



Appeal Decision

Site visit made on 17 October 2024

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

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Appeal Ref: APP/U5360/D/24/3347159

59 Lockhurst Street, Hackney, London E5 0AP

- 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 Alice Graham against the decision of The London Borough of Hackney Council.
 - The application Ref is 2023/2903.
 - The development proposed is a lower ground, upper ground and 1st floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a lower ground, upper ground and 1st floor rear extension at 59 Lockhurst Street, Hackney, London E5 0AP, in accordance with the terms of the application, Ref 2023/2903, 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: 03, 04, 05, 06, 07
 - 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.

Main Issue

2. The main issue is the effect on the character and appearance of the appeal dwelling and that of the local area.

Reasons

3. The appeal dwelling is an end of terrace late Victorian 3 storey house, including its lower ground floor. The terrace of which it forms part is made up of similar properties, although to its flank is a single storey building used as a church space.
4. The proposal is for a three storey rear extension that would replace the existing single storey rear extension. This existing extension is just over half the width of the appeal dwelling and is located on the boundary with the adjoining terraced house at 57 Lockhurst Street (No.57).

5. The proposed extension would be the full width of the appeal dwelling at lower ground level but would step away from the boundary with No.57 at upper ground and first floor levels. These two upper floors of the proposal would be approximately 2 thirds of the width of the appeal dwelling. The proposal would have flat roofs at lower ground and first floor levels, and the 3 storey flank wall would align with the existing flank wall of the main house. The proposal also includes the insertion of 2 small obscured glazed windows in the existing flank wall at upper ground and first floor levels.
6. The Hackney Residential Extensions and Alterations Supplementary Planning Document (2009) (the SPD) advises that rear extensions should be at least one storey lower than the eaves. However, this design guidance needs to be applied to individual circumstances and with full regard to the context of the proposal and the objectives of such guidance. Within the immediate context of the rear of the appeal dwelling there are three storey brick outriggers and extensions, including those with hipped roof forms that connect to the main roof, and those with flat roofs that align with the rear eaves.
7. Of particular note is a recent three storey flat roofed rear extension at 51 Luckhurst Street (No.51) that is of similar form, scale and height as the proposal that was allowed on appeal¹. There is also a similar 2 storey flat roofed extension at 55 Lockhurst Street (No.55) where an unimplemented additional storey was also allowed recently on appeal². Within the context of the surrounding 3 storey outriggers and two and three storey flat roofed rear extensions, the proposal would appear as a simple and subordinate addition to the appeal dwelling in matching brick that is sympathetically designed to reflect the scale, materials and fenestration of the main house and the terraced houses that form its setting.
8. In wider views, the proposal would be apparent in views from Glynn Road, above the roof of the neighbouring single storey church space. However, given the footprint of this church space, the proposal is set back away from the street. In these views the proposal would appear to extend the existing London stock brick flank wall, with two new window openings. As such the proposal would accord with the materials and scale of the appeal dwelling and would appear as a complementary and subordinate addition to the appeal dwelling and the local streetscene.

Other Matters

9. Concerns have been raised by third parties regarding loss of light and privacy that would result from the proposal. Given the scale and limited depth of the proposal, its set back from neighbouring windows at upper ground and first floor levels, I do not find that it would result in a significant loss of light to the windows and amenity spaces of neighbouring properties.
10. As there are existing rear windows at upper ground and first floor levels in the appeal dwelling, I do not find that the windows at the same level in the proposed extension would result in an additional degree of overlooking that would be intrusive and result in a loss of privacy. Rather the degree of overlooking resulting from the proposal would be commensurate with a developed residential area of this type. As such I do not find that the proposal

¹ Appeal ref: APP/U5360/W/19/3234071

² Appeal Ref: APP/U5360/D/22/3302125

would result in any significant harm to the living conditions of neighbouring residential occupiers.

11. For the reasons given above, I do not find that the proposed extension would appear as an unsympathetic, obtrusive or an incongruous form of development. Rather, I find that the proposal would not result in any significant harm to the character and appearance of the appeal dwelling. As such, the proposal accords with Policy LP1 of the Hackney Local Plan 2033 (2020), Policies D1 and D3 of The London Plan (2021) and Section 12 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. Whilst there is some conflict with aspects of the proposal and the design guidance for such extensions in the SPD, for the reasons given above I find that the proposal accords with the SPD with regard to its design objectives regarding residential extensions.
12. The Council's decision finds that the appeal development is contrary to policy D4 of the London Plan (2021). I have not come to this same conclusion, as policy D4 relates to design management procedures and policy guidance for London planning authorities.

Conditions

13. Along with the standard condition relating to the timing of implementation, I have attached conditions to ensure design quality that require compliance with the approved drawings, and materials that match existing.

Conclusion

14. For the reasons given and with regard to all other matters raised, the appeal is allowed.

Victor Callister

INSPECTOR