The Planning Inspectorate

Appeal Decision

Site visit made on 3 October 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date:09.10.2023

Appeal Ref: APP/U5360/D/23/3324473
59 Dunsmure Road, Hackney, London N16 5PT

- 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 Mrs Esther Brinner against the decision of the Council of the London Borough of Hackney.
- The application Ref 2023/0745, dated 28 March 2023, was refused by notice dated 26 May 2023.
- The development proposed is described as the modest extension of the existing single storey rear extension.

Decision

1. The appeal is allowed, and planning permission is granted for the modest extension of the existing single storey rear extension at 59 Dunsmure Road, Hackney, London N16 5PT in accordance with the terms of the application Ref 2023/0745, dated 28 March 2023, subject to the conditions set out in the schedule to this decision.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and the local area.

Reasons

3. The proposal is to elongate the existing ground floor projection at the back of the appeal property, which is a substantial mid-terrace dwelling within a mainly residential area, wherein terraces predominate. Like other properties within the same terrace, No 59 has been extended and externally altered at the rear. As most of these built additions differ in design, size, depth and general appearance to each other, the overall visual effect is to give the rear elevation of the terrace a highly varied profile.

4. The Council states that the appeal scheme would add a further 2-metres to the length of the existing rear extension. The appellant contests this point and says that the new addition would lengthen the existing building by 1-metre. Either way, the appeal scheme would be limited in scale and a modest addition to the size of the host building, even taking into account the cumulative effect with other existing extensions to the appeal property.

5. The submitted design and fenestration would replicate the building to which it would attach with external materials that would match the existing dwelling. A reasonable sized back garden would remain with the new built form in place.

On that basis, the proposed development would not detract from the character and appearance of the host building nor appear to overdevelop the site.

6. As the appeal scheme would be at the back of No 59, views of it would be largely confined to the rears of the properties on either side of the site. From these vantage points, the ground floor rear projection would be longer and larger with the new built form in place. However, it would be seen against the substantial and varied built form of the wider terrace and the irregular rear build line of properties within it. In that context, the proposed development would not appear incompatible, nor would it materially harm the visual amenity of the local area.

7. On the main issue, I conclude that the proposed development would not harm the character and appearance of the host building or the local area. As such, it does not conflict with Policy LP1 of the Hackney Local Plan 2033 or Policies D3 and D4 of The London Plan. These policies seek to ensure that development is compatible with the existing townscape and responds to local character and context. It would also comply with the Council's Supplementary Planning Document, *Residential Extensions and Alterations*, which states that rear extensions must be subordinate to the principal building.

Other matters

8. The appellant places some reliance on the recent decision to grant planning permission on appeal for a rear extension at 53 Dunsmure Road, with background details and plans provided. While there are some similarities between the approved scheme at No 53 and the proposal before me, there are also some differences between them notably in the planning history of the sites and in the precise relationship of the rear extension to the host building. As these cases are not directly comparable, I attach only limited weight to the appeal decision at No 53 in support of the appeal. In any event, each development should be assessed on its own merits, which I have done.

9. There would be some impact on nearby occupiers from potential noise and general disturbance at the site during the construction phase. However, this disruption would be over a limited time-period and could be managed in a way to minimise its effects on others. Given the position of the proposed extension and the new rear-facing windows, any additional loss of privacy through overlooking or natural light reaching the back of the properties on either side of the site would not have a significant effect on the living conditions of the occupiers of neighbouring properties. A condition could also be imposed to prevent the flat element of the new roof being used as a terrace or a balcony to avoid overlooking problems towards adjacent rear gardens. The plans show that no change is sought to the basement of the appeal property.

Conditions

10. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building, as proposed. As part of the roof above the new extension would be flat, I share the Council's opinion that a condition is also required to prevent its use as a terrace, balcony or similar amenity area to safeguard the privacy of neighbouring occupiers.

Conclusion

11. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be allowed subject to the conditions set out below.

Gary Deane

INSPECTOR

Schedule of 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: Refs DR.59.EX.01, DR.59.EX.02, DR.59.EX.03, DR.59.EX.04, DR.59.EX.05, DR.59.PR.01, DR.59.PR.02, DR.59.PR.03, DR.59.PR.04, DR.59.PR.05, DR.59.EX.PR.SP and DR.59.LP.

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) The roof area of the extension hereby permitted shall not be used as a balcony, terrace, or other amenity area.