



Appeal Decision

Site visit made on 17 May 2023

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

Appeal Ref: APP/U5360/D/23/3318588

58 Forburg Road Hackney London N16 6HT

- 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 B Rapaport against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/2776, dated 7 November 2022, was refused by notice dated 11 January 2023.
 - The development proposed is the erection of a rear/side extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development on the application form was as stated above. This was changed on the decision notice and appeal form to include reference to a rear dormer. However this element was already approved under permission reference 2022/2648. Whilst the submitted drawings include a rear dormer the terms of the appeal are unambiguous. I have not therefore considered the matter of the rear dormer further in my decision below.

Main Issue

3. The main issue in this appeal is the effect of the development of the character and appearance of the host dwelling and the area, having regard to its conservation area status.

Reasons

4. The appeal property, No 58 Forburg Road (No 58) is a mid terrace property sited on a residential street within the Northwold & Cazenove Conservation Area (NCCA) where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. In addition, the National Planning Policy Framework (the Framework) states that great weight should be attached to the preservation of designated heritage assets, in this case the NCCA.
5. Forburg Road is identified within the NCCA appraisal as characterised by long terraces of Victorian 2 storey houses above raised basements. No 58 reflects

the general form and age of properties within the NCCA and as such contributes to its significance of the designated heritage asset. Threats to the NCCA are identified within the NCCA appraisal as the loss of rear gardens to extensions and inappropriate alterations such as large extensions. Where outriggers are present, extensions extending beyond the sidewall of the outrigger of the dwelling are not generally acceptable in accordance with the Council's Residential Extensions and Alterations Supplementary Planning Document (SPD). In such instances the form of the extension should follow that of the existing rear outrigger.

6. No 58 is a three storey dwelling (including the basement) which has a wooden structure/extension and outbuilding at the rear of the property. The Council advises that it can find no planning history for the structure/extension which is of a lightweight appearance and construction currently supported in part by scaffolding. There are no public views to the rear of No 58, however private views can be seen. The proposed extension would result in a sizable full width extension, between site boundaries beyond the outrigger, which would significantly alter the architectural quality of the host building at its rear. There are no extensions of this scale and width on the properties either side of No 58 and the proposal would result in an unduly dominant feature within the immediate surroundings and out of scale with adjacent properties. As such it would cause unacceptable harm to the character and appearance of No 58.
7. The appellant's agent refers to the extent of the existing extension and outbuilding, as justifying the scale of the proposed scheme. However there is no evidence before me of how the extension came to be built and it is of an insubstantial construction with inappropriate materials. Be that as it may, I do not agree with the appellant that the differences between the existing development and that proposed are marginal. The increased width, form and depth of the proposal would create additional added bulk of built form at the rear of the property. Likewise, any permitted development extension would be less substantial than the proposal now before me and so would be less harmful to the character and appearance of the host dwelling.
8. For the reasons above I conclude that the proposal would harm the character and appearance of the host dwelling and consequently the character and appearance of the NCCA. However in the context of the NCCA as a whole the proposal would be relatively localised, and as such would cause less than significant harm to the NCCA as a designated heritage asset. Nonetheless, this is a matter to which I give considerable weight. Under such circumstances the Framework advises that this harm should be weighed against the public benefits of the scheme. No public benefits have been put forward in support of the proposal. Accordingly, the proposal fails to comply with national policy.
9. I conclude that the proposal would cause unacceptable harm to the character and appearance of the host dwelling and the area. It would also not preserve or enhance the character of the NCCA. The proposal would therefore conflict with Policies D4 and HC1 of the London Plan 2021 and Policies LP1 and LP3 within the Hackney Local Plan (2033). Taken together these policies seek, amongst other things, development which respects local character, derives high quality design and preserves or enhances the significance of the conservation area. It would also conflict with guidance contained in the SPD in relation to the design of extensions to dwellings with existing rear projections.

Other Matters

10. In reaching my decision I have had regard to references in the Framework which support the proposal including the effective use of land and provision of enhanced living accommodation, and the sustainable form of development. I note too that the development is acceptable to the amenity of the occupiers of neighbouring properties. However, the absence of harm in these respects does not outweigh the findings I have made in respect of the effect of the proposed development on the appearance of the host property and the area.
11. I note too the lack of public objections to the proposal. Nonetheless, this in itself does not indicate a lack of harm arising from the proposal. The appellant highlights that the proposed extension would be constructed in high quality material. However aspects of good design are fundamental in all development and would not represent a notable benefit.

Conclusion

12. For the reasons set out above and having regard to all other matters raised I hereby dismiss the appeal.

K Winnard

INSPECTOR