



Appeal Decision

Site visit made on 10 July 2024

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2024

Appeal Ref: APP/U5360/W/24/3336542

60 Gloucester Drive, Hackney, London N4 2LN

- 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 Stephen Beckingham against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/1479.
 - The appeal development is described as the reconfiguration of basement and ground floor of Flat 1 to include the opening up of the existing basement bay window to provide a lightwell and guardrails to front elevation. Erection of a single storey rear extension with rooflight and rear patio at basement level at Flat 3 to include alterations to the rear elevation fenestration at ground floor. Internal reconfiguration of Flat 3 to increase the size of the flat.
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Decision

1. The appeal is allowed and planning permission is granted for the reconfiguration of basement and ground floor of Flat 1 to include the opening up of the existing basement bay window to provide a lightwell and guardrails to front elevation. Erection of a single storey rear extension with rooflight and rear patio at basement level at Flat 3 to include alterations to the rear elevation fenestration at ground floor. Internal reconfiguration of Flat 3 to increase the size of the flat, at 60 Gloucester Drive, Hackney, London N4 2LN in accordance with the terms of the application, Ref 2023/1479, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. Gloucester Drive is a residential street containing predominantly Victorian terraced houses with accommodation typically over four floors: basement, ground and first, and within the roof-space. Mature street trees are positioned in the footways on both sides of the carriageway, which is broad and allows for the parking of vehicles on the street.
4. Whilst there is some variety in the design of the buildings on Gloucester Drive, the terraced properties typically include a ground floor bay and flat roofed entrance portico, with arched sash windows above and with a pitched roofed dormer on the front roof slope. They are constructed of buff stock bricks with

red brick detailing, and with slate roofs and are set back from the footpath by a small front garden area with a low front wall.

5. Most of these buildings appear to have been sub-divided into flats and the exteriors have been altered over the years, sometimes unsympathetically. However, there remains a pleasing level of architectural detail and visual coherence, particularly on the southern side of the street, where the appeal property is located.
6. The appeal building contains eight flats accessed through the front entrance door and communal hall and stairwell; Flats 1 and 3 are duplexes, with accommodation at ground and basement level and are the focus for the appeal development.
7. The addition of a flat-roofed single storey extension at the rear of the building has been accompanied by internal alterations to the layout of Flat 3. The floor level of the extension is similar to the adjacent patio area, which is at a lower level than the majority of the rear garden and surrounding land. The design is functional and the materials are not out of keeping with the host building. Whilst the off-centre position of the skylight has a somewhat awkward appearance, the 'sunken' position of the extension, together with the fencing surrounding the rear garden means neither the extension nor the skylight are visually obtrusive.
8. The appeal development has also entailed the excavation of much of the front garden area to create a lightwell and some outdoor amenity space. Together with the addition of windows and a doorway to the existing bay-shaped wall of the front basement, the lightwell provides natural light, a limited outlook and some outdoor space for the occupier of Flat 1.
9. The lightwell has been rendered white, to match the treatment of the exposed basement bay wall. Metal railings are fixed to the low boundary wall at the front of the property, and also to divide the lightwell from the pathway to the front door. Gated steps down to the lightwell provide access to the outdoor space, which is large enough to accommodate chairs for sitting out, as well as an alternative access to Flat 1.
10. Most of the front gardens of the terraced houses along Gloucester Drive are hard-surfaced and a considerable number have been excavated to provide a basement lightwell. Whilst far from ubiquitous, lightwells are now an established characteristic of the street.
11. I also note that the appeal property has a basement, and given the design of the building, it is very likely that this is a typical feature of this kind of terraced building on Gloucester Drive. Whilst lightwells are not traditional features of the street, they can allow more flexible use of such basement space, to the benefit of the housing stock of the area.
12. I note the Council's concerns with the extent of the lightwell, consistent with the guidance contained in the Supplementary Planning Document: Residential Extensions and Alterations 2009 (the SPD). The SPD was adopted prior to many of the lightwells on the street being granted planning permission, according to the appellant's research, which the Council has not disputed.
13. In this case the lightwell has a number of functions in addition to providing natural light to the basement area. It provides for a limited outlook from the

basement, which would be considerably lessened were the size of the lightwell reduced to accord with the SPD. It also provides an outdoor space for the occupier of Flat 1 to use, which would be greatly reduced were the size the lightwell to accord with the guidance in the SPD. I am satisfied the benefits to outlook and outdoor space justify the conflict with this planning guidance for the appeal development.

14. The appeal property is not listed and is not located in a Conservation Area. However the rear garden abuts the *Stoke Newington Reservoirs, New River and Filter Beds Conservation Area* (the CA). From the evidence and my observations on site, the design, scale, massing, materials and position of the appeal development do not detract from the setting of the CA and do not affect its significance.
15. For these reasons, the appeal development has an acceptable impact on the character and appearance of the area. Consequently, it accords with Policies D3 (optimising site capacity through the design-led approach), D4 (delivering good design) and HC1 (heritage conservation and growth) of the London Plan 2021; and, policy LP1 (design quality and local character) of the Hackney Local Plan 2033, and with the National Planning Policy Framework December 2023 (the Framework).

Conditions and Conclusion

16. I have had regard to the conditions suggested by the Council were the appeal to be allowed, as well as to Government policy on planning conditions¹. The appeal development has been constructed and so the standard commencement condition, and a condition requiring the prior approval of details of the materials used, are not necessary or enforceable.
17. Similarly, a condition requiring surface water drainage details and flood resilience measures to be agreed by the Council prior to construction is not necessary or enforceable. However a condition requiring details of such measures to be agreed and implemented as necessary would be needed for the management of flood risk and to protect the living conditions of future occupiers.
18. A condition specifying the approved drawings and documents would be necessary for reasons of certainty.
19. For the reasons given above, I conclude the appeal is allowed.

Andrew Parkin

INSPECTOR

¹ Paragraph 56 of the Framework

Conditions Schedule

- 1) The development hereby permitted shall be carried out in accordance with drawing Nos 379/00; 379/10B; 379/11H; 379/12D; 379/13B and the Planning, Design and Access Statement (June 2022).
- 2) Within three months of the date of this decision a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the local planning authority.

The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The surface water drainage scheme shall be implemented within three months of the date of its approval by the local planning authority, and shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.