



Appeal Decision

Site visit made on 14 June 2024

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2024

Appeal Ref: APP/U5360/D/24/3342155

47 Bocking Street, Hackney, London E8 3GL

- 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 Ms Uttara Sukumar against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2023/2112, dated 11 September 2023, was refused by notice dated 18 January 2024.
 - The development proposed is described on the application form as "*minor ground floor alterations, and side extension to obtain a plant room, additional family bedroom and bathroom; as well as the reduced first floor extension for dedicated extended family dining*".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) the effect of the proposal on the character or appearance of the surrounding area and on the setting of the nearby Beck Road Conservation Area,
 - (ii) whether the proposal would provide acceptable living conditions for occupiers of the appeal property, with particular regard to private amenity space;
 - (iii) the effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular regard to natural light and privacy; and
 - (iv) the effect of the proposal on biodiversity.

Reasons

Character and Appearance

3. The appeal property is a small, 2-bedroom house and it forms one end of a late 20th century brick terrace which features prominent pitched roof porches at the front. The property is situated next to the junction between Bocking Street and Sheep Lane and has a windowless flank elevation and side boundary wall facing the latter. As a consequence of its corner location the property's flank elevation is prominent in views looking in both directions along Sheep Lane.

4. Immediately to the rear of the appeal property is the Beck Road Conservation Area (CA) which comprises a street of late Victorian 2-storey terraced housing with frontages directly on the back edge of the pavement. The flank elevations of the end of terrace houses abut Sheep Lane and therefore form part of the visual context of the appeal property. On the other corner of the junction between Bocking Street and Sheep Lane there is a recently constructed 6-storey apartment building and on the opposite side of Sheep Lane there is London Fields school which comprises a substantial 3-storey building set behind a tall brick wall.
5. The proposal would comprise the removal of a mature tree and the erection of a single-storey extension to the side and rear of the house together with an upper-level addition to the side of the house only, which would be set slightly behind the front and rear building lines. The former would be subsumed behind a slightly raised side boundary wall and a small window would be formed in the rear part of the wall. As such this element would have a neutral impact on the character and appearance of the area.
6. The upper-level addition would have a flat roof, large areas of glazing to the front and rear and a predominately brick flank elevation facing Sheep Lane. I note that this would be a relatively prominent element in the street scene, but it would also reinstate back-of-pavement development, that mirrors the ends of the terraces in Beck Road, and it would add interest to an otherwise mundane end of terrace flank wall. On balance I conclude that the proposal would have an acceptable effect on the character and appearance of its surroundings and on the setting of the neighbouring CA.
7. For these reasons the proposal accords with Policies LP1 and LP3 of the Hackney Local Plan (2020) (HLP) and Policies D3 and HC1 of the London Plan (2021) (LP) which seek to ensure proposals are well-designed, respond to local character, and preserve or enhance the significance of the historic environment. I am also satisfied that the proposal accords with the aims of the Council's Residential Extensions and Alterations Supplementary Planning Document (2009).

Living Conditions of Occupiers of the Appeal Property

8. Due to its corner location the appeal property benefits from private amenity space to both the rear and the side, albeit parts of the latter are narrow and of limited amenity value. This amenity space is far larger than that afforded to other houses in the terrace, which solely benefit from rear gardens.
9. The proposal would result in the loss of the amenity space to the side of the house and part of the space to the rear. More than 50% of private amenity space would be lost. However, a garden area of similar size to other gardens in the terrace would be retained. The evidence before me indicates that this space would exceed minimum space requirements for new development set out in the LP and referred to in the HLP, and based on my observations on site I am satisfied that it would provide adequately useable space for a small dwelling, given its tightly-knit urban context.
10. For these reasons I conclude that occupiers of the appeal property would benefit from acceptable living conditions. As such the proposal accords with the aims and standards set out in HLP Policies LP1 and LP17 and LP Policy D6.

Living Conditions of Occupiers of Neighbouring Properties

11. Concerns have been raised by neighbouring residents regarding the effects of the proposal on natural light to neighbouring properties and on levels of privacy. Whilst the proposal would result in an increase in built development at first floor level this element would be relatively small and low compared to the host building and would be set behind the rear building line of the terrace. For these reasons I am satisfied that any reductions in natural light reaching nearby residential windows would be small.
12. The proposal would include patio style glazed doors at first floor level to the rear together with railings to create a Juliet balcony. This large, glazed opening would allow views along Sheep Lane and towards the rear elevations of the properties in Beck Road. Whilst the railings would prevent access to the area of flat roof created by the ground floor rear addition, the long-term retention of this barrier cannot be secured and planning conditions seeking to prevent amenity use of flat roofs are problematic to adequately enforce. Consequently, I share neighbours' concerns that future occupiers may use the flat roof as amenity space, which would lead to overlooking of neighbouring gardens and loss of privacy within the Beck Street properties.
13. Due to its layout and design, I therefore conclude that the proposal would have an unacceptable effect on the living conditions of occupiers of properties to the rear. It therefore fails to accord with HLP Policy LP2 which, amongst other matters, states that development should be designed to ensure there are no significant adverse impacts on the amenity of neighbours.

Biodiversity

14. LP Policy G6 states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain and HLP Policy LP47 reinforces this policy, stating that all development should protect and where possible enhance biodiversity leading to a net gain.
15. The proposal would result in the loss of a mature tree and a significant proportion of the garden. Whilst I note the proposal would include a small area of green roof, there is nothing before me to demonstrate that the aims of the aforementioned policies would be satisfied. As such I must conclude that the proposal would have an unacceptable effect on biodiversity.

Conclusion

16. For the reasons set out under the third and fourth main issues above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR