



Appeal Decision

Site visit made on 19 September 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2023

Appeal Ref: APP/U5360/W/23/3315184

69 & 71 Watermint Quay, Hackney, London N16 6DN

- 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 H Schneck against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/2798, dated 17 November 2022, was refused by notice dated 12 January 2023.
 - The development proposed is a ground floor amenity terrace (above a lower ground floor extension).
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor amenity terrace (above a lower ground floor extension) at 69 & 71 Watermint Quay, Hackney, London N16 6DN in accordance with the terms of the application, Ref 2022/2798, dated 17 November 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: site location plan; and drawing no. JW673-204.
 - 3) Prior to the first use of the roof terrace hereby approved, precise details of the obscure glazed privacy screen to both sides of the roof terrace, including its level of obscurity, shall be submitted to and approved in writing by the Local Planning Authority, together with a timetable for their implementation. The glazed privacy screen shall be provided in accordance with the approved details and timetable, and it shall be retained as such thereafter.

Preliminary Matters

2. Although the application form states the address of the appeal site is No.69 Watermint Quay, the proposed development also relates to No. 71 Watermint Quay. Consequently, I have referred to Nos 69 and 71 Watermint Quay in the above banner heading and in my decision, as this most accurately describes the appeal site.

Main Issues

3. The main issues are the effect of the proposed development upon:
 - the character and appearance of the area; and,

- the living conditions of the occupiers of No's 67 and 73 with particular regard to light and outlook.

Reasons

Character and appearance

4. The proposed glazed balustrade on top of the existing single storey extensions would only be slightly higher than the appeal site's existing boundary fences, which would largely screen it from views from the rear service road. In view of this, and the two additional floors of accommodation above this level, it would not appear as either prominent or bulky on the appeal properties rear elevations. Although there are no other such roof terraces on the rear of this terrace of properties, given that many of them have considerable areas of glazing on their rear elevations, the siting and design of this proposal would not compromise the appearance or integrity of the buildings or the terrace or properties.
5. Whilst there would be some views of the proposal from within the properties nearby and from their respective garden areas, these would mainly be of the lightweight structure at a relatively low level, in the context of the lower ground floor extensions. For these reasons, together with the limited height of the proposed glazing, the proposed roof terrace would not harm the character and appearance of the area.
6. As such the proposal would comply with the relevant parts of Policy LP1 of the Hackney Local Plan 2033, Strategic Planning, adopted July 2020 (HLP), which amongst other things, requires new development to be high quality, to use attractive and durable materials, respond to local character and context and be compatible with the existing townscape. In addition, the proposal would be consistent with paragraph 4.7 of Hackney's Residential Extensions and Alterations Supplementary Planning Document, dated 2009 (REA) insofar as the proposed roof terrace would not be on a front elevation, it would relate to the architectural convention of the existing extensions, and it would not compromise existing openings on the buildings.
7. The Council referred to the proposal conflicting with Policy D4 of the LP. However, this policy is focussed on strategic design review and analysis. Consequently, I do not find it to be determinative for this proposal.

Living conditions

8. Whilst the proposed balustrade would project some 6 metres from the rear elevations, it would not be solid given its primarily glazed construction and it would allow light to penetrate through it. Thus, along with its relatively limited height, it would not have an enclosing effect or unacceptably reduce light reaching the ground floor windows and doors at No's 67 and 73. For the same reasons it would also ensure the occupiers of Nos 67 and 73 would retain an adequate open aspect beyond their rear elevations. In addition, I am content that the limited openings at lower ground floor level on No. 67 would not be harmed by the presence of the proposed roof terrace glazing given their limited size and location.
9. It is acknowledged that from the lower basement level garden of No. 67, the proposed glazed side of the balustrade would be seen above the height of the side elevation of No 69's single storey extension. However, given the relatively

low height of the proposed glazing and its translucent material, which would allow light to pass through it and into No 67's lower garden level, along with the height of the existing boundary fences between Nos 67 and 69, the outlook from within No 67's garden would not be harmfully affected. Based on my site observations, I have not identified any harm from the proposal to the outlook from the rear garden of No. 73, because it is at a higher level in relation to the appeal site.

10. I therefore conclude that the proposal would safeguard the living conditions of the occupiers of Nos 67 and 73, with particular regard to light and outlook. As such, the scheme would accord with Policy LP2 of the HLP, which amongst other things, requires development not to have significant adverse effects upon neighbouring occupiers in terms of overshadowing, outlook, and from sun light and day light levels.
11. Whilst the Council referred to the proposal being contrary to the REA, I found the REA to be concerned with the effect of the proposal upon privacy, which was not part of the main issues on this appeal.

Other Matters

12. I note that an objection to the proposal refers to an earlier planning appeal being dismissed for a two-storey extension to the rear of the appeal property. Whilst I do not have the details of that case before me, what is proposed in this case is significantly different to the description of that appeal scheme, as it relates to an open roof terrace, not an additional storey of accommodation. Consequently, I do not find that appeal scheme to be comparable to this proposal and, as such, I give it limited weight.
13. The objector has also commented on whether the example cited by the appellant at Osbaldeston Road in support of their proposal, is comparable to the appeal proposal. However, as I have found the effects of the proposed development to be acceptable in this case, it was not necessary for me to consider that example in my decision.

Conditions

14. I have imposed a standard implementation condition, along with a condition listing the approved plans to provide certainty over what has been approved.
15. A condition has also been imposed regarding the exact details of the privacy screen and obscure glazing on the sides of the proposed roof terrace, which is necessary to protect the privacy of neighbouring occupiers and to ensure they are retained for the life of the development.

Conclusion

16. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is allowed.

A Hunter

INSPECTOR