



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: 23rd July 2024

Appeal Ref: APP/U5360/D/24/3342325

2a Gayhurst Road, London E8 3EH

- 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 Arita Andrews against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2023/2780, dated 4 December 2023, was refused by notice dated 26 January 2024.
 - The development proposed is described on the application form as a “*first floor extension to part of the existing ground floor footprint in brick to match with flat roof and living green façade*”
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

(i) the effects of the proposal on the character and appearance of the host property and whether it would preserve or enhance the character or appearance of the Graham Road and Mapledene Conservation Area; and

(ii) the effect of the proposal on the living conditions of neighbouring residential property occupiers, with particular regard to natural light, outlook, privacy and noise disturbance.

Reasons

Character and Appearance

3. The appeal property is a small, recently constructed, dwelling comprising accommodation at basement and ground floor levels. It is situated immediately to the rear of 76 Malvern Road on land formerly occupied by a pair of garages. To the other side there is an electricity substation beyond which is a long terrace of handsome 2-storey houses with basements. I note that planning permission was gained for the appeal property in 2018 following refused planning applications and a dismissed appeal for a 2-storey plus basement dwelling.
4. The property is situated within the Graham Road and Mapledene Conservation Area which is primarily made up of a grid of Victorian terraced housing. The Council’s Conservation Area Appraisal notes that the overriding feature of the

area is its uniformity of proportion, scale and style of built fabric and that there is a remarkable homogeneity in the houses and a surprising variety of architectural details. The terraces in Gayhurst Road and Malvern Road neighbouring the appeal site are good examples of these key characteristics and, together with the mature trees in the street and gardens, they clearly make a positive contribution to the appearance of the CA.

5. The new dwelling at 2a Gayhurst Road occupies what was most likely originally part of the rear garden of 76 Malvern Road. Its diminutive scale and neutral frontage mean that it is very clearly subservient to the houses to either side. A reasonable degree of openness is maintained between the neighbouring terraces, thus allowing views towards the mature trees in nearby rear gardens.
6. The proposal would comprise the erection of an additional floor which would occupy a large proportion of the flat roof of the dwelling. This would provide an additional bedroom with an en-suite and a small terrace facing the road.
7. The proposal would essentially double the height and bulk of development on the part of the site immediately next to Gayhurst Road. Not only would this additional height and bulk be forward of the prevailing front building line in Gayhurst Road but the parapet of the extended frontage would be at a similar level as the eaves of No. 2. As a result of this the proposal would be a prominent and incongruous addition to the street scene that would not be adequately subservient to the terraces to either side and would compromise what remains of the openness of the space between the terraces. In addition, in this location the first floor level terrace facing the street would be an alien feature that would be incompatible with the prevailing characteristics of street frontages in the area.
8. Due to its siting, height, bulk and design I therefore conclude that the proposal would have an unacceptable effect on the character and appearance of the host property and would fail to preserve, and result in significant harm to, the character and appearance of the CA. Consequently, the proposal fails to accord with Policies D3 and HC1 of the London Plan (2021) and Policies LP1 and LP3 of the Hackney Local Plan (2020) (HLP) which, amongst other matters, seek to ensure proposals respond to local character, and preserve or enhance the significance of the historic environment. There is also conflict with the aims of the Council's Residential Extensions and Alterations Supplementary Planning Document (2009).
9. The appellant has referred to a large number of back-of-garden infill schemes in the area many of which appear to occupy wider sites than the appeal property and/or are sited in less sensitive locations. As each planning application and appeal needs to be considered on its individual merits and against current development plan policy I attribute limited weight to these schemes.

Living Conditions

10. The flank wall of the appeal property also forms the rear boundary of the small garden at the rear of 76 Malvern Road, which is set below street level and already very enclosed. The information available to me suggests that this garden serves a lower ground floor flat that gains natural light and outlook via the garden.

11. The proposed first floor level addition would be set a short distance away from the boundary shared with No.76. Despite this the additional height and bulk in very close vicinity to the small and enclosed garden at No.76 would result in an unacceptable reduction in outlook from lower floor rear windows and from the garden. In addition, in the absence of meaningful evidence to the contrary, there is a likelihood that levels of natural light within the lower ground floor flat would be reduced to below acceptable levels.
12. Due to its siting, height and bulk I therefore conclude that the proposal would have an unacceptable effect on the living conditions of occupiers of No.76. In this respect the proposal fails to accord with HLP Policy LP2 and LP Policy D3 which, amongst other matters, state that development should be designed to ensure there are no significant adverse impacts on the amenity of neighbours.
13. The proposal includes a first floor level terrace facing the street which I note would allow views across the road towards private gardens. However, this space is north-facing and extremely small, and set a good distance away from neighbouring properties. For these reasons I am satisfied that it would not result in unacceptable noise disturbance or loss of privacy. I am also satisfied that any of the additional windows in the rear elevation could comprise obscured glass and could be fixed shut therefore preventing overlooking of neighbouring gardens.

Conclusions

14. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR