



# Appeal Decision

Site visit made on 19 October 2023

**by P Storey BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 December 2023**

## **Appeal Ref: APP/U5360/W/23/3319698**

### **10 Craven Walk, Hackney, London N16 6BT**

- 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 Low of Toldos Aharon Synagogue against the decision of the Council of the London Borough of Hackney.
- The application Ref 2022/1613, dated 29 June 2022, was refused by notice dated 5 January 2023.
- The development proposed is excavation of basement level, including rear light well; erection of a basement and ground floor rear extension and associated elevational alterations to the front and rear to facilitate the change of use from a mixed-use synagogue (Use Class F1(f)) and residential (Use Class C3) to a synagogue with ancillary office accommodation at first and second floor levels (Use Class F1(f)).

## **Decision**

1. The appeal is dismissed.

## **Preliminary Matters**

2. There are some differences between the details given in the appeal form and the planning application form. For the avoidance of doubt, the details in the banner heading above have been taken from the planning application form.

## **Main Issues**

3. The main issues are the effect of the proposed development on:
  - The living conditions of the occupiers of the neighbouring property at No 12 Craven Walk by way of sense of enclosure and being overbearing; and
  - The character and appearance of the area.

## **Reasons**

### *Living conditions*

4. The appeal site lies within a predominantly residential street. The property has the external appearance of a semi-detached house, and it appears from the submitted evidence and my observations on site that the adjoining properties to both sides are in residential use. At the time of my visit, it was clear that the ground floor of the property was in use as a synagogue and the planning history indicates that such a use has operated to some extent for several years.
5. The property has a large garden area to the rear, which was predominantly hard-surfaced at the time of my visit. The main garden area sits at a higher

level than the ground floor of the building and is stepped upwards. It appears that the property has been subject to numerous extensions and alterations, with the ground floor element of the building covering the full width of the plot. It also has an existing flat-roofed rear extension topped by a veranda.

6. The proposed development would extend across the full width of the plot and outwards into the garden area. The roof would include flat sections that would run along the side boundaries, with a taller central section featuring an arc-shaped roof.
7. Policy LP2 of 'Hackney A Place for Everyone', Hackney Local Plan 2033 Strategic Planning, Adopted July 2020 (the HLP) seeks to ensure developments have no significant adverse impacts on the amenity of occupiers and neighbours.
8. The adjoining property at No 12 also has a flat-roofed rear extension, which extends slightly deeper along the boundary with No 10 than the existing extension at the appeal property. The flat parts of the proposed roof would not extend significantly higher than the existing rear extension, but the proposal would extend significantly deeper than the rear extension on the adjoining property. Although the height of the extension on the boundary would not be excessive, when considered together with its depth, it would create an undue sense of enclosure and appear overbearing in views from the rear of No 12.
9. I am satisfied, on the basis of the submitted study, that the proposals would not harm the living conditions of neighbouring occupiers in terms of daylight or sunlight impacts. However, the absence of harm in this regard is a neutral factor that would not weigh in favour of the proposals.
10. Although the neighbouring properties appear to be residential, I acknowledge that the neighbouring occupiers have not objected to the proposals. However, in addition to HLP Policy LP2, paragraph 130 of the National Planning Policy Framework (the Framework) establishes that planning policies and decisions should ensure that developments deliver a high standard of amenity for both existing and future users. For the reasons identified previously, I am not persuaded that the lack of objection would influence my assessment against the development plan or the Framework in this regard.
11. For the above reasons, the proposed development would be harmful to the living conditions of the occupiers of the neighbouring property at No 12 Craven Walk by creating an undue sense of enclosure and being overbearing, which would conflict with Policies D1 and D6 of the London Plan March 2021 (the LP) and Policy LP2 of the HLP. Together these policies seek, among other objectives, for developments to have no significant adverse impacts on the amenity of occupiers and neighbours, and to be of acceptable height, scale and massing.

#### *Character and appearance*

12. The property is embedded within a traditional residential street. Although some other non-residential uses exist nearby, the buildings directly adjacent to the site are residential, and this remains the prevailing character of the area.
13. Some of the proposed works would involve excavating beneath the garden and the property itself to create subterranean development. Because these elements of the development would remain largely hidden from view from

outside of the property boundaries, they would not have an adverse effect on the character or appearance of the area.

14. However, the proposed rear extension would be of significant depth. Because of the sloping nature of the land in the vicinity, the extension would be prominently visible from the rear of the houses and gardens to the east, where it would sit on raised land and appear unduly dominant and uncharacteristic in the context of the surroundings. Furthermore, the arc-shaped central roof projection and fenestration would fail to reflect the character of the host property and the surrounding residential area which, irrespective of the use of the property, it continues to form part of.
15. For the above reasons, the proposed development would be an unsympathetic and overbearing addition to the host property that would be harmful to the character and appearance of the area and that of the host property. The proposals would therefore conflict with Policies D1 and D3 of the LP and Policy LP1 of the HLP, which together seek, among other objectives, to ensure developments consider urban form and structure, to deliver buildings and spaces that positively respond to local distinctiveness, and for new development to be of the highest architectural and urban design quality.

### **Other Matters**

16. It is acknowledged that the property has operated as a synagogue for some time, and it is an established community facility in a sustainable location. As such, the proposal would enhance the facilities at the site and deliver certain community benefits. Whilst I afford some weight to these benefits, they would not overcome the harm previously identified.
17. The appellant notes that alternatives would be considered in the event of the appeal being unsuccessful, including acquiring the neighbouring property. It is argued that the resulting loss of housing would have a more significant adverse impact than the development proposed. However, I am provided with no compelling evidence to indicate that the adjacent property would be available or that this represents a realistic alternative. Accordingly, this is a theoretical scenario to which I can attach no meaningful weight.

### **Conclusion**

18. For the reasons given above I conclude that the appeal should be dismissed.

*P Storey*

INSPECTOR