



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: 7 October 2024

Appeal Ref: APP/U5360/D/24/3347703

40 Chardmore Road, Hackney, London N16 6JH

- 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 J Shon against the decision of the London Borough of Hackney Council.
 - The application Ref is 2024/0185.
 - The development proposed is the erection of a side/rear extension at lower ground floor level.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a side/rear extension at lower ground floor level at 40 Chardmore Road, Hackney, London N16 6JH in accordance with the terms of the application, Ref 2024/0185, subject to the conditions in the attached schedule.

Preliminary Matters

2. As the description of development varies between submitted documents, I have used the description from the Council's decision notice, as this is an accurate description and has also been used by the appellant in their submission.

Main Issues

3. The main issue is the effect on the character and appearance of the appeal dwelling and that of the Northwold and Cazenove Conservation Area (the CA).

Reasons

4. The appeal dwelling is a generously proportioned two storey plus lower ground floor brick built mid-terrace house, with small front and large rear gardens. It is located in a street of similar terraced houses in a predominantly residential area. This results a streetscape with significant visual cohesion, which is also reflected in the neighbouring streets in the local area and the CA.
5. The CA is recognised for its numerous typologies and examples of the Victorian terraced house, with streets that retain much of their original appearance and character. These architectural characteristics are exemplified by the appeal dwelling, and as such, it contributes to the significance of the CA.
6. 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.

7. The proposal is for a side and rear extension to the rear of the appeal dwelling, which would sit to the side of and be amalgamated with the existing rear extension. The proposal would be the same depth of the existing extension, which projects approximately 4.65 metres from the main rear wall of the appeal dwelling. The amalgamation between the existing and proposed extension would result in a rear extension to the appeal dwelling that would be to the full width of the property.
8. There is an extant planning permission¹ for a full width extension to the appeal dwelling that would replace the existing rear extension. This would project approximately 4.25 metres from the main rear wall of the appeal dwelling. This approved extension would match the rearward projection of a full width extension at 58 Chardmore Road (No 58) that was allowed on appeal².
9. The proposal to amalgamate the proposed extension with the existing would result in it having a very similar appearance to the approved extension to the appeal dwelling, as well as to that allowed on appeal at No 58, except that it would project approximately 0.4 metres further rearward into the garden. Similar to the approved extension and that allowed on appeal for No 58, the proposal would have a flat roof that would not dominate the rear bay, which is an architectural feature of the appeal dwelling and other houses in the terrace.
10. The Council officer's report states that it is the council's position that the maximum depth of a full width rear extension to properties in the terrace, including the appeal dwelling should match that of No.58, as this is the only allowed full width extension to a property in the terrace. It was evident from my site visit that rear extensions to other properties in the terrace project significantly further rearward than the existing rear extension to the appeal dwelling, albeit these appear to be of similar width. In some cases, these longer rear extensions adjoin along the property boundary, and the two together appear to have a combined width similar to that of the proposal.
11. Given this context, I see no reason to limit the proposed full width extension to that allowed on appeal at No 58. Rather, I have considered the proposal on its own merits, which is a main tenet of the planning system.
12. Considering the depth of the rear garden and generous proportions of the appeal dwelling, the scale of the proposed full width rear extension would not appear to dominate the appeal dwelling. The flat roofed massing of the proposal would also be sympathetically connected to the rear of the appeal dwelling, allowing the bay to remain as a significant architectural feature.
13. Further, given the extent of existing single storey extensions to other houses in the terrace, some of which adjoin and project significantly further rearward than the proposed extension, I do not find that the proposal would be an incongruous addition to the appeal dwelling or the terrace of which it forms part.
14. Rather, the proposal would match with existing high quality materials and would be a secondary and subordinate addition that would not overwhelm the existing building. As such, I find that the proposal accords with the design guidance set

¹ Planning ref: 2023/0338

² Appeal ref:

out in Section 3 of the Council's Residential Extensions and Alterations Supplementary Planning Document (2009).

Other Matters

15. The appeal dwelling is identified as being located in an area of high risk of surface water flooding and is located in a critical drainage area. Given the lower ground floor level of the proposal, this could lead to surface water overland flow to enter through the proposed rear doors. However, it is accepted by the Council that mitigation measures would render the proposal safe from flooding. Suitable conditions can be applied to an approval to demonstrate compliance with drainage requirements, to ensure that surface water drainage does not present further flood risk.
16. For these reasons, I find that the proposal would result in no harm to the character and appearance of the appeal dwelling and would preserve that of the CA. As such, it would accord with Policies LP1, and LP3 of the Hackney Local Plan (2020), Policies D1, D3 and HC1 of the London Plan (2021) and Sections 12 and 16 of the National Planning Policy Framework (2023). Collectively, these seek to ensure that development is of high quality design, responds to local character and context and is compatible with the existing townscape, having due regard to the importance of preserving or enhancing heritage assets, conserving their significance.

Conditions

17. I have had regard to the suggested conditions proposed by the Council with regard to protecting the living conditions of future occupiers with regard to flood safety and to provide sustainable drainage to support biodiversity. I have imposed the suggested conditions requiring submission of details of flood resilient and resistant measures, as well as drainage layout and management. I have reworded these in the interests of brevity and to avoid duplication of other conditions.
18. Along with the standard condition relating to the timing of implementation, I have attached conditions to ensure design quality which require compliance with the approved drawings, and submission of details of materials to be used.

Conclusion

19. For the reasons given, and with regard to all other matters raised, I conclude that the appeal should be allowed

Victor Callister

INSPECTOR

Schedule of 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: PL06, PL07, PL08, PL09 and PL10.

- 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) Prior to superstructure works of the development hereby approved a scheme for the provision and implementation of flood resilient and resistant construction details and measures for the site against surface water flood risk shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the agreed details and completed in its entirety before the extension is occupied.
- 5) Prior to superstructure works of the development hereby approved, detailed specification of drainage layout and a management & maintenance plan, including at least one suitable sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the agreed details.

End of Schedule