

Appeal Decision

Site visit made on 17 July 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/U5360/W/22/3313449

Flat C, 158 Chatsworth Road, Hackney, London E5 0LT

- 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 Daniel Ladyman against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/2190, dated 9 September 2022, was refused by notice dated 3 November 2022.
 - The development proposed is described on the application form as "loft conversion over rear outrigger to create additional bedroom".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appellant's name from the appeal form as the name given on the application form was incomplete.

Main Issue

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

Reasons

4. The appeal site comprises an upper floor flat located within a three storey mid-terrace building on the eastern side of Chatsworth Road. A mansard roof has been added to the property and at the rear there is a two storey outrigger that adjoins the two storey outrigger of the attached neighbouring property, 160 Chatsworth Road, to form a broadly symmetrical gable ended projection.
5. The area has a mix of uses but immediately surrounding the appeal property it is predominately residential. The houses in the terrace generally have two storey rear outriggers with pitched roofs which sit at a lower height than the main butterfly roofs. The shared outriggers to the rear of the terrace are generally consistent in scale and form and are a characteristic feature of the properties.
6. The 'Residential Extensions and Alterations' Supplementary Planning Document (SPD) says that rear extensions must be subordinate to the principal building and should be at least one storey lower than the eaves height of the building. Whilst it would not be set at least one storey lower, the proposal would be set well below the eaves of the main building and so would not be significantly harmful in this respect. However, the proposal would be of significant depth and would extend close to the southern elevation and gable end of the rear outrigger and above its existing ridge.

7. The box like appearance would appear awkward set against the existing pitched roof form of the building. Whilst it would be subordinate to the main part of the building, the proposal would be an overly dominant addition in relation to the roof of the outrigger. It would create a three storey structure adjoining the neighbour's two storey outrigger resulting in a disjointed and unbalanced appearance with the neighbour's outrigger and interrupt the rhythm of the rear roofscape of the terrace. Whilst there are other three storey outriggers in close proximity, these are generally symmetrical or more traditional in appearance than the appeal proposal.
8. The proposal would be constructed in grey aluminium cladding to match the mansard roof extension. I also note that, due to its position to the rear of the terrace, the proposal would be screened from nearby public vantage points. Nevertheless, it would appear as a prominent and intrusive feature within its immediate setting and from neighbouring dwellings, including those to the rear on Sewdley Street.
9. During my visit I observed other extensions over outriggers in the wider area. I note the examples referred to by the appellant, including the previous appeal decisions. However, these are not within the immediate context of the site and those that I observed are not the same as the proposal before me in terms of scale or form. I also note that some of the extensions referred to, including at 106 Chatsworth Road and the appeal decisions, pre-date the current development plan. Moreover, the existence of other extensions in the area, some of which do not complement the character and appearance of their host dwellings, does not justify the proposal which would not comply with the relevant policies. In any case, I have determined the appeal on its own merits.
10. For the above reasons, I conclude that the proposal would constitute an incongruous development and would harm the character and appearance of the host property and the surrounding area. It would conflict with Policies D1, D3 and D4 of the London Plan (2021), Policy LP1 of the Hackney Local Plan (2020), and the SPD, which seek to ensure good design that respects local context.

Other Matters

11. I share the Council's view that the proposal would not adversely affect the neighbours' living conditions, though this is a neutral matter that does not weigh in the proposal's favour. The proposal would make efficient use of the site to create additional living space. The green roof would potentially benefit biodiversity and assist in managing water run-off. Given the proposal's scale, the weight attributable to these matters is limited and would not outweigh the harm I have identified. I note that only one neighbour objection was received, but this does not alter my reasoning regarding the harm that would result.

Conclusion

12. The proposal would conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with this. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal is dismissed.

M Ollerenshaw

INSPECTOR