



Appeal Decision

Site visit made on 11 July 2023 by T Bennett BA (Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2023

Appeal Ref: APP/U5360/W/22/3312837

Flat A, 92 Rushmore Road, Hackney, London, E5 0EX

- 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 Louis Tisne against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/1484, dated 14 June 2022, was refused by notice dated 18 November 2022.
 - The development proposed is a single-storey side and full-width rear extension with timber cladding. Enlargement of the existing ground floor rear window.
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Decision

1. The appeal is dismissed.

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.

Preliminary Matter

3. I note that there are differences between the description of development on the Council's Decision Notice and the application form. In the absence of any formal confirmation to change the description, I have used the description of development as described on the application form.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and adjoining terrace.

Reasons for the Recommendation

5. 92 Rushmore Road is a three-storey, mid-terraced property. The building is currently divided into two residential units: No 92a, a lower ground/ground floor flat which has direct access from Rushmore Road; and, No 92b, a first floor flat accessed via a passageway through the building and via an external rear staircase.
6. To the rear of the property is a part three, part two storey outrigger. In contrast to surrounding properties, the plot is of an irregular shape, tapering out and away from the rear passageway. This creates an unusual void space on both sides of the existing outrigger.

7. The surrounding area is residential in character with a number of properties in the adjoining terraces having modest single storey ground floor extensions of a broadly consistent depth and scale.
8. The proposal would introduce a single storey side and rear wraparound extension spanning the full width of the plot, filling in the side return space, with the exception of a small, enclosed courtyard between No 94 and No 92 and partially infilling the space between No 90 and No 92. It would project approximately 3m beyond the existing two storey element of the outrigger.
9. The Supplementary Planning Document on Residential Extensions and Alterations (SPD) states that full width single storey rear extensions will normally be acceptable, however the word *normally* indicates an element of discretion based on the specific site context.
10. In this instance, the extension's depth, combined with its full plot width wrapping around both sides of the outrigger, would disproportionately increase the footprint of the host dwelling. It would create an extension that appears unduly large and would uncharacteristically alter the building's scale and the lower land levels at the appeal site compared to the surrounding properties would not mitigate against this. As a result, it would represent an incongruous feature on the host dwelling and within the wider terrace setting, that features more modest extensions where there is a commonality in scale and depth. Although the effect of the development would be its lack of visibility from the public domain, the proposal would nevertheless be clearly visible from a number of neighbouring properties.
11. Notwithstanding the above concerns, I find no issue with the contemporary design and materials used. The timber cladding, over time, would age and recess into the surroundings and the large expanse of glazing on the sliding door and roof, in combination with the cladding would create a lightweight structure. However, whilst the SPD recognises that contemporary designs may be appropriate in some instances, it goes on to state that this is provided, amongst other matters, that the design is of an appropriate scale. Therefore, whilst I do not find the structure in itself would be overbearing as a result of the materials used, based on my earlier findings, the proposal overall would not be of an appropriate scale and would thus not accord with the SPD in this respect.
12. Regarding the roof form, I recognise that the low profile of the double pitched roof, combined with the lower land levels at the appeal site, would ensure that it does not appear overbearing to neighbouring occupiers. I also find the roof design takes cues from the existing roof form and consequently would not appear at odds with the existing architectural style.
13. The proposed enlarged ground floor window would provide a more horizontal emphasis, contrasting with the vertical design of the existing fenestration. Despite this, the window would be reflective of the horizontal opening of the sliding doors and would align cohesively with the existing and proposed openings. Accordingly, I find the proposed enlargement of the ground floor rear window acceptable, and agree with the Council in this regard.
14. For the reason of scale outlined above, I conclude that the proposed development would harm the character and appearance of the host property and wider terrace setting. This would be contrary to the Framework, Policy LP1

of the Hackney Local Plan and the SPD in so far as it relates to scale. These policies, amongst other matters, require development to be of a high quality design, respecting the local context and character.

15. The Council have referred to Policy D4 of the London Plan (2021) in its reason for refusal. Policy D4 appears to relate to strategic new development. After careful consideration, I do not find this Policy determinative to the main issue in this appeal.

Other Matters

16. I acknowledge that the appeal site benefits from an extant planning permission (*LPA ref: 2021/3241*). Nevertheless, the appeal proposal would represent a significant increase in built form beyond the extant scheme, and the fallback position would therefore represent a form of development which would not bring about the same harmful impacts as the proposal.
17. I note the Appellant states that discussions took place with the Local Planning Authority regarding an amended design and a diagram illustrating the proposed modifications has been provided. However, there is no evidence before me that the amended plans were subject to any formal assessment or consultation, and I must therefore make my decision on the approved plans that were before the Council when they made their decision. The suggested amendments have not therefore had any bearing on my determination of this appeal.
18. I have carefully considered the objections received from neighbouring occupiers with respect of this appeal, and in particular have considered whether the proposed extension would safeguard the living conditions of the neighbouring occupiers at No 90 and No 94 Rushmore Road. On the basis of my observations of the site, and the relationship of the proposed extension to the neighbouring property, I would agree with the Council's conclusions in respect of there not being an unacceptable impact on outlook and sunlight/daylight.
19. Interested parties have raised a number of other concerns in respect of noise, odours, highway safety, impact on the conservation area, dog ownership and boundary issues. There is no evidence before me to suggest noise or odours will increase beyond existing levels, and with the proposal for a rear extension there would not be any demonstrable adverse impact on road safety and any increase in traffic as a result of construction works would be temporary. As the proposal is not located in a conservation area this has not been a factor for consideration and issues in relation to boundary ownership and dogs are not matters which focus on the planning merits of the proposal. Furthermore, as I am dismissing the appeal on other grounds, these issues have not affected my overall conclusion on the main issue.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR