



Appeal Decision

Site visit made on 3 August 2023 by N Unwin BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/U5360/W/22/3303402

1st + 2nd Floor Flat, 84 Downs Park Road, London E8 2HZ

- 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 Tresch and Mr Carlisle against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2021/3660, dated 10 January 2022, was refused by notice dated 27 May 2022.
 - The development proposed is described as 'extending the rear closet wing projection upward by 1.2m to form a study. Minor amendment to the window in the dormer as approved under 2021/2306'.
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Decision

1. The appeal is allowed and planning permission is granted for extending the rear closet wing projection upward by 1.2m to form a study. Minor amendment to the window in the dormer as approved under 2021/2306 at 1st + 2nd Floor Flat, 84 Downs Park Road, London E8 2HZ in accordance with the terms of the application, ref. 2021/3660, dated 10 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: 117_100 A; 117_270 A; 117_271 A; 117_272 A; 117_273 A; 117_274 A; and 117_275 A.

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 property and surrounding area.

Reasons for the Recommendation

4. The appeal property comprises the upper floors of a traditional looking three storey semi-detached former dwelling that has been divided into flats. The front elevations possess an appealing uniformity with respect to their form, design, and materials. As such, they lend an attractive character to the street scene. Rear elevations are screened from public view. There is noticeable variation in the scale, materials, and design of rear outriggers and extensions,

with the rear elevations lacking the homogeneity of the front. The row of properties is locally listed. The significance of the appeal building lies in the front elevation's positive contribution to the street scene by way of its traditional design, materials and architectural features and how it contributes positively to the prevailing uniformity of the row.

5. The three-storey rear outrigger finishes approximately 1.2 metres below the eaves of the main body of the property, similar in height to that of the adjoining one. The variation in the size and position of window openings, and disparity in heights of the single storey rear extensions erodes any symmetry that may have once been present.
6. Although local listing provides no additional planning controls, the fact that a building is on a local list means that its conservation as a heritage asset is an objective of the National Planning Policy Framework (2021) (the Framework). In considering proposals that affect a locally listed heritage asset, paragraph 203 of the Framework requires, amongst other things, that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss, and the significance of the heritage asset.
7. The proposed extension above the three-storey outrigger would be confined to its existing footprint so as to be commensurate with its present form. It would increase the height of the outrigger by a minor amount, not protruding beyond the eaves of the host dwelling so as to maintain subservience. High-quality contemporary materials and design would permit a visual distinction between the proposal and existing outrigger, allowing the original height of the outrigger to be read and its similarity to that of the adjoining dwelling, with respect to height, to be maintained.
8. The Local Development Plan Framework Supplementary Planning Document Residential Extensions and Alterations (2009) (SPD) requires rear extensions to be subordinate to the original building i.e. they should be at least one storey lower than the eaves height of the building. The proposal would be subservient to the appeal property, in addition the existing outrigger is less than one storey below the eaves of the host dwelling. There are thus material considerations that justify the departure from this element of the above guidance in this case.
9. Whilst many of the alterations to the rear elevations of the row were likely assessed against previous policy, this does not negate their presence and contribution to the existing character of the area. The proposal would additionally involve a large dormer within the rear roof slope. The Council has raised no objections to this element of the proposal. There are no compelling reasons for me to take an alternative view.
10. The proposed development would not therefore harm the character and appearance of the host dwelling and surrounding area and would sustain the significance of the non-designated heritage asset. The proposal would thus comply with Policies D1, D3, D4, and HC1 of The London Plan: The Spatial Development Strategy for Greater London (2021), and Policies LP1 and LP4 of the Hackney Local Plan 2033 (2020), which together require new development to preserve the significance of the historic environment and non-designated heritage assets, in addition to supporting innovative and contemporary design.

11. The proposed development would also be in accordance with the guidance contained within the SPD when read as a whole which, among other things, requires rear extensions to be subordinate to the original building.

Other Matter

12. The Council has assessed the proposal's impact on the living conditions of neighbouring occupiers and there is no compelling reason for me to disagree with their conclusions. It was not a contentious matter in the appeal, the main issue of which is set out above.

Conditions

13. In addition to the standard time limit condition, a condition is necessary to require that the development is carried out in accordance with the approved plans which include details of external materials, in the interests of protecting the character and appearance of the host building and wider area. The Council has requested a condition be attached requiring the provision of two swift boxes at the site in the interests of biodiversity. Given the absence of any sufficient policy justification for this condition or evidence pertaining to need, such a condition would be neither reasonable or necessary.

Conclusion and Recommendation

14. 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

15. I have considered all the submitted evidence and my representative's recommendation and on that basis I allow the appeal, subject to the stated conditions.

John Morrison

INSPECTOR