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: 25th October 2023

Appeal Ref: APP/U5360/D/23/3325397
33 Osbaldeston Road, Hackney, London N16 7DJ

- 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 Mendel Cik against the decision of the Council of the London Borough of Hackney.
- The application Ref 2023/0931, dated 24 April 2023, was refused by notice dated 19 June 2023.
- The development proposed is to erect a rear and side roof extension.

Decision

1. The appeal is allowed, and planning permission is granted to erect a rear and side roof extension at 33 Osbaldeston Road, Hackney, London N16 7DJ in accordance with the terms of the application Ref 2023/0931, dated 24 April 2023, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. While the appellant has described to the proposal as in the above heading, the Council has additionally referred to the installation of new roof lights. From my inspection of the plans, the Council's description more fully reflects the development sought. I have assessed the appeal scheme on that basis.

3. The submitted plans show that a bonnet style roof above the 2-storey front bay of No 33 is proposed. The application form and decision notice do not refer to this extension nor does the Council's letter to notify others of the application nor the advertisement issued during the public consultation stage. While the main parties have referred to a total of 6 new rooflights, none has referred to the new bonnet style roof in their evidence. Therefore, I have not considered this to be part of the proposed development.

4. The site falls within the Northwold and Cazenove Conservation Area (CA). Accordingly, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main issue

5. The Council raises no objection to the rear dormer or the roof lights, as proposed. From the submitted evidence, I see no reason to disagree with the Council on these matters. These elements of the appeal scheme would respect the intrinsic character of the host building and reflect the form and general

appearance of several other properties along Osbaldeston Road that include similar features and which form part of the area's existing character.

6. Consequently, the main issue is the effect of the proposed side dormer on the character and appearance of the host building and the local area.

Reasons

7. The appeal property is a substantial terrace dwelling within the 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. One such example are the terraces along Osbaldeston Road, which include well-detailed buildings that form a broadly harmonious streetscape. There is some variety in built form at the side and rear of individual properties with several examples of roof level extensions close to the site that are partly visible from the road.

8. A new dormer is to be placed on the main side roof slope of No 33. It would differ in design and size to an earlier scheme that was recently refused planning permission on application and at appeal.

9. As the new addition would broadly align with the eaves, and given the dual pitched roof design, it would resemble as a hip to gable alteration when seen from the road, as the Council suggests. However, the new addition would be modest in scale and set below the main ridgeline and well back from the main front wall. This arrangement would subdue the visual presence of the new dormer on the host building. Taken together with external materials to match those of the existing dwelling and conservation style roof lights, as proposed, the proposal would sit at ease on the building.

10. Due to its elevated position, part of the new side dormer would be visible from a short stretch of highway in front of and on either side of the site. It would also be evident from the front windows of some properties on the opposite side of Osbaldeston Road to the appeal property. In these views, the proposal would not draw the eye largely given its location nestled into the gap at and above roof level between No 33 and the adjacent property, which also has an existing side dormer. Although noticeable, I doubt that the new dormer would stand out particularly given that the main distinctive features of the appeal building, which include its 2-storey front bay, would remain unaffected.

11. The completed dwelling would differ to the attached property on one side of the site, which mirrors No 33 when seen from the front and appears to retain its original hipped roof form. However, the proposal would be an incidental element at roof level, and it would not cause an imbalance given the substantial built form of the main buildings. The appeal scheme would also closely relate to an existing side dormer on the property on the opposite side of the site. I saw that several other properties along Osbaldeston Road in the vicinity of the site include sizeable extensions on the side roof slopes that are clearly visible from the road and form part of the area's character. In that wider context, I am not convinced that the proposal would unduly disrupt the symmetry of this pair nor be obtrusive nor be an uncharacteristic addition to the streetscape or the CA. As such, the character and appearance of the CA would be preserved.

12. On the main issue, I therefore conclude that the proposed development would not materially harm the character and appearance of the host building or the local area. Accordingly, it does not conflict with Policies D3, D4 and HC1 of The London Plan, Policies LP1, LP2 and LP3 of the Hackney Local Plan 2033, or 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 amenity and heritage assets. The proposal would also comply with the policies of the National Planning Policy Framework regarding the protection of heritage assets.

Other matters

13. From my inspection of the plans, the overall quality of the living space within the finished dwelling would provide satisfactory living conditions for future users. Given the position of the proposed extensions, there would be no appreciable loss of natural light to the adjacent buildings with the new built form in place.

14. The elevated position of the new rear dormer would lead to a greater level of overlooking of the adjoining rear gardens than would be possible from the existing upper rear windows of No 33. However, in my experience, overlooking of this type is a common characteristic of the relationship between properties that stand side-by-side in main built-up areas. The additional overlooking possible from the proposal would not have a significant effect on the living conditions of the occupiers of neighbouring properties. While I note that there is concern about potentially unauthorised development and use of the property, these matters are beyond the remit of this appeal.

Conditions

15. 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. Since the plans show boxes suitable for nesting birds, it is unnecessary to impose a condition to require this feature since it would duplicate the standard plans condition.

Conclusion

16. 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

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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 OR.33.EX.201 Rev 0, OR.33.EX.202 Rev 0, OR.33.EX.203 Rev 0, OR.33.EX.204 Rev 0, OR.33.EX.205 Rev 0, OR.33.PR.201 Rev 0, OR.33.PR.202 Rev C, OR.33.PR.203 Rev C, OR.33.PR.204 Rev C, OR.33.PR.205 Rev 0 and the Location Plan, which shows the site edged red.

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.