



Appeal Decision

Site visit made on 22 January 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22.03.2024

Appeal Ref: APP/U5360/D/23/3332253

15 Durley Road, Hackney, London N16 5JW

- 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 Simon Tessler against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2023/1148 dated 18 May 2023, was refused by notice dated 8 August 2023.
 - The development proposed is erection of single storey ground floor wrap extension.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of single storey ground floor wrap extension at 15 Durley Road, Hackney, London N16 5JW in accordance with the terms of the application, Ref: 2023/1148 dated 18 May 2023, and the plans submitted with it, subject to conditions set out below.
 - (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, PL06 RV01, PL07 RV01, PL08 RV01, PL09 RV01, and PL10 RV01.
 - (3) The materials to be used in the construction of the external surfaces of the hereby approved development shall match those used in the existing building.

Procedural Matter

2. The Council changed the description of development from that stated on the application form. In the interests of clarity, I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on
 - (i) the character and appearance of the host property and area in general; and
 - (ii) the living conditions of the occupiers of No. 17 Durley Road.

Reasons

Character and Appearance

4. The appeal property is a terrace within a predominantly residential area. Some properties within the immediate area have been extended historically with single storey rear extensions, whilst projections in length vary, they are not dissimilar to that of the proposal before me.
5. The Hackney Residential Extensions and Alterations Supplementary Planning Document (2009) (the SPD) highlights that for terraced houses the maximum depth normally acceptable is 3 metres provided a minimum of 50% of the back garden remains. It is important to recognise that such guidance does not constitute a 'black and white' set of rules to be applied rigidly or exclusively when other material considerations indicate that an exception may be appropriate.
6. I understand a previous application for a rear extension has been approved¹ in excess of the SPD guidelines. Whilst a substantial extension exceeding the SPD guidelines and that of the already approved extension the proposed development would not be incongruous to the area, nor to the host building.
7. I conclude that the proposed development would not harm the character and appearance of the host property or area in general. There is no conflict with Policy LP1 of the Hackney Local Plan 2033 (2020) (the Local Plan); and Policy D4 of the London Plan 2021 which seeks to ensure development are of a high standard, responding to local character and context.

Living Conditions

8. The proposed extension would extend the built form of the appeal site along the shared boundary with No. 17 Durley Road. No. 17 has been extended historically, however, does not have a single storey rear extension projecting from the main rear elevation. There are windows in the rear elevation of No. 17 and there is a slight level difference between the appeal site and No. 17 with the rear outside area at the appeal property at a lower level with steps to a raised rear patio area.
9. The design of the proposed roof adjacent the shared boundary is sloped away from No. 17 at a similar height to the existing rear extension. Although a substantial extension and that the overall height would exceed the current boundary treatment the proposed development would not be oppressive or dominant to the neighbouring property.
10. Due to an extension to the rear of No. 19 and the existing rear extension at the appeal site, there is an existing sense of enclosure to No. 17, I do not find that this would be exacerbated by the proposed development.
11. I conclude that the proposed development would not harm the living conditions of the occupiers of No. 17 Durley Road. There is no conflict with Policy LP2 of the Local Plan or the SPD which amongst other things seek to protect the amenities of occupiers of neighbouring properties.

Conclusion

12. For the above reasons I conclude that this appeal should be allowed.
13. I have imposed a standard condition relating to the commencement of development and a condition specifying the relevant plans as this provides

¹ Ref: 2022/1867

certainty. In order to safeguard the character and appearance of the area I have imposed a condition concerning materials.

C Pipe

INSPECTOR