



Appeal Decision

Site visit made on 7 November 2023

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2023

Appeal Ref: APP/U5360/D/23/3329591

Unit 3, 1 Bodney Road, London E8 1AY

- 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 Ms Georgia Carey against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2023/1364, dated 22 June 2023, was refused by notice dated 14 August 2023.
 - The development proposed is addition of small rear roof extension over modern flat roof portion of first floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for addition of small rear roof extension over modern flat roof portion of first floor flat at Unit 3, 1 Bodney Road, London E8 1AY in accordance with the terms of the application, Ref 2023/1364, dated 22 June 2023, 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 approved plans: EX_EF-ER-S; EX_01-02-R; PR_EF-ER-S1; PR_01-02-R.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) Prior to the first use of any part of the roof extension hereby permitted, details of the means of installing and the location and design of nesting boxes to be provided within the site shall be submitted to and approved in writing by the local planning authority. The nesting boxes shall be installed in accordance with the approved details and retained in that form thereafter.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the site and the surrounding area.

Reasons

3. The site relates to a two storey building that forms creative studios at ground floor level with residential accommodation above. It was purportedly used for a range of industrial purposes historically, and there is no compelling evidence to

the contrary. It is attached to a house of a comparable size on one side and buildings within a yard relating to a disused car wash on the other. Next to the latter is a former tattoo and massage parlour, followed by the Bodney Road and Amhurst Road junction. A utilitarian railway viaduct is to the rear.

4. Bodney Road is largely characterised by traditional semi-detached and terraced Victorian housing. However, the built environment near the junction is varied as a result of a mixture of commercial, industrial and residential development, including large flat blocks, a range of single storey buildings between the site and Amhurst Road, and industrial uses beneath the viaduct's arches. Notably, mansard roofs, dormer windows and a range of roof additions and alterations can be seen in the vicinity of the site.
5. The part of the building at the front of the site is Victorian and shares similarities with much of the housing along Bodney Road in terms of its scale and form and in featuring a buff brick façade, a pitched and tiled roof with parapets, and detailed window surrounds and corbels. However, it also includes windows and frames of a contemporary style, and the side elevation nearest the junction is painted black. Further, it is located behind tall metal gates that have more in common with the boundary treatment to the yard than the low walls and fences to the front of the housing. It also features a circa 1990's two storey flat roofed rear extension with parapet walls. The site's mix of traditional, modern, residential and industrial elements provide a sense of transition between the character of Bodney Road and the land by the junction.
6. The side of both the front and the extended parts of the building can be seen behind the yard in views from the junction. The proposed extension would sit atop the flat roofed extension and so be visible from there, but public views from elsewhere would be limited due to the position of the building and the viaduct. In views from the junction, it would appear as a modest addition relative to the scale of the front part of the building and be lower in height than the pitched roof's parapet wall. Furthermore, it would be set behind the flat roof's parapet such that it would not disrupt the existing roof form, in accordance with the guidance in the Residential Extensions and Alterations Supplementary Planning Document.
7. The proposed extension would have an irregular form, a reclaimed corrugated metal sheet finish and contemporary fenestration. However, it would clearly project from the flat roof and be deliberately distinct from the more traditional front half of the building. Additionally, its modern and industrial elements would integrate successfully with the character and appearance of the viaduct and the land by the junction. Notwithstanding this, it would also provide a sense of cohesion with the front of the building in having a roof slope that would reflect the pitch of the roof over the front half of the building. Overall, it would not undermine but respect and contrast positively with the building's traditional aspects. It would also be compatible with the varied roof forms in the wider locality.
8. While the metal sheeting would be painted a recessive dark colour, its precise finish could vary significantly. In addition, limited detail has been provided regarding the materials proposed for the framing around the fenestration. A condition would therefore be needed to require the approval of the details for the materials to be used in the interests of the character and appearance of the site and the surrounding area. This would have to be a pre-commencement

condition as there would be no suitable later trigger point to require the submission of those details.

9. Subject to the condition, the proposal would accord with the character and appearance of the site and the surrounding area. It adheres to Policy LP1 of the Hackney Local Plan and Policy D3 of the London Plan, which set out criteria about design quality and local character and require that development responds positively to local distinctiveness. The Council has also referred to London Plan Policy D4. It relates principally to methods of design analysis and maintaining design quality and thus I find no conflict with it.

Other Matters

10. No convincing evidence has been presented which indicates that the proposal would prejudice potential future redevelopment of the land between the site and the junction.
11. In addition to the abovementioned condition, the standard time and approved plans ones are required for certainty. Furthermore, Policy LP47 of the Hackney Local Plan sets out that development involving a building with an eaves height over five metres must provide nesting boxes for wildlife. A condition is therefore also needed to secure the installation and thereafter retention of nesting boxes in accordance with details approved by the Council prior to the first use of any part of the development.

Conclusion

12. For the above reasons, the appeal is allowed.

Mark Philpott

INSPECTOR