
Appeal Decision

Site visit made on 11 September 2024

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

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/U5360/D/24/3344145

1 Digby Crescent, Hackney, London N4 2HS

- 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 Ms Paula Martinez against the decision of The London Borough of Hackney Council.
 - The application Ref is 2024/0204.
 - The development proposed is the erection of a single storey rear extension; stepped side extension; alterations to the fenestration; excavation of a front lightwell and basement 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; stepped side extension; alterations to the fenestration; excavation of a front lightwell and basement extension at 1 Digby Crescent, Hackney, London N4 2HS in accordance with the terms of the application, Ref 2024/0204, 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 permitted shall be carried out in accordance with the following approved plans: 915.282, 915.283, 915.284, 915.285, 915.286, 915.287, 915.288, 915.289, 915.290, 915.291, 915.292 and 915.297
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building.
 - 4) The rooflight to the first floor ensuite bathroom of the development hereby permitted shall at all times be glazed with obscured glass.

Main Issue

2. The main issue is the effect 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 Brownswood Conservation Area (the CA).

Reasons

3. The appeal dwelling is a three storey end of terrace house in London stock brick with limited stucco detailing. The house appears to be substantially

- unaltered and is located in a street made up of terraced houses of the same period, scale and architectural expression.
4. The street is located in a local wider area whose character and appearance is defined by streets of similar residential properties. The common architectural characteristics and unaltered features give strong architectural cohesion to the streetscape, and the character and appearance of the area is largely unchanged from its original design and layout. The significance of the area as a heritage asset has been recognised by the Council through the designation of the CA in 2020. The appeal dwelling is recognised as contributing to the significance of the CA as a building of townscape merit.
 5. The CA is a heritage asset to which I have a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
 6. The appeal proposal would add a flat roofed single storey extension to the rear, excavate a lightwell to the front with a basement extension and add a flat roofed two storey stepped side extension in brick to match existing. The side extension would provide a second internal staircase and an ensuite bathroom to a rear first floor bedroom. Externally, the appeal dwelling appears to be substantially unaltered, and a recent application¹ for similar, but larger extensions was refused by the Council. The appellant has sought to respond to the reasons for refusal, including by reducing the extent and scale of the extensions in the appeal proposal.
 7. The front elevation of the proposed side extension would be set back substantially from the main façade of the existing house, with an arched window that would reflect the form of the existing adjacent entrance portico and first floor windows. The first floor element of the proposed side extension would be set substantially in from the ground floor. It would have no windows and daylight to the proposed bathroom would be via a flush roof light.
 8. The design of this part of the proposal would reflect the plain design of the existing flank of the appeal dwelling which is without any fenestration or architectural detail. The scale of this flank wall is apparent when entering the street from Queen's Drive, where the gap between the rear of 80 Queens Drive and the appeal dwelling appears as an inelegant corner transition, in an otherwise elegant piece of late 19th century streetscape. This gap also results in open views from the street into the rear gardens of the two properties.
 9. The proposed side extension would slightly fill this gap, without interrupting views of the trees beyond, but in its simple understated design would mirror and also visually break down the plain and monotonous expanse and vertical massing of the existing flank wall. The proposal would also result in no loss of characteristic architectural details. There are other similar side elements and extensions in the street and local area, and the proposal would appear to reflect this characteristic feature of the local streetscape.
 10. For these reasons, I do not find that the proposed side extension would result in an obtrusive and an incompatible form of development. Given the set back from the front elevation, the stepped massing to the first floor element and the

¹ Planning Ref: 2023/1445

matching window design, I find that it would appear as a congruent, secondary and subordinate addition to the appeal dwelling and the terrace of which it forms part. As such, the proposal would accord with the design guidelines for two storey side extensions set out Section 3 of the Council's Residential Extensions and Alterations Supplementary Planning Document (2009) and would not diminish the contribution that the appeal dwelling makes to the significance of the CA, thereby preserving its character and appearance.

Other Matters

11. Other interested parties have raised concerns regarding overlooking resulting from the roof light to the roof of the first floor side element of the proposal, which would provide an ensuite bathroom. This would lead to intrusive views resulting in a loss of privacy for occupiers. This effect could, however, be overcome through a suitably worded condition attached to an approval that would require obscured glazing.
12. For the reasons given above, I find that the proposal as a whole would not result in significant harm to the character and appearance of the appeal dwelling and the terrace of which it forms part, and would preserve the character and appearance of the CA. Accordingly, the proposal accords with Policies LP1, 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 National Planning Policy Framework (2023). 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.

Conditions

13. Along with the standard condition for the time limit on implementation of the development, and in the interests of design quality, I have included conditions requiring compliance with approved plans and matching materials to existing. In the interests of privacy, I have also included a condition requiring obscured glazing.

Conclusion

14. For the reasons given, I conclude that the appeal should be allowed.

Victor Callister

INSPECTOR