



Appeal Decision

Site visit made on 19 April 2023

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th May 2023

Appeal Ref: APP/U5360/D/23/3316647

66 Southgate Road, Hackney, London, N1 3JF

- 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 Simon Pritchard against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/1803, dated 20 July 2022, was refused by notice dated 25 November 2022.
 - The development proposed is for a rear extension at lower ground floor comprising of a bedroom and WC, along the northern boundary brick wall with a terrace and privacy screens designed to compliment and retain features of the existing host building.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the banner heading above I have used the description of the proposal given on the application form omitting the words "This application seeks permission" as these are not a description of development.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the De Beauvoir Conservation Area (CA).

Reasons

4. The terrace comprises pairs of similarly designed 3 storey houses, such as the appeal property and its adjoining neighbour, with two storey flat or shallow pitched roofed properties in between them. Common design features that contribute to the character and appearance of pairs of houses include moulded stucco window and door surrounds, partially visible basements, steps up to front doors with metal railings to the side, and front gardens with low boundary walls and metal railings. Behind the houses there is a mix of residential and commercial units that appear to have filled in part of what would have originally been their back gardens. Consequently, gardens are small and, along with the rear ground floor of houses, are generally only visible from the rear of neighbouring properties. Nonetheless, the rear of the appeal property and houses further along the terrace towards Downham Road appear to be relatively unaltered and therefore contribute to some extent to the appearance of the CA.

5. The proposed development would extend the full length of the garden up to the rear garden wall and exceed the maximum depth for a single storey rear extension set out in the Council's Supplementary Planning Document Residential Extensions and Alterations (2009) (SPD). Although the 2 storey neighbouring property, No 66a, extends the full length of the garden boundary, the proposed development would appear at odds with its adjoining 3 storey neighbour, No 64, and that of similar pairs of houses further along the road.
6. Furthermore, although more than 50% of the garden would be retained, the SPD notes that this is a minimum requirement, and an acceptable depth will depend on the size of the house and garden. As the existing garden is relatively small, and along with others in the terrace appears to have been reduced in the past, I consider this further encroachment excessive. As a result, the proposed extension would dominate the rear garden and be out of character with the pattern of development of similar houses described above.
7. The proposed terrace on the extension roof would effectively replace that part of the garden that would be lost to the development. However, roof terraces are not a feature in the surrounding area, and it would therefore be out of character. In particular, the wooden balustrade screen, necessary to ensure mutual privacy between neighbours and the appellant, would be an incongruous addition at first floor level and visible from some neighbouring gardens and the rear of properties nearby. I therefore conclude that despite the relatively enclosed nature of the site, the proposed development would be overly dominant and out of keeping with, and thus harm the appearance of, the host property and surrounding area and that of the CA.
8. Given the small scale of the development within the context of the Conservation Area as a whole, it would not harm its character. There would however be harm in terms of its appearance. The harm would be localised, limited and less than substantial but would nevertheless be contrary to Policy HC1 of the London Plan (2021) and Policies LP1 and LP3 of the Hackney Local Plan 2033 (2020) and the SPD which seek high quality development which preserves or enhances the significance of the historic environment.
9. Any harm to the significance of a designated heritage asset requires justification and, in accordance with paragraph 202 of the Framework, I must weigh the harm against the public benefits of the proposal. Although no public benefits have been put forward by the appellant, there would be modest benefits arising from short term employment during its construction. However, such benefits would not outweigh the harm to the appearance of the building and the De Beauvoir Conservation Area.

Other Matters

10. I have considered the examples of other extensions nearby provided by the appellant, but none appeared to be directly comparable with the current appeal proposal. In any case, I have come to my own view regarding the proposed development rather than relying on the approach the Council may have taken elsewhere.
11. According to the appellant they have a lawful development certificate for an alternative scheme, the design of which was provided with their statement. That scheme is for a smaller rear extension with a single pitched roof. It would lead to the loss of a rear window and thus affect the appearance of the host

property. However, the appeal proposal would be more obtrusive and harmful because of the depth of the proposed extension and length of the terrace screen above it. Also, as I have no evidence that it would be developed in the event of this appeal being dismissed. I therefore accord the fallback position negligible weight.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR