



Appeal Decision

Site visit made on 31 May 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal Ref: APP/U5360/D/23/3317815

20 Harcombe Road, Hackney, London N16 0SA

- 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 Miss Kamila Oszywa against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2022/2949, dated 06 December 2022, was refused by notice dated 30 January 2023.
 - The development proposed is described as the "Construction of ground floor side infill to rear, together with installations of rooflights, addition of 1no. storey to existing outrigger and alterations to fenestration"
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Decision

1. The appeal is allowed and planning permission granted for the construction of ground floor side infill to rear, together with installations of rooflights, addition of 1no. storey to existing outrigger and alterations to fenestration at 20 Harcombe Road, Hackney, London N16 0SA in accordance with the terms of the application, Ref: 2022/2949, dated 06 December 2022, 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 referenced; 862.000 – Location plan; 862.010 – Block plan; 862.150 – EX LGF & GF plan; 862.151 – EX FF & SF plan; 862.152 – EX Roof plan; 862.153 – EX Front elevation; 862.154 – EX Rear elevation; 862.155 – EX Section a-a; 862.156 – EX Section b-b; 862.157 – EX Side elevation 1; 862.158 – EX Side elevation 2; 862.249 – PP LGF & GF plan; 862.250 – PP FF & SF plan; 862.251 – PP Roof plan; 862.252 – PP Front elevation; 862.253 – PP Rear elevation; 862.254 – PP Section a-a; 862.255 – PP Section b-b; 862.256 – PP Side elevation 1; and, 862.257 – PP Side elevation 2.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as detailed within the application, and shall thereafter be retained.
 - 4) Prior to the installation of the side facing first-floor bathroom, and second-floor bedroom 3 windows, details of their obscure glazing and opening capabilities shall be submitted to, and approved in writing by, the Local Planning Authority. The windows shall be installed and retained as approved.

5) No development above damp-proof course level shall be carried out until a detailed specification and a drainage layout of suitable sustainable drainage systems shall be submitted to, and approved by the Local Planning Authority. The drainage shall be carried out in accordance with the approved details.

6) No development above damp-proof course level shall be carried out until a scheme for the provision and implementation of flood resilient and resistant construction details and measures shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Procedural Matters

2. The description of development in the banner above and formal decision has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application which I consider to be sufficiently accurate.
3. I have also amended the address in the banner and formal decision from that which is on the application form to remove repetition of the word Hackney for reasons of accuracy.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the existing building and area.

Reasons

5. The surrounding area is characterised by long rows of terraced properties. Originally, the dwellings were designed with butterfly roofs, however many of the dwellings have been extended upwards, behind mansard roofs, creating terraces of a mix of two and three stories. To the rear, the terraces have two storey outriggers of a height below that of the main dwelling, and with a large shared chimney stack. Many of the dwellings have been altered at the rear with roof additions, upwards extensions to the outriggers and single storey extensions. These extensions are generally of varied design and form. With the exception of some gaps in the built form the rear elevations are generally obscured from public vantage points.
6. The appeal site is a mid-terraced dwelling which has been extended previously with additions to its roof, and a single storey extension to the rear. The Council has raised no particular concern with regard to the ground floor rear extension, alterations to the roof, or the installation of windows, and I have no reason to disagree. The concerns of the Council relate solely to the roof extension to the outrigger.
7. The extension would extend upwards of the two-storey outrigger. The extension would not project above the height of the substantial chimney stack, and would be set below the maximum roof height of the dwelling. The chimney would remain proud of the extension and, due to its height and depth, would

also help to visually contain the proposal. The pitch of the roof would match that of the existing outrigger and would follow the line of the original butterfly roof. The extension would be positioned away from the side and rear roof edge of the outrigger and, with the use of hung tiles to its elevations. While the set backs are minor I consider that they are sufficient to allow the original built form to appear as a visually separate entity to the extension. In this regard I consider that the extension would appear secondary to the host dwelling, and provide a degree of hierarchy in scale and form. I find that the extension would be appropriately designed to not result in material harm to the character and appearance of the host dwelling.

8. Views of the extension would be largely limited to the rear gardens and elevations of the surrounding dwellings. From this context the extension would be viewed against the varied roof forms in the area. I find that the extension would not appear prominent or out of context from these vantage points. A number of upward outrigger extensions have been constructed within the surrounding area, some of which are more prominent from public vantage points than the appeal proposal would be. It is understood that number of these have been erected under Permitted Development. While I acknowledge the Council's view that these are not comparable they have, in my view, altered the character and appearance of the area and form part of the local context.
9. For these reasons, I find that the proposed development would not have a harmful effect on the character and appearance of the existing building and area. Therefore, the proposed development accords with Policies D4 of the London Plan 2021, Policy LP1 of the Hackney Local Plan 2020, and the Hackney Residential Extensions and Alterations SPD (2009), which, together, seek to achieve high quality design.

Conditions

10. I have imposed standard conditions relating to the commencement of development, and to require compliance with the submitted plans for certainty. A condition requiring the development to be carried out in accordance with the materials detailed within the application in the interest of the character and appearance of the building and area. A condition requiring the first and second floor side facing windows to be obscure glazed is necessary in the interest of protecting living conditions of the occupants of neighbouring properties through overlooking. As both rooms would benefit from a window within the rear elevation, I do not consider it unreasonable to require these to remain obscure glazed and fixed shut. I have considered the conditions put forward by the Council requiring details of drainage and flood resilience and resistance measures and have amended the wording where necessary in the interests of clarity and simplicity. I consider these conditions to be necessary to ensure that the development does not contribute to, and is protected from, flood risk.

Conclusion

11. For the reasons set out above, the proposal would accord with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.

12. Having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

D Cleary

INSPECTOR