this decision.

2. Appeal B is allowed and planning permission is granted for the construction of enlarged lower ground floor level, and rear extensions at lower and ground floor levels, installation of two front-garden lightwells, new boundary treatment, along with re-cladding of existing rear dormer window and installation of two roof-lights in the front roof slope. Installation of air source heat pumps within rear garden and photovoltaic panels to flat top section of rear roof dormer and addition of three roof lights to flat top section of rear roof dormer at 7 Meynell Road, Hackney, London E9 7AP in accordance with the terms of the application Ref 2022/0828, dated 30 March 2022, subject to the conditions appended to this decision.

Applications for costs

3. An application for costs was made by Mr Nicholas Gibson against the Council of the London Borough of Hackney. This application is the subject of a separate decision.

Preliminary Matters

4. As set out above there are two appeals on this site. They differ only in the detail of the design of the proposed development. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issue

5. The main issue in both Appeal A and Appeal B is the effect of the proposed development on the character and appearance of the area, including heritage assets.

Reasons

6. The appeal site comprises a three-storey dwelling, with converted roofspace, set within a large garden plot. The appeal property lies within Victoria Park Conservation Area and is a locally listed building. Statute places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of this conservation area (CA) and the significance of the locally listed building.
7. The appeal building forms part of a wider complete terrace (Nos 1-11 Meynell Road). The principal qualities of the locally listed building are its generous proportions and unusual decorative features, particularly its classical porch. The significance of the CA lies in the historic, largely nineteenth century, development of terraced housing, including some larger houses around Well Street Common, the principal open space of the area. The CA appraisal (CAA, 2012) specifically marks the terrace at Meynell Road, built in the 1870s, as forming important buildings in views along streets.

Lightwells

8. The Council's *Residential Extensions and Alterations* Supplementary Planning Document (the SPD, 2009) seeks to restrict the installation of basement lightwells within shallow front gardens where these are not a traditional feature of the street. Nevertheless, the principle of the installation of lightwells within the front garden of the appeal site was established under planning permission reference 2021/1783. That permission included lightwells in front of both

ground floor windows, preserving 50% of the depth of the front garden, with a flush fitting grille over.

9. The current proposals, under both appeals, include two front lightwells in the same position as those previously approved. However, these would be of a greater width, extending across much of the front elevation of the property. The Council contends that the size, scale and location of the proposed lightwells would be excessive and uncharacteristic of the street scene.
10. From the plans before me, the proposed lightwells would be only marginally wider than those previously approved at the property, would be fitted with a flush grille and would retain 50% of the depth of the front garden. Moreover, the lightwells would be largely screened from view by the proposed replacement boundary wall and planting, ensuring that no visual clutter would result and that the architectural integrity of the front elevation would be retained. Accordingly, this element of the proposal would not have an adverse effect on the significance of the locally listed building or the character or appearance of the CA, which would be preserved.

Dormer extension

11. The SPD sets out that dormer windows and rooflights will normally be acceptable on rear roof slopes, and that these should reflect the architectural character of the existing building and its neighbours, in their form, detailing and materials. The guidance specifies that dormers should be set in from the party wall on each side and down from the ridge. Generally, dormers are required to exceed no more than half the width of the existing roof. An exception to that guidance is where a number of large rear box dormers already exist within the immediate vicinity. In those cases, larger dormers may be acceptable.
12. Whilst there are few examples of larger box dormers within the immediately surrounding area, the existing roof extension at the appeal site could reasonably fit that description. This is of a relatively contemporary design, with large window openings and timber boarding. Whilst elements of the existing extension conform with the guidance in the SPD, the proportion of window openings and the use of materials are not in keeping with the original property. Nevertheless, the extension appears to have been in-situ for a considerable period of time, and it consequently forms part of the character and appearance of the property and immediately surrounding area.
13. There is no dispute between the Council and appellant in respect of the proposed dormer alterations under Appeal B. That proposal seeks to replace the existing dormer with one which is of a similar scale and bulk but which is faced in natural slate and incorporates three smaller sash windows. I have no reason to disagree with those findings.
14. The proposal under Appeal A seeks to increase the size of the existing dormer to form a stepped structure. Like the design of the dormer under Appeal B, it would be faced in natural slate and feature three sash windows. Although I concur with the Council that the proposed stepped dormer is not a requirement of the SPD, the relatively limited extension of the existing dormer, particularly once finished in slate, would have little appreciable effect on the street scene compared with the existing structures. The proposal, in my view, could not be described as ungainly or visually obtrusive when compared with the existing

appearance of the building. Accordingly, this element of the proposal, in this particular case, would not have an adverse effect on the significance of the locally listed building or the character or appearance of the CA, which would be preserved.

Basement extension

15. There is no dispute between the Council and appellant in respect of the proposed rear basement extension under Appeal A. The proposal under Appeal B seeks to provide a larger basement extension which would project further into the rear garden than is currently the case or has been approved previously.
16. The garden at the rear of the property is relatively long and well landscaped. Although visible from some private vantage points, the rear garden is not readily visible from public vantage points. The basement would sit mainly under the proposed rear extension, but would also project beyond its rear wall. It would be covered in natural paving to provide an external terrace area.
17. Given the nature of this element of the proposed development, retaining a largely open garden area to the rear, and positioned entirely to the rear of the property in a part of the site which does not contribute to any substantial degree to the significance of the locally listed building or CA, it would not have an adverse effect on the significance of the locally listed building or the character or appearance of the CA, which would be preserved.
18. Overall, I conclude that the proposed development would not have an adverse effect on the significance of the locally listed building or the character or appearance of the Victoria Park Conservation Area, which would be preserved. The proposal is therefore in accordance with the relevant provisions of policies HC1 of the London Plan (2021) and policies LP1, LP3 and LP4 of the Hackney Local Development Plan (2020). These policies, when taken as a whole, seek to ensure high quality of design in development that preserves or enhances the character and appearance of heritage assets. This is in a similar vein to the aims of the National Planning Policy Framework in respect of good design and the protection of the historic environment, the SPD and the CAA.

Conditions

19. The Council has provided a list of conditions that it suggests should be applied in the eventuality that the appeals were to be allowed. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance. I have amended the wording of some and combined provisions of others without altering their fundamental aims.
20. In addition to requiring commencement within the relevant statutory period, I have imposed a condition requiring adherence to the relevant plans for certainty. A condition (condition 3) in respect of external materials is necessary in order to protect the character and appearance of the area.
21. Condition 4 requires the submission and approval of sustainable water management measures. This is necessary in the interests of flood prevention and water management. Both conditions 3 and 4 are pre-commencement conditions as they are necessary to ensure that any potential mitigation is properly designed into the scheme prior to the commencement of development.

22. I have imposed a condition with regard to noise levels connected with the air source heat pump (condition 5). This is in the interests of the living conditions of neighbouring occupiers.
23. Given the detail and specifications set out in the plans and the provisions of condition 2, the Council's suggested conditions relating to pipework and external equipment are unnecessary and have not been imposed.

Conclusion

24. For the reasons given above, and having had regard to all matters raised, I conclude that Appeal A and Appeal B should be allowed.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0101 Rev D; 0102 Rev D; 0114 Rev D; 0115 Rev D; 0116 Rev D; 0117 Rev D; 0118 Rev D; 0211 Rev D; 0212 Rev D; 0311 Rev D; 0312 Rev D; 0313 Rev D; 0314 Rev D; 0315 Rev D; 0316 Rev D; 0317 Rev D; 0318 Rev D; 0319 Rev D; Arboricultural Impact Assessment.
- 3) No development shall take place until full details of the materials to be used in the construction of the external surfaces, including the metal grille to the front lightwell, roof covering materials, bricks and pier caps to the front boundary treatment and bricks, coping stones and natural stone for the rear extension, have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- 4) Prior to the commencement of superstructure works, a detailed specification and a management & maintenance plan (where applicable) of the blue roof (substrate depth of 80-150mm excluding the vegetative mat), permeable paving, and geo-cellular attenuation tank shall be submitted to, and approved by the Local Planning Authority, in consultation with the Local Lead Flood Authority. It must be demonstrated that there will be no increase in surface water flow being discharged offsite and an overall reduction in peak flow rate and volume. Surface water from the site shall be managed in accordance with the proposal referenced in the Flood Risk Assessment (Ref: DMAG-2128-FRA-002) and Drainage Technical Note (Ref: DMAG-2128-DTN-002). The development shall be constructed in accordance with the approved details.
- 5) Noise emitted from the air source heat pump equipment hereby approved shall be -10dBA below the existing measured lowest LA90(10min) background noise level at any time when all plant is in use. Where the plant noise source is tonal it shall be -15dBA. The noise emitted shall be measured or predicted at 1.0m from the façade of the nearest residential window or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The equipment shall be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this condition, it shall be switched off and not used again until it is able to comply.

Appeal B

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0101 Rev C; 0102 Rev C; 0114 Rev C; 0115 Rev C; 0116 Rev C; 0117 Rev C; 0118 Rev C; 0211 Rev C; 0212 Rev C; 0311 Rev C; 0312 Rev C; 0313 Rev C; 0314 Rev C; 0315 Rev C; 0316 Rev C; 0317 Rev C; 0318 Rev C; 0319 Rev C; Arboricultural Impact Assessment.
- 3) No development shall take place until full details of the materials to be used in the construction of the external surfaces, including the metal grille to the front lightwell, roof covering materials, bricks and pier caps to the front boundary treatment and bricks, coping stones and natural stone for the rear extension, have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- 4) Prior to the commencement of superstructure works, a detailed specification and a management & maintenance plan (where applicable) of the blue roof (substrate depth of 80-150mm excluding the vegetative mat), permeable paving, and geo-cellular attenuation tank shall be submitted to, and approved by the Local Planning Authority, in consultation with the Local Lead Flood Authority. It must be demonstrated that there will be no increase in surface water flow being discharged offsite and an overall reduction in peak flow rate and volume. Surface water from the site shall be managed in accordance with the proposal referenced in the Flood Risk Assessment (Ref: DMAG-2128-FRA-002) and Drainage Technical Note (Ref: DMAG-2128-DTN-002). The development shall be constructed in accordance with the approved details.
- 5) Noise emitted from the air source heat pump equipment hereby approved shall be -10dBA below the existing measured lowest LA90(10min) background noise level at any time when all plant is in use. Where the plant noise source is tonal it shall be -15dBA. The noise emitted shall be measured or predicted at 1.0m from the façade of the nearest residential window or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The equipment shall be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this condition, it shall be switched off and not used again until it is able to comply.