
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: 19.12.2023

Appeal Ref: APP/U5360/D/23/3324635

68 Moundfield Road, Hackney, London N16 6TB

- 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 O Schreiber against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2023/0080, dated 12 January 2023, was refused by notice dated 26 May 2023.
 - The development proposed is to erect a half width first floor extension to rear elevation.
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Decision

1. The appeal is allowed, and planning permission is granted to erect a half width first floor extension to rear elevation at 68 Moundfield Road, Hackney, London N16 6TB in accordance with the terms of the application Ref 2023/0080, dated 12 January 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: 533 E01, 533 E02, 533 E03, 533 E04, 533 E05, 540 P01, 540 P02, 540 P03, 540 P04, 540 P05, and 540 P06.
 - 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.

Procedural matter

2. The description of development set out in the above heading is taken from the application form submitted to the Council. For clarity, the wording excludes reference to the neighbouring extension.

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 mid-terrace dwelling within a predominantly residential area. Like several other properties in the same terrace, No 68 has been extended and externally altered at the rear. Specifically, there is a dormer extension on the main roof slope and a large ground floor addition, both of which have flat roofs and span the full width of the host building.

5. The proposal is to introduce a first-floor rear addition with a flat roof onto part of the existing ground floor rear projection. It would be about half the width of the host building and stand alongside a full width first-floor extension with a flat roof at the back of the attached property, which is 70 Moundfield Road. With large flat roof extensions below, above and just to one side, and given the presence of other flat roof extensions in the same terrace as No 68, the proposal would not appear as an uncharacteristic addition.
6. The roof of the new addition would terminate at the eaves of the existing building. This arrangement would conflict with the advice in the Council's Supplementary Planning Document, *Residential Extensions and Alterations* (SPD). The SPD states that rear extensions should be no higher than one storey below the eaves to ensure they are sufficiently subordinate to the principal building.
7. Nevertheless, the proposal would be set well back from the rear wall of the ground floor extension. The new rear façade of No 68 would therefore have a stepped profile, which would visually 'breakup' its scale and mass to some extent. The proposed development would also be viewed together with the first-floor addition at No 70, which is built up to the eaves, and against the substantial and highly varied profile of the rear elevation to the terrace. In that setting, the proposal would be a subordinate addition and match the same relationship to the main roof as that of the extension at No 70.
8. Apart from No 70, other properties in the same terrace as the appeal property do not include built extensions at first floor level. Even so, some properties include sizeable rear extensions at ground or roof levels. Given the varied context within which the proposal would be seen, no undue visual dominance or disharmony would result since any sense of unity or rhythm across the rear façade of the terrace has already been disrupted by the changes that have taken place. While the roof form of the new extension would not reflect the pitched roof of the original host building, it would be consistent with the flat roof of the rear dormer, which visually dominates the upper part of the dwelling. By respecting the scale, design and general appearance of the host building and the character of the local area, the proposal would adhere to the key principles of the SPD. Therefore, I find that a conflict with some of the guidance within the SPD is insufficient reason to withhold planning permission.
9. The appellant has also referred to the Council's decision to issue prior approval (PA) for an additional storey to the existing dwelling. From the limited information provided, the height of the existing dwelling would be significantly increased under the PA scheme. In those circumstances, the proposal would then be a storey below the eaves of the host building. It would also reduce the scale of the extension relative to the finished 3-storey dwelling. On that basis, the proposal would comply with the Council's SPD.
10. Reference is also made to the recent decision to grant planning permission on appeal for a rear extension at 54-56 Moundfield Road with some details provided. Although there are some parallels to be drawn with the proposal before me, the scheme at Nos 54-56 involved 2 properties in a different location to the proposal before me. Consequently, it is not directly comparable with the proposal. In any event, a key planning principle is that each development should be assessed on its own merits. Having done so, I find that the proposal is acceptable for the reasons given.

Conclusion on the main issue

11. On the main issue, I conclude that the proposed development would not harm the character and appearance of the host building or the local area. As such, it does not conflict with Policy LP1 of the Hackney Local Plan 2033 or Policies D3 and D4 of The London Plan. These policies seek to ensure that development is compatible with the existing townscape and responds to local character and context. It would also broadly comply with the Council's SPD, which states that rear extensions must be subordinate to the principal building.

Conditions

12. 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.

Conclusion

13. 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.

Gary Deane

INSPECTOR