



Appeal Decision

Site visit made on 15 October 2024 by M Long BA(Hons) MSc MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2024

Appeal Ref: APP/U5360/D/24/3345611

63 Craven Walk, Hackney, London N16 6BX

- 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 Sam Low against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/0701.
 - The development proposed is excavation at basement level including front and rear lightwells; erection of a ground floor rear extension with sukkah roof.
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Decision

1. The appeal is allowed and planning permission is granted for excavation at basement level including front and rear lightwells; erection of a ground floor rear extension with sukkah roof at 63 Craven Walk, Hackney, London N16 6BX in accordance with the terms of the application Ref 2024/0701, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: CW.63.PR.101 Rev 0 (Proposed Floor Plans, Basement; Ground; First; Loft & Roof), CW.63.PR.102 Rev 0 (Proposed Front & Rear Elevations), CW.63.PR.103 Rev 0 (Proposed Side Elevations (1&2)), CW.63.PR.104 Rev 0 (Proposed Section A-A), and the Location Plan.
 - 3) The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall match those used in the external surfaces of the existing building.
 - 4) Prior to superstructure works, detailed specification, a drainage layout and a management & maintenance plan of at least one suitable sustainable drainage system (i.e. water butt with overflow, raingarden, bioretention planter box, living roof (substrate depth of 80-150mm excluding the vegetative mat), permeable paving etc.) shall be submitted to, and approved by the Local Planning Authority (LPA), in consultation with the Lead Local Flood Authority (LLFA). If soakaways (i.e. plastic modules and soakaway rings) are used, an infiltration test must be carried out to ensure that the capacity of the soil is suitable for infiltration. It must be demonstrated that there will be no increase in surface water flow being discharged offsite and an overall reduction in peak flow rate and volume. Once approved, the development shall be completed in accordance with the approved details.

- 5) 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 agreed in writing with the LPA in consultation with the LLFA prior to the construction of the measures. The scheme shall be carried out in its entirety before the extension is occupied and constructed and completed in accordance with the approved plans in line with current best practices.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for costs

3. An application for costs was made by Mr Sam Low against the Council of the London Borough of Hackney. This application is the subject of a separate decision.

Procedural Matters

4. At the time of the appeal site visit, works were being undertaken at the site. Without any evidence to suggest otherwise, I have considered the appeal on the basis that these works relate to a subsequent planning permission on the site¹ and there is nothing before me to suggest that works have commenced on the appeal proposal.
5. The reason for refusal on the Council's decision notice explicitly refers to the effect of the proposed front lightwell and does not identify any concerns in respect of the other elements of the proposal. I have therefore defined the main issue on this basis.

Main Issue

6. The main issue is the effect of the proposed front lightwell on the character and appearance of the area.

Reasons for the Recommendation

7. Craven Walk is a gently sloping residential road. The site forms part of a short terrace of houses raised above the street level. The appeal property has a small front garden area and a raised front entrance. I observed that lightwells are not a common feature of the dwellings on Craven Walk. However, there is a large front lightwell at the attached neighbour, 61 Craven Walk (No 61), which occupies a significant proportion of this dwelling's front garden and includes stairs leading down to the basement level with railings that are visible from the street.
8. I have seen that the front lightwell at No 61 was part of development which was subject of an appeal². That appeal was allowed and quashed an enforcement notice. It was subject to conditions which required alterations to be undertaken. In that case, the Inspector considered that without the steps down and with the removal of the door at basement level, the visual impact of

¹ LPA Ref 2024/1232

² Appeal Ref APP/U5360/C/17/3183757

the front wall of the basement and window would then be minimal and acceptable in terms of character and appearance. The appeal decision included requirements for a scheme of alterations in line with this, although I noted that the stairs and basement door at No 61 remained in place at the time of my site visit.

9. Notwithstanding the above, the proposal does not include any steps or basement door. The lightwell would be set away from the pavement. It would occupy a small amount of the front garden area and would leave the substantial part of the front garden area at the existing levels. The proposed ground floor plan and 'Proposed Section A-A' also indicate that a grill would be placed over the lightwell and that this would align with the existing ground level. The lightwell would therefore have a very discreet presence and would not be highly perceptible to those passing by on the street. Therefore, similar to the observations of the Inspector for the appeal decision at No 61, I find that due to the minimal extent of the proposal, the lightwell to the front of No 63 would be acceptable.
10. Given the site-specific factors and design elements described, the proposal would accord with the design principles for basement extensions set out in the London Borough of Hackney's Residential Extensions and Alterations Supplementary Planning Document (2009), specifically that lightwells are well set back from the rear edge of the pavement and that proposals do not add clutter to the front garden resulting in an adverse visual impact to the appearance of the property and the street scene.
11. Furthermore, it has been brought to my attention that the Council has recently approved a scheme with a smaller front lightwell at the appeal property. While that particular scheme would result in a lesser amount of the front garden space being cut away, the perception from the street would not be significantly different to the proposal. Consequently, the fallback of the approved scheme is a significant material consideration which further persuades me that the proposal would not be harmful in this particular instance.
12. The Council has also referred to proposals that it refused at the neighbouring dwelling at 59 Craven Walk³. However, from what I have seen those particular proposals included more extensive works including larger lightwells and are not comparable to the appeal proposal.
13. I conclude that the proposal would have an acceptable effect on the character and appearance of the area. It would therefore comply with Policy LP1 (Design Quality and Local Character) of the Hackney Local Plan 2033 (2020) (LP) and Policy D3 (Optimising site capacity through the design-led approach) of The London Plan (2021) (TLP) which together, amongst other things, seek development that responds to local character and context.
14. The Council have mentioned conflict with Policy D4 (Delivering good design) of TLP, which primarily relates to the design process and scrutiny. This Policy is principally strategic in nature and so has not been decisive having regard to the modest nature of the appeal scheme and its accordance with the more specific design and local character requirements of the development plan.

³ LPA Refs 2023/1192 and 2022/2007

Conditions

15. In addition to the standard time period for commencement, I recommend a condition to require that the development be carried out in accordance with the approved plans, which is necessary in the interests of certainty. I have not included 'CW.63.EX-PR-101 (Rev 0) - Existing & Proposed - Site Plan' amongst the approved drawings as there is a discrepancy on the 'Proposed ground floor' on that drawing which shows the 'Skypod Glass Roof Lantern' to the rear in a different position to the other plans provided. In any case, the other plans listed in the condition correspond with each other and are comprehensive. I also recommend a condition requiring that matching external materials are used to ensure that the development positively relates to the character and appearance of the dwelling.
16. The Council has drawn my attention to 'The Long Term Flood Risk Map for England', which shows that the site is situated in an area with a medium risk of surface water flooding. Policy LP53 (Water and Flooding) of the LP sets out that all development must have regard to reducing flood risk, both to, and from the site, over its expected lifetime; and, that development which includes the creation or extension of basements must demonstrate that they will not increase the potential for groundwater flooding to itself or to the surrounding area. Having regard to this Policy, I therefore recommend the conditions suggested by the Council that relate to sustainable drainage systems and measures for the site against surface water flood risk, which are necessary to ensure there is no increase in risk to surface water flooding.

Conclusion and Recommendation

17. The proposed development would accord with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

M Russell

INSPECTOR