



Appeal Decision

Site visit made on 16 April 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2024

Appeal Ref: APP/U5360/D/23/3330515

17 Elrington Road, London E8 3BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Benjamin Turner against the decision of London Borough of Hackney.
 - The application Ref is 2023/1154.
 - The development proposed is single storey extension within the existing side return of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant requested that I view the appeal site from 15 Elrington Road, and I was able to do so at my visit.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of residents of 15 Elrington Road in respect of outlook and light.

Reasons

4. The appeal site is at the end of a short terrace, which is one of a number that make up the properties along Elrington Road. There is a 2-storey outrigger projecting to the rear, with a further shorter single storey element. The proposed extension would in effect fill the gap between the 2-storey extension and the boundary wall of No 15, with a limited projection further to the rear.
5. The proposal would include a notable increase in the height of an extent of the party wall between Nos 15 and 17. Although the dwelling of No 15 is detached from the appeal building, the rear of the properties have a close-knit arrangement and are of a roughly similar layout with outriggers to the rear, albeit handed.
6. Ground floor windows and a conservatory to the rear of No 15 face onto an open area between its outrigger and the boundary with No 17. The increase in height of the boundary wall resulting from the appeal proposal would lead to an overbearing impact in views from the affected windows and the conservatory, creating something similar to a tunnel effect. Due to the height, layout and proximity of the proposal I also consider that this would lead to an unacceptable loss of daylight to No 15.

7. The appellant refers to the difference in site levels between Nos 15 and 17, and I have had regard to the submitted evidence including the cross-section of the party wall. However, based on what I have seen and read, the difference in levels is not sufficient to mitigate for the unacceptable relationship between the appeal proposal and No 15.
8. I am also mindful that no objection has been received from residents of No 15. However, this does not negate my conclusions on the harm arising from the proposal.
9. The appellant emphasises the very limited difference between the proposed extension and the height of what could be permitted under the property's development rights. However, it has not been demonstrated that such permitted development would be of the same projection to the rear as the appeal proposal or would comply with conditions in respect of any prior approval that may be required.
10. My attention has been drawn to examples of side return extensions and party wall heights in the surrounding area. However, I do not have full details of the circumstances that led to those proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of the development's scale, projection and the context of those sites at that time. In any event I have determined this appeal on its own merits.
11. I conclude that, due to its scale and location, the proposal would lead to significant harm to the living conditions of residents of No 15 in respect of outlook and light. The proposal would therefore be contrary to the amenity considerations of Policy LP2 of the Hackney Local Plan 2020. The proposal would also be contrary to the Council's Residential Extensions and Alterations Supplementary Planning Document in respect of the harmful impacts on the amenity of neighbouring occupiers.

Conclusion

12. For the reasons given above the appeal should be dismissed.

David Cross

INSPECTOR