



Appeal Decision

Site visit made on 20 June 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2023

Appeal Ref: APP/U5360/W/22/3313698

Flat A, 61 Greenwood Road, Hackney, London E8 1NT

- 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 Kate Molins against the decision of London Borough of Hackney Council.
 - The application Ref 2022/2046, dated 16 August 2022, was refused by notice dated 24 November 2022.
 - The development proposed is construction of a single-storey rear outbuilding following the demolition of an existing outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single-storey rear outbuilding following the demolition of an existing outbuilding, at Flat A, 61 Greenwood Road, Hackney, London E8 1NT in accordance with the terms of the application, Ref 2022/2046, dated 16 August 2022, subject to the conditions identified in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the property and the Graham Road and Mapledene Conservation Area.

Reasons

3. The appeal site is located within the Graham Road and Mapledene Conservation Area (CA). As such I have had regard to the statutory duty to pay special attention to the desirability of preserving and enhancing its character or appearance.
4. The CA is large and its special character is derived, in part, from its buildings, which are predominantly in residential use, dating from a relatively short space of time in the Victorian Period and arranged in a strongly defined grid pattern.
5. 61 Greenwood Road is an end of terrace property that has been subdivided into flats. It occupies a corner position at the junction of Greenwood Road with Fassett Road. It has a wall that runs along the back edge of the footpath adjacent to Fassett Road along part of the boundary. A section of the wall has been demolished to form a gap to access on site parking spaces.
6. The outbuilding would be in the rear part of the appeal site. It would be finished in clay roof tiles, and brick to match the existing property. Whilst its side elevation would be relatively long, and longer than the summer house it would replace, the proposed building would be of single storey height and

separated from the much taller main building by some distance. The outbuilding would therefore appear subservient and ancillary to the existing building.

7. Furthermore, the positioning of the appeal building further from the rear elevation of the host building, where the parking spaces are currently located, and the removal of the existing summerhouse, would provide a longer and larger rear garden. This would create a greater sense of openness, that to some extent has been lost due to the foreshortening and reduction in size of the garden arising from the provision of the parking spaces. Accordingly, the building will not appear disproportionate in size for the plot. In addition, it would not unacceptably intensify the use of the site or urbanise the CA through a greater building density.
8. I note that the Residential Extensions and Alterations Supplementary Planning Document (SPD) says that outbuildings in gardens in conservation areas will be discouraged. However, the proposal is to replace an existing outbuilding rather than introduce one to a site that is currently devoid of such buildings
9. The pitched roof of the proposed building would extend above the height of the boundary wall and would be higher than the existing summer house. However, the roof would pitch away from the side boundary. In addition, the roof ridge would be set some distance from the boundary wall. This would assist in reducing the bulk and massing of the building when viewed from the public highway and ensure that it would not be prominent within the street scene.
10. The proposed photovoltaics on the roof plane facing towards Fassett Road would draw the eye due to the reflective finish. They would, however, be flush with the clay tiled roof. I did not observe any photovoltaics in the surrounding area, nonetheless, the contemporary and sleek appearance on top of the roof as proposed would not diminish the special character of the area.
11. The boundary wall would be reinstated along the entire side boundary of the plot as part of the proposal. This would address the harm caused by the removal of part of the wall and the introduction of the parking spaces. This would enhance the character and appearance of the CA.
12. I therefore conclude that the proposal will not harm the character and appearance of the property and the Graham Road and Mapledene Conservation Area. It will therefore accord with Policies D1, D3 and HC1 of the London Plan (March 2021) and Policies LP1 and LP3 of the Hackney Local Plan 2033 which, amongst other things, seek to ensure that development is of the highest quality architectural and urban design, and which preserves or enhances the significance of the historic environment. In addition, the development would not conflict with similar aims of the SPD.

Other Matters

13. Concern has been expressed that the proposed building would result in loss of light to the garden area of the neighbouring property which is important to provide access to fresh air and sunlight for the disabled occupant of that property.
14. The building would be sited at the end of the garden and would extend above the height of the fence between the appeal site and the neighbouring garden. However, the boundary fence and, to some extent, the existing summer house

currently has an impact on the amount of light within that garden. I am not persuaded that the proposal would result in a material loss of daylight or sunlight to the extent that it would unacceptably impact on the living conditions of the neighbouring occupants when compared to the existing situation.

15. It has been suggested that the building is to be used for commercial purposes. However, whilst there is reference to the proposed outbuilding being used as a photography studio there is no substantive evidence before me that suggests that the use of the building would be for purposes that are not incidental to the enjoyment of the dwellinghouse. I have therefore determined the appeal on that basis.
16. Any disturbance during the construction period would be short-term given the small scale of the proposed development and does not weigh against the development in the overall planning balance.
17. I have taken account of all other matters raised in the representations, but I have found nothing, whether individually or cumulatively, to change my conclusion that the development would be acceptable and that the appeal should be allowed.
18. In my consideration of the development proposal, I have had due regard to the Public Sector Equality Duty contained in s149 of the Equality Act 2010. S149 sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Nonetheless, for the above reasons, I consider that the decision is proportionate and necessary in the circumstances.

Conditions

19. The Council has suggested several conditions which the appellant has agreed to. I have considered such conditions against the National Planning Policy Framework and Planning Practice Guidance. As a result, I have made some minor amendments to the wording for clarity and consistency.
20. In addition to the standard time limit condition limiting the lifespan of the planning permission, I have also, in the interests of certainty and best practice, attached conditions specifying that the development is carried out in accordance with approved plans. A condition requiring agreement to the external materials is necessary to preserve the character and appearance of the CA. For the same reason, I have also included a condition requiring tree protection measures.
21. Given that the site is in an area that is shown to have a 'high' risk of surface water flooding and an increased potential for elevated groundwater, a condition requiring the approval of a surface water drainage scheme is necessary to ensure the site is suitably and correctly drained to prevent flooding.

Conclusion

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

Elaine Moulton

INSPECTOR

Schedule of 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:
 - 086 PR 109 Issue P4 Ground Floor Plan Proposed;
 - 086 PR 111 Issue P4 Roof Plan Proposed;
 - 086 PR 201 Issue P4 Street Elevation Proposed;
 - 086 PR 202 Issue P4 East Elevation Proposed;
 - 086 PR 203 Issue P4 North and West Elevations Proposed; and
 - 086 PR 300 Issue P4 Section AA Proposed.
- 3) Prior to the commencement of superstructure works, full details, with samples or product images or specification, of the materials to be used in the external surfaces of the building, including glazing and doors, shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with the details thus approved.
- 4) Prior to the commencement of superstructure works, detailed specification and a drainage layout of at least one suitable drainage system (i.e. water butt with overflow raingarden, bioretention planter box, living roof (substrate depth of 80-150mm excluding the vegetative mat), permeable paving, etc.) shall be submitted to and approved in writing by the local planning authority. If soakaways i.e. plastic modules and soakaway rings are used, an infiltration test must be carried out to ensure that the capacity of the soil is suitable for infiltration. It must be demonstrated that there will be no increase in surface water flow being discharged offsite and an overall reduction in the peak flow rate and volume.
- 5) Tree protection for all retained trees at the site and on adjacent land shall be undertaken in accordance with BS5837:2012 (Trees in relation to construction – Recommendations) and will protect the root protection area calculated as described in Table 2 of that British Standard for the duration of all site works (including demolition) undertaken in connection with the development hereby approved.

The protective fencing shall be 2.4m high and conform to Figure 2 of BS5837:2012 i.e. a scaffold framework comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. On to this weldmesh panels shall be securely fixed with wire or scaffold clamps.

End of Schedule