



Appeal Decision

Site visit made on 15 May 2024

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/U5360/D/24/3337137

51 Digby Crescent, Hackney, London N4 2HS

- 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 JAS Digby Limited against the decision of the London Borough of Hackney Council.
 - The application Ref 2023/1980, dated 21 August 2023, was refused by notice dated 12 December 2023.
 - The development proposed is the erection of a single storey rear extension at ground floor level.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Subsequent to the decision made by the Council on the application to which this appeal relates, on 19 December 2023 the Government published the revised National Planning Policy Framework (2023) (the Framework). I consider that there have been no major changes relevant to the main issue in this appeal. It will therefore not prejudice any party by making my decision with regard to the revised Framework.

Main Issue

3. The main issues are the effect of the proposal on:
 - The character and appearance of the appeal dwelling, the terrace of which it forms part and that of the local area, with reference to the Brownwood Conservation Area (the CA); and
 - The living conditions of neighbouring residential occupiers.

Reasons

Character and Appearance

4. The appeal dwelling is a late 19th century 3 Storey mid terrace house located on a street and area made up of similar properties. The local area is

- predominantly residential with a cohesive townscape recognised for its significance as a heritage asset through its designation of the CA in 2020.
5. The Brownswood Conservation Area Character Summary and Management Plan (2020) (the BCAC SMA), sets out that the CA is a high quality late Victorian suburb with a clear hierarchy of housing types, whose buildings are adorned with detailed decorative architectural features which greatly enriches the overall character and appearance of the area and strong architectural cohesion. The BCAC SMA further notes that this results in notable group value.
 6. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the CA.
 7. The proposed extension would take the form of a flat roofed ground floor wrap around outrigger extension. This would be constructed in yellow stock brick, to match that of the appeal dwelling. It would have an angled glass box roof light above steps leading from the main house ground floor level, down to the lower garden level of the proposal. The proposed extension would be the full width of the appeal dwelling and its plot and would extend rearward by approximately 3 metres from the existing 3 storey outrigger.
 8. It is apparent from my site visit that there is an existing, recently constructed, rear ground floor flat roofed wrap around outrigger extension on the appeal site. This is located in the same position as proposed for the appeal extension, its, use of materials and architectural details are materially different to that proposed, although appears to be similar in scale.
 9. The appellants appeal submission clarifies that this existing extension, which does not appear to have the benefit of a planning permission, is not the extension for which permission is sought and refusal of which forms the basis of this appeal. I have determined this appeal accordingly and have only had regard to the extension proposed in the application plans and not the existing extension already constructed on the appeal site.
 10. Whilst the proposed extension would be constructed in yellow stock brick to match that of the appeal dwelling, it would be of a size and box like form that would subsume the existing ground floor elevation. This would result in the loss of the existing window and door openings, with the proposed roof light connecting with the appeal dwelling just below the stone header of the door opening on to the rear garden. The proposed windows and doors of the appeal dwelling would be of a size, shape and detailed design that would not reflect those of the appeal dwelling. In these regards, the proposal would not accord with the guidance given for such extensions in the Residential Extensions and Alterations Supplementary Planning Documents (2009) (the SPD).
 11. By extending 3m rearward into the rear garden beyond the existing outrigger and wrapping around it to the full width of the appeal dwelling, the extent and scale of the proposal would result in it appearing a dominating

addition, which would fail to appear as a subordinate addition to the appeal dwelling. This effect would be further exacerbated by the proposed doors and windows and poorly detailed connection of the proposed rooflight. These would stand in stark contrast to the rear elevation of the appeal dwelling and its retained original architectural detailing. As a result, the proposed extension would appear as an over scaled and incongruous addition to the appeal dwelling and the terrace of which it forms part.

12. The appellant has drawn my attention to the number of extensions and structures to the rear of other properties in the immediate area. However, planning policy and practice develops over time, including that related to heritage assets. From my site visit it would appear that the extensions visible to me would predate the designation of the CA, and that some result in the same effects on their host buildings and the terrace that I have identified as resulting from the proposal.
13. As such, I have considered the proposal on its own merits, with regard to the existing policy and area context. I find, therefore, that the effect of the proposed extension on the appeal dwelling, and terrace of which it forms part, diminishes the contribution that it makes to the significance of the CA. This contribution includes all aspects of the appeal dwelling that contribute, and not just its street elevation. In this regard, the proposed extension fails to preserve the character and appearance of the CA.

Living Conditions

14. The proposed full width extension would have a flank wall, which would extend along the boundary with the neighbouring property at 49 Digby Crescent to a depth 3 metres beyond that of the outriggers to both properties. This flank wall would be approximately 3 metres in height and would extend above the existing boundary wall. This would result in an enclosing effect to the outside space and window to the rear room of the lower ground floor room of the dwelling in the neighbouring property.
15. Further, the height and depth of the proposed extension, and its extent along the boundary, would result in it being in proximity to a window in the lower ground floor elevation of the main house at No.49 and to a window in the flank wall of its outrigger. This would result in an overshadowing of these windows, as well as to the garden area nearest No.49, this would cause a significant reduction in daylight and sunlight to these areas, particularly to the rear lower ground rooms of No.49.
16. Consequently, I find that the proposed extension would result in a sense of enclosure that would lead to a loss of outlook. When combined with the loss of daylight and sunlight I have identified, this would result in proposed extension being experienced by the occupiers of this neighbouring dwelling as overbearing and oppressive
17. For the reasons given above, I find that the development as proposed would result in significant harm to the character and appearance of the appeal dwelling and the terrace of which it forms part and significant harm to the living conditions of neighbouring residential occupiers, although the harm to the character and appearance of the CA would be less than substantial.

18. Consequently, I find that the proposal does not accord with Policies LP1, LP2, LP3 and LP17 of the Hackney Local Plan (2020), Policies D3, and HC1 of the London Plan (2021) and Sections 12 and 16 of the Framework. These, collectively seek to ensure that development is of high design quality, integrates with the local area, having due regard to the importance of preserving or enhancing heritage assets and conserving their significance, and do not undermine the quality of life of neighbours.

Conclusion

19. The appeal is dismissed.

Victor Callister

INSPECTOR