



Appeal Decision

Site visit made on 7 March 2023

by I Jenkins BSC CENG MICE MCIWEM

an Inspector appointed by the Secretary of State

Decision date: 5 June 2023

Appeal Ref: APP/U5360/D/22/3302342

58 Alkham Road, Hackney, London, N16 6XF

- 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 Scher against the decision of London Borough of Hackney.
 - The application Ref 2022/1023, dated 25 April 2022, was refused by notice dated 20 June 2022.
 - The development proposed is excavation of basement and erection of ground floor rear wrap-around extension with further excavation to provide front light-well and stairs.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue in this case is the effect of the proposed front lightwell and associated works on the character and appearance of No. 58 and the streetscape.

Reasons

3. No. 58 is a mid-terrace house. In common with other properties in the same terrace, it has a ground floor/first floor front bay feature. The treatment of the small front garden areas of the properties in the row varies and in the case of No. 58 the area between its front boundary wall and the house has been hard surfaced, with concrete for the most part.
4. In addition to a single-storey rear extension, the proposal would involve the excavation of a front lightwell and stairs to serve a basement floor level. Although not shown on the application plans, I saw that No. 58 has an existing basement room at the front of the house, which is accessed through an internal doorway at the back of the main internal staircase. It is not served by any windows at present and appears to be used for storage. That existing basement space would be extended beneath the whole of the house and the proposed rear extension, with the extended front room converted to a habitable use served by the proposed light-well.
5. The Council's *Supplementary Planning Document Residential Extensions and Alterations, April 2009* (SPD) indicates that excavations to create front basement light-wells in connection with new basements, where lightwells are not an established characteristic of the streetscape, will not normally be approved. However, under the circumstances set out above, I consider that the proposed lightwell can be regarded as primarily serving an existing, rather than new, basement space. Nonetheless, that is not the end of the matter. The SPD

indicates that the conversion of existing basements to habitable use will be considered on a case-by-case basis subject to the proposal being visually acceptable, and also satisfying a number of identified criteria.

6. I give little weight to planning permission Ref. 2017/3032, which proposed the excavation of a basement, served by lightwells, at No. 56, as the planning permission was not implemented and is no longer extant. The streetscape in the vicinity of No. 58 includes 2 properties with a basement front lightwell, nos. 64 and 61. Whilst the Council has indicated that the lightwell at No. 64 appears not to benefit from planning permission, there is no evidence before me to indicate that it is likely to be removed, as a result of enforcement action or otherwise. The Council has not commented on the lightwell at No. 61. To my mind therefore, light-wells can be regarded as an established characteristic of the streetscape, albeit a minor and not predominant characteristic.
7. The design of the proposed basement bay window would be in keeping with that of the existing bay feature above. However, the proposed light-well would take up around 50% of the depth of the front garden between the main front wall of the house and the front boundary wall, and a greater proportion would be lost when the proposed lightwell access stairs are accounted for. I consider this would conflict with the SPD requirement that excavations for front basement light-wells preserve 50% of the depth of the front garden. Furthermore, to my mind, the proposed stairs and any necessary features to prevent people falling into the light-well would be likely to give the front garden a cluttered appearance, which the SPD seeks to avoid. These features would be apparent when approaching the site along Alkham Road, due to the low level of neighbouring front boundary walls, as well as when on the adjacent footway, in front of the appeal property. I consider that the overdominant light-well and cluttered appearance of the frontage would have a significant adverse impact on the character and appearance of No. 58, which would also harm the streetscape.
8. In my judgement, the small number of existing light-wells elsewhere in the streetscape would not be sufficient to justify harmful development at the appeal site, nor would the greater number of lightwells in other streets in the local area.
9. I conclude that the proposed front light-well with stairs would cause significant harm to the character and appearance of No. 58 and the streetscape, contrary to the SPD and the aims of Policies D3 and D4 of the *London Plan* (2021) and Policy LP1 of the *Hackney Local Plan 2033* (2020), insofar as they seek to promote high quality design having regard to local character, amongst other things.

Other Matters

10. No. 58 has a 2-storey rear offshoot, which projects from the main rear wall of the house and extends across part way across it from the side boundary shared with No. 56. The proposed single-storey ground floor extension, over part of the proposed new basement, would wrap around the northern side wall and eastern rear wall of No. 58's two-storey rear offshoot. To the side, it would fill the gap between the existing offshoot and the side boundary shared with No. 60. To the rear, it would extend from the existing offshoot by around 3 metres. The Council has indicated that whilst the rearward projection of the proposal would exceed SPD guidance, there is a fallback position, in that a

previous decision concerning prior approval application Ref. 2020/3468 confirmed that prior approval was not required for an extension which would project from the existing rear offshoot by around 6 metres. Under these circumstances, I consider that the identified conflict with the SPD's rearward projection guideline would not be sufficient to justify withholding planning permission for the appeal scheme.

11. No. 58 shares its rear boundary with the relatively long back gardens of property within the *Northwold and Cazenove Conservation Area*. The proposed single-storey extension would be set well back from the rear boundary of the appeal site and from the limited vantage points within the Conservation Area from where it would be visible the proposed extension would be seen in the context of the much larger bulk of No. 58 and the associated terrace. In my judgement, the proposal would not have a material impact on the setting of the Conservation Area.
12. The appellant has indicated that, insofar as the appeal scheme would provide additional habitable accommodation for large families in Stamford Hill, including those that form part of the Charedi Jewish community there, it would gain some support from the *Stamford Hill Area Action Plan (SHAAP)*. However, I have not been provided with a copy of the SHAAP, which is described by the appellant as being 'in draft'. Under these circumstances, I give the suggested alignment of the scheme with the draft plan, which may be subject to change, little weight. In my judgement, the benefits of the appeal proposal in providing additional living and utility space for residents of No. 58 would not be sufficient to outweigh the harm that I have identified in relation to the main issue.
13. Whilst I understand that No. 58 is in an area at high risk of flooding, I share the view of the Council's Drainage Engineer that it would be possible, through the imposition of conditions, to ensure that the proposed basement would be satisfactorily safeguarded from flooding and the appeal scheme would not increase the risk of flooding elsewhere.
14. Based on what I have seen and read, which includes an Arboricultural Impact Assessment for a 4-metre ground floor rear extension at No. 58, I consider that the proposed rear extension would be sufficiently distant from neighbouring trees so as not to threaten their health.
15. However, in my judgement neither these, nor any other matters raised, is sufficient to outweigh the considerations which have led to my conclusion on the main issue.

Conclusion

16. For the reasons given above, I conclude overall that the appeal should be dismissed.

I Jenkins

INSPECTOR