



Appeal Decision

Site visit made on 5 June 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th June 2024

Appeal Ref: APP/U5360/W/23/3332346

85 Cazenove Road, Hackney, London N16 6BB

- 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 Mr Harry Ginsberg Munkacs Synagogue against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2022/2912.
 - The development proposed is erection of a single-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey rear extension at ground floor level to the rear of the existing Synagogue (Use Class F) and installation of cycle storage within the front garden at 85 Cazenove Road, London N16 6BB in accordance with the terms of the application, Ref 2022/2912, 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 authorised shall be carried out in accordance with the following approved plans and specifications: PR-L001 OS Map – Location Plan; PR-P001 Basement Floor; PR-P002 Ground Floor; PR-P003 First Floor; PR-P004 – Roof Plan; PR-E001 – Front/Rear Elevation; PR-E002 – Material Schedule; PR-E003 – Side Elevation 1; PR-E004 – Side Elevation 2; PR-S001 – Section AA.
 - 3) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
 - 4) Notwithstanding the submitted drawings, full details of the cycle store, shown on drawing PR-L001 Location Plan, shall be submitted to and approved in writing by the local planning authority. Once approved the development shall be carried out in accordance with the approved details prior to the first use of the development, and thereafter retained.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in the interests of clarity I have used the revised description, used by the Council and set out by the appellant in their appeal form.

Main Issue

3. The main issue is the effect of the development upon the host building and whether it would preserve or enhance the character or appearance of the Northwold and Cazenove Conservation Area (the Conservation Area).

Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The significance of the Conservation Area is derived from the planned uniformity, layout and architectural quality of nineteenth century terraces, originally in residential use.
5. The appeal site comprises a substantial building set back from Cazenove Road. The character of the area is mixed. Although the immediate area comprises a variety of uses, and different types, ages and designs of building, the appeal property exhibits the above positive characteristic of the Conservation Area particularly in terms of its elevational appearance.
6. No 85 is used as a Synagogue and there is a school adjacent to the appeal site alongside residential homes. There is a long outside area to the rear, where the proposed extension would be located alongside the boundary with the school. The Council has previously approved an extension at the appeal site¹. However the proposed form and alteration of the appeal proposal would allow the use of the Synagogue to better reflect the community's religious traditions and values than that approved.
7. The proposed development would be a lengthier but narrower rear extension. Although it is roughly double the length of the extant development, it would still not extend the full length of the plot. A good amount of space would therefore be retained to the rear and to the side boundary to the neighbouring residential gardens. Even after the development, the relatively substantial appeal site would retain more than 50% of the space at the rear area, and thus a sizeable area would remain.
8. Whilst the proposed extension would be high, it would be lower than the tall host building, which presents as part 3-storeys on the side wing. Although the development would extend across the corner of where the side wing and main rear elevation meet, this would be a marginal overlap. I appreciate the concerns regarding the length of the development, and ratio with the existing depth of the host building, but in this instance the narrower form and lower height extension would appear subservient against the rear of the host building. The development would not be unduly dominant. Furthermore, the grain and layout of the area, would not be undermined by this addition.
9. The SPD identifies that the composition of the rear elevations of Hackney's housing stock contributes to its overall townscape. However there are narrow gaps between buildings, high boundary features in the area, built development along Filey Avenue to the rear and tree planting within the site and neighbouring residential gardens. The site is obscured from Kyverdale Road, by a full length flat roof building associated with the school. Although there would be views from surrounding buildings the rear of the site is very well enclosed,

¹ Council Reference 2022/0676

and the ground floor level is screened from wider views. Given the surrounding school context, it would not appear as an incongruous feature.

10. The Council's Residential Extensions and Alterations Supplementary Planning Document approved April 2009 (the SPD) provides guidance for maximum depths normally acceptable for rear extensions, which exhibit residential characteristics. It is appreciated this provides a context for good design. However, the assessment of the proposal against the aims of the Council's policies requires a judgement which takes into account the surrounding context. Furthermore the previous extension also exceeded these distances and had a similar flat roof form which would also have extended across the side wing of the building.
11. Therefore taking all the above site factors into consideration alongside the existing use of the building and purpose of the extension, I therefore conclude that the proposed development would not have a harmful effect on the character or appearance of the host building and would preserve the character and appearance of the Conservation Area. It is not therefore necessary for me to carry out the balance within paragraph 208 of the National Planning Policy Framework.
12. Accordingly the development complies with Policies LP1 and LP3 of the Hackney Local Plan 2033 (July 2020) and Policies D3 and HC1 of the London Plan (March 2021). Together and insofar as they are relevant to the appeal these seek, amongst other things to optimise the capacity of sites and ensure that development is sympathetic to the significance of a heritage asset and displays an appreciation of its surroundings. The proposal would accord with the SPD which requires extensions to be considered on their individual merits, whilst ensuring they are subservient to the host property.

Other Matters

13. Interested parties have raised concerns regarding construction noise and effect on trees. However, both these matters were before the Council when it considered the application and submitted its appeal statement. I see no reason to disagree with the Council that the effects of construction could not be suitably managed through other separate legislation. There is no evidence that the development would have an unacceptable impact upon trees. Nor has the Council raised any concerns regarding the cycle store.
14. In considering this appeal, I have had due regard to the Equality Act 2010 and the Public Sector Equality Duty (PSED). Race and religion or belief are protected characteristics and, amongst other things, it is necessary to foster good relations between those with a protected characteristic and those without. In determining this appeal, I have had due regard to the PSED. Had I found the proposed development to be harmful to the significance of the specified designated heritage assets and so was minded to dismiss the appeal, I would have needed to consider this matter further. However, as I have found no such harm there is no need for me to do so in this case.

Conditions

15. I have had regard to the National Planning Policy Framework and the Planning Practice Guidance. I have imposed the standard timescale condition for the implementation of the permission and a condition specifying the relevant plans

is necessary as this provides certainty. A condition requiring samples of external materials, and details of the cycle store, the latter as stated in the Council's officer report, is necessary in the interest of the character and appearance of the area.

Conclusion

16. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is allowed.

K Williams

INSPECTOR