



Appeal Decision

Site visit made on 18 September 2024

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

an Inspector appointed by the Secretary of State

Decision date: 03 October 2024

Appeal Ref: APP/U5360/D/24/3345374

43 Lingwood Road, Hackney, London, E5 9BN

- 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 Motty Friesel against the decision of The London Borough of Hackney Council.
 - The application Ref is 2024/0420.
 - The development proposed is the erection of front and rear dormer extension together with sukkah roof.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of front and rear dormer extension together with sukkah roof at 43 Lingwood Road, Hackney, London, E5 9BN in accordance with the terms of the application, Ref 2024/0420, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: P 01, P 02 and P 03.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building.

Application for costs

2. An application for costs was made by Mr Motty Friesel against The London Borough of Hackney Council and this is the subject of a separate Decision.

Main Issues

3. The main issue is the effect on the character and appearance of the appeal dwelling and that of the local area, with reference to streetscene.

Reasons

4. The appeal dwelling is a two storey mid terrace house with a shallow front garden and long rear gardens. It is located in a street of similar properties, many of which have undergone significant alteration and extension. This includes front and rear dormer extensions and Sukkah roofs.
5. From my site visit, the appeal proposal appears to be substantially complete, and the full width front and rear dormer extension appear to match the planning submission drawings. This form of dormer development matches that of other dormer extensions to properties in the street, which appears to be a characteristic of the local streetscene.

6. The Council's decision notice sets out the council findings that the front of the dormer extension element of the proposal would, due to its bulk height and position, result in an incompatible form of development that would fail to respect the character and appearance of the appeal dwelling and wider streetscene. This decision was informed by the Council officer's report, which the Council in their appeal submission acknowledges was erroneous in stating that the proposed front part of the proposed dormer extension was larger than that recently approved¹ for an identical front and rear dormer extension. The Council further acknowledges that this led to an error in the reasons for refusal given in their decision.
7. The proposed sukkah roof would be to the roof of the rear part of the proposed dormer extension. This would be 3 x 2 metres, with a hipped form that would project approximately 0.5 metres above the flat roof of the rear dormer. Given the design of the sukkah roof, which appears to reflect that of a large roof light, its limited scale and limited presence, I do not find that the proposed sukkah roof, in combination with the proposed front and rear dormer extension would have any detrimental effect on the character and appearance of the appeal dwelling.
8. From my site visit, it was evident that the sukkah roof would not be visible in any street views. It would, however, be visible in longer views of the appeal dwelling from the rear. Particularly from the rear rooms and long gardens of properties fronting Ashstead Road and that back on to the terrace of which the appeal dwelling forms part. In these views the proposed sukkah roof would be visible within the context of many other sukkah roofs to the rear of other properties in the terrace and Ashtead Road.
9. Although at a higher level than other sukkah roof in the terrace, it would be at a similar height to those on properties in Ashtead Road, which, due to the local topography are set substantially above the level of properties in Lingwood Road. Given this local context, the limited scale of the proposed sukkah roof and the long rear gardens and distances involved, I do not find that the proposal would have any significant effect on the character and appearance of the local streetscene.
10. For these reasons, I do not find that the proposal would result in any significant harm to the character and appearance of the appeal dwelling or the terrace of which it forms part. As such it would accord with Policies LP1 of the Hackney Local Plan (2020), Policy D3 of the London Plan (2021) and Paragraph 135 of the National Planning Policy Framework (2023). Collectively, these seek to ensure that development is of high design quality, responds to local character and context and is compatible with the existing townscape.
11. The Council's decision finds that the proposal is contrary to policy D4 of the London Plan (2021). I have not come to this same conclusion, as this policy relates to design management procedures and policy guidance for London planning authorities.

Conditions

12. As the implementation of the proposal has commenced, I have not included the standard condition for the time limit on implementation. In the interests of design

¹ Planning Ref: 2022/2194

quality, I have included conditions requiring compliance with approved plans and matching materials to existing.

Conclusion

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

Victor Callister

INSPECTOR