



Appeal Decision

Site visit made on 25 April 2023

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2023

Appeal Ref: APP/U5360/W/22/3300986

73 Lampard Grove, Hackney, London N16 6XA

- 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 Yaakov Englander against the decision of the London Borough of Hackney.
- The application Ref 2021/3423, dated 22 November 2021, was refused by notice dated 12 May 2022.

The development proposed is described as the 'Erection of part first floor extension'.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a part first floor extension at 73 Lampard Grove, Hackney, London N16 6XA in accordance with the terms of the application, Ref 2021/3423, dated 22 November 2021, and the plans submitted with it, subject to the following conditions:
 - 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: LG.73.LP.01, LG.73.PR.01 Rev A, LG.73.PR.03 Rev A and LG.73.PR.04 Rev A.
 - 3) Prior to the first use of the extension hereby approved details of two swift boxes, including their siting and design, shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved details prior to the first use of the extension and shall remain thereafter.

Preliminary Matters

2. The description in the banner heading is taken from the Decision Notice. It differs from the application form in that it excludes erroneous wording which does not describe acts of development.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the area.

Reasons

4. The appeal site is located in a predominantly residential area and comprises a 3 storey terraced property which includes a basement flat and dwelling above. It

sits in a row of buildings which are similar in appearance when viewed from the highway to the front, which creates a pleasant sense of uniformity. However, the character and appearance of the properties when viewed from the rear has been altered significantly by a range of extensions to the rear elevations. These include single and 2 storey additions of a range of designs, including a flat roof single storey extension at the host dwelling.

5. The proposed first floor extension would sit above the lower part of the existing flat roof rear extension at the appeal property. It would be modest in scale and significantly lower in height than the eaves level of the main dwelling. As such the extension would be visually subservient in relation to the host building. Moreover, the flat roof design would reflect the existing extension at the property and also similar extensions in the immediate vicinity and would therefore be sympathetic in that regard. Consequently, the proposed extension would not appear as an incongruous feature either in relation to the host dwelling or the terraced row of properties.
6. Furthermore, the extension would not be seen from the street to the front and due to its siting set in from the end of the row would not be prominent in views towards the rear of the appeal site from the highway to the side.
7. For the foregoing reasons, I conclude that the proposed extension would not harm the character and appearance of the host dwelling or the area. The proposal would therefore accord with Policy D3 of the London Plan adopted March 2021 (the LP) which among other things requires development to respond to the existing character of a place and to be of a high quality and Policy LP1 of the Hackney Local Plan 2033 adopted July 2020 (LP33) which seeks high design quality. It would also reflect guidance in the Hackney Residential Extensions and Alterations Supplementary Planning Document approved April 2009 in so far as it requires rear extensions to respect the character and size of the original house.
8. The Council's refusal reason also refers to Policy D4 of the LP, however this policy focuses principally upon processes which assist in ensuring the delivery of design quality and is largely irrelevant to the specific harm I have identified.

Conditions

9. In addition to the standard commencement condition, a condition is necessary to require the development to be carried out in accordance with the approved plans in order to provide certainty. A condition to secure two swift boxes is necessary in accordance with Policy LP47 of the LP33 which requires developments to protect and where possible enhance biodiversity.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

Emma Worley

INSPECTOR