



Appeal Decision

Site visit made on 27 July 2023 by N Unwin BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2023

Appeal Ref: APP/U5360/W/22/3313065

Flat B, 13 Martaban Road, London N16 5SJ

- 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 Ms C Turkington against the decision of the Council of the London Borough of Hackney.
 - The application ref 2022/0030, dated 6 January 2022, was refused by notice dated 2 September 2022.
 - The development proposed is for the erection of a mansard roof extension together with associated works including raising of party wall and the insertion of 2 rooflights, and the formation of a roof terrace over the rear outrigger.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a mansard roof extension together with associated works including raising of party wall and the insertion of 2 rooflights, and the formation of a roof terrace over the rear outrigger at Flat B, 13 Martaban Road, London N16 5SJ in accordance with the terms of the application, ref 2022/0030, dated 6 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 13MBR-OS-PD-A-0100 01; 11MBR-OS-PD-A-0104 02; and 13MBR - Block Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Details of the obscure glass screens shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The obscure glass screens shall be installed in accordance with the approved details prior to the first use of the roof terrace hereby permitted and retained thereafter.
 - 5) Prior to the first occupation of any part of the mansard roof extension hereby permitted, details of nesting boxes including their proposed location and a timetable for their installation, shall be submitted to and approved in writing by the local planning authority. The nesting boxes shall be installed in accordance with the approved details and timetable and retained thereafter.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed development on the character and appearance of the host dwelling and the area.

Reasons for the Recommendation

4. The host building is part of a terrace adjacent to Martaban Road. The majority thereof is uniform in scale and design with matching pairs of rear outriggers creating an attractive symmetry, contributing positively to its character. The building containing the appeal property (top floor flat) is reflective of most of the dwellings forming the terrace. The rear elevation has a visible butterfly roof shape with the roof line of the outrigger set below this, maintaining both its subservience to the host dwelling and as a feature in the wider terrace. Views of the rear roof of the host dwelling from public areas are limited, minimising its prominence.
5. The Supplementary Planning Document Residential Extensions and Alterations (2009) (SPD) provides specific guidance on roof terraces. It finds the alteration of traditional roof-forms unacceptable, requiring roof terraces to relate to the architectural conventions of the existing building.
6. The proposed roof terrace would be set within the existing roof slope and designed so as to restrict any notable projection beyond the roof profile. As such, the current form of the outrigger would remain legible, preserving its subservience to the host dwelling and the symmetry with the wider terrace. The entrance to the proposed roof terrace would intersect the existing roof line, however part of this would remain legible, allowing the traditional butterfly roof-form to be read, preserving its architectural qualities. Due to its elevated position and semi obscurity from public view, the proposed roof terrace and associated glazing would appear unobtrusive, particularly given its modest size in comparison to that of the host building. As such, the proposal would preserve the character and appearance of the host dwelling and surrounding area.
7. It would therefore accord with Policies D1 and D3 of the of the London Plan: The Spatial Development Strategy for Greater London (2021), Policy LP1 of the Hackney Local Plan 2033 (2020) (LP), and the SPD which, together and amongst other things, require development to positively respond to local distinctiveness, character, and context.

Conditions

8. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for certainty. In the interests of the character and appearance of the area, a condition relating to materials to match that of the existing dwelling is also necessary.
9. The proposed roof terrace would permit a level of overlooking of neighbouring windows into habitable rooms, resulting in an unacceptable impact on the

privacy of the occupiers. As such, a condition is required to secure the obscure glass screens, as proposed in the submitted plans, to limit overlooking to an acceptable level. It would be sufficient to agree such detail prior to their installation.

10. The Council refer to a requirement of Policy LP47 LP for a biodiversity related condition where a roof commencement height of five metres or above is involved. There is therefore a requirement for the erection of nesting boxes at the building. It would be sufficient to agree this detail prior to the occupation/use of the extension.

Conclusion and Recommendation

11. For the reasons given above, the appeal scheme would comply with the development plan. As such, I recommend it be allowed, subject to the conditions set out.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's recommendation and on that basis I allow the appeal.

John Morrison

INSPECTOR