



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: 11.10.2023

Appeal Ref: APP/U5360/D/23/3325661

165 Osbaldeston Road, Hackney, London N16 6ND

- 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 Gershon Klein against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2023/0950, dated 24 April 2023, was refused by notice dated 27 June 2023.
 - The development proposed is the excavation of basement and formation of a rear lightwell, erection of a part single and part 2-storey rear extension at basement and ground floor.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant has provided additional plans at the appeal stage that show an alternative window layout to the proposed extension with details given of the external materials to be used. The Council has neither considered these drawings nor consulted others on them. Compared to the scheme illustrated on the drawings that were refused planning permission, these changes do not result in a development that differs in substance insofar as the effect on the character and appearance of the host building and the local area are concerned. On balance, I am satisfied that no injustice would be caused if I were to consider the additional plans. Accordingly, I shall deal with the appeal based on the drawings provided at both the application and appeal stages.

Main issue

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

Reasons

4. The appeal property is a 2-storey end terrace dwelling with a lower ground floor that lies within the Northwold and Cazenove Conservation Area (CA), which is predominantly residential in character. To my mind, the CA derives its significance as a designated heritage asset largely from the rich variety and the architectural quality of the Victorian terraced properties within it, which include those along Osbaldeston Road. No 165 is not a listed building.

5. A part single storey, part 2-storey extension is proposed to the rear of No 165 following the demolition and removal of an existing single storey projection. It follows a different proposal to enlarge and alter No 165 that was recently refused planning permission on application and at appeal. The appellant considers that the proposed development has been amended in ways that resolve the concerns raised in relation to the previous appeal scheme.
6. The 2-storey element of the new addition would extend from the main back wall of No 165 by about 3-metres and across the full width of the host building. It would, therefore, be a sizeable addition. The lower part of the proposal would be partly below ground level. The upper component of the extension would not exceed the maximum depth for a single storey rear extension set out in the Council's Supplementary Planning Document, *Residential Extensions and Alterations* (SPD). However, the appeal scheme would still significantly increase the built form of No 165, enlarge its footprint and noticeably add to its scale and mass. That the flat roof element of the proposal would establish a visually strong horizontal line across the rear façade would accentuate the considerable scale and bulk of the proposal. In combination, these factors would ensure that the new extension would visually dominate the rear façade and overwhelm the proportions and traditional style of the existing dwelling.
7. Furthermore, the mix of rooflines proposed, with a central flat component flanked by shallow mono-pitched roof slopes would also relate uneasily with the simple design and dual pitched roof of the existing dwelling. The main outcome would be significant harm to the character and appearance of the host building. It would draw the eye as being out of place even among the varied built form that is evident at the back of the terrace to which No 165 belongs. That impression would be most evident in views from the back garden of No 165, the upper rear windows of some nearby properties and from Oldhill Street, beyond the rear of the site. Accordingly, the character and appearance of the CA would fail to be preserved. The harmful impact of the proposal could not be satisfactorily mitigated by altering the window layout of the extension or by using different external materials to those suggested. Therefore, the proposal does not overcome the key objections raised in relation to the earlier development that was dismissed at appeal.
8. Some reliance is placed on the Council's decisions to approve 2-storey rear extensions at 151 and 161 Osbaldeston Road. According to the Council, these decisions pre-date the designation of the CA and the planning policies at both the national and local levels that provide the context for the proposal before me. Given these differences, few direct parallels can be drawn between these cases and the proposal before me, which has, in any event, been assessed on its own merits. Reference is also made to the rear extension at 159 Osbaldeston Road, although few background details have been provided in relation to this scheme. As such, I am unable to conclude that the circumstances at No 159 are the same or very similar to those of the proposal.
9. The National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation. Given that the effects of the proposal would be localised, the harm to the CA would be less than substantial. In those circumstances, the Framework states that the harm should be weighed against the public benefits including, where appropriate, securing its optimum viable

use. No such benefits have been put forward, nor is there persuasive evidence that the optimum viable use of the property would be secured.

10. On the main issue, I therefore conclude that the proposed development would cause significant harm to the character and appearance of the host building and the local area. As such, it is contrary to Policies D1, D3 and HC1 of The London Plan, Policies LP1 and LP3 of the Hackney Local Plan 2033 and the advice within the Council's Supplementary Planning Document, *Residential Extensions and Alterations*. These policies and guidance aim to ensure that development achieves high quality design; responds to local character; is compatible with the townscape; and safeguards designated heritage assets.
11. There is also a conflict with the policies of the Framework with regard to the protection of heritage assets and with the statutory duty. This duty requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas, which I have done.
12. Once complete, the proposal would provide additional living accommodation to meet the needs of a growing family. This is an important consideration and largely a private benefit to the appellant. However, it does not outweigh the significant harm that I have identified.

Conclusion

13. Overall, the proposed development would conflict with the development plan, when read as a whole. There are no material considerations, including the policies of the Framework, which indicate that the decision should be taken other than in accordance with the development plan.
14. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR