



Appeal Decision

Site visit made on 20 May 2025

by **A Owen MA BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 June 2025.

Appeal Ref: APP/U5360/W/24/3353950

36 Lavender Grove, Hackney, London E8 3LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Daniel and Harriet Hanna against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/0903.
 - The development proposed is demolition of existing garages (two in a run of three) that lies adjacent to the dwelling house and replace it with a modern brick side extension, together with enlargement of the front garden and boundary wall as well as alterations to the pavement; replacement of front elevation timber sash single glazed windows to timber sash double glazed windows; and installation of solar panels to the single storey rear extension below the parapet.
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Decision

1. The appeal is dismissed.

Main Issues

2. Although the Council failed to issue a decision on the application within the prescribed period, they have set out, in their Statement of Case, putative reasons for refusal. From that, I consider the main issues to be the effect of the development on the character and appearance of the area including the Graham Road and Mapledene Conservation Area, and the effect on highway safety and parking provision.

Reasons

Character and appearance

3. The appeal site accommodates the end dwelling in a terrace of four. This section of Lavender Grove almost exclusively contains terraces of four dwellings each. The rhythm created by the homogenous form of the terraces in this part of Lavender Grove and the consistency of the detailed design features, such as the windows and doors, are strong positive characteristics of the area.
4. Likewise, the significance of the Graham Road and Mapledene Conservation Area is strongly informed by the uniformity of the proportions and scale of the rows of dwellings, often in terraces and in a grid pattern, displaying strong degrees of consistency.
5. The garages to be demolished are to the west of the dwelling and adjoin the back of the properties on Malvern Road. The extension to replace two of the garages would have a substantial width; and would be wider than the host dwelling. Due to

this excessive width, it would appear as a disproportionate extension. It would be set back slightly behind the façade of the main dwelling, but it would be clearly visible above the proposed low boundary hedge and railings.

6. Some other end of road properties in the area, such as at 122 Mapledene Road, have narrow two storey extensions which reflect the proportions of the main house, and some dwellings, such as at 18 Malvern Road, have rear extensions which are largely screened from the street by a boundary wall. But extensions are not common and there are none that are comparable to that proposed.
7. In addition, the glazing design for the window in the front elevation, consisting of four rows of two horizontal panes, would not match the bay windows or the first floor windows at the main dwelling or in the other nearby houses which mostly have one central pane with two smaller side panes. It is noted that the windows at No 38 are different in that they contain vertically orientated panes, but the size of the windows remain and so the rhythm of the street scene is maintained. Whilst the materials and colour of the frame could be addressed by a planning condition, the design could not.
8. Overall, the development would therefore appear incongruous in its setting. This would disrupt the consistency of the terrace and the street scene which would consequently harm the character and appearance of the immediate area and the significance of the wider conservation area.
9. It is understood that planning permission has already been granted for a single storey side extension of a comparable height and position to that proposed. Crucially however, that extension was significantly narrower than that now proposed, requiring the demolition of only one garage. The current proposal is substantially different.
10. It is acknowledged that the garage doors are not attractive features and are identified in the Conservation Area Appraisal as poor quality. Nonetheless, their separation from the main house means they are read as a detached building which does not disrupt the consistency of the terrace and the uniformity of the houses in the street.
11. Paragraph 212 of the National Planning Policy Framework advises that great weight be given to the conservation of heritage assets including conservation areas. In this case, given the small scale of the development, the harm to the conservation area would be less than substantial and so any public benefits should be considered.
12. There would be some benefit in terms of providing the appellant with an enhanced living environment and some economic benefit to local construction firms. Moreover, it is understood that the garages are of an unusable size for modern cars and hence the development would make a more effective use of land. Also, as set out above, the garage doors detract from the character and appearance of the conservation area. Nonetheless, these all carry limited weight given the small scale of the proposal. They do not outweigh the great weight that should be given to the harm that the development would cause to the significance of the conservation area.
13. In summary, the development would harm the character and appearance of the area and the significance of the conservation area. It would therefore conflict with

policies D3 and D4 of the London Plan (2021) (the 'LP') and policies LP1 and LP17 of the Hackney Local Plan (2020) (the 'HLP') which together seek to ensure development is of high quality design and responds positively to local context.

14. It would also conflict with the advice in the Council's Residential Extensions and Alterations Supplementary Planning Guidance (2009) which says that side extensions will generally be unacceptable if they exceed half the width of the main building.

Highway safety and parking provision

15. As the development would remove two garages, the vehicular access to them could be removed and the pavement, which currently terminates in front of No 36, be extended. Similarly, the double yellow lines in front of the two garages could be removed and the parking zone extended. These works would all be on the public highway and so would necessitate the completion of a section 278 agreement.
16. Whilst such works would be desirable, they would not be necessary to facilitate the development or make it acceptable. Were they not to occur, the existing pavement which is in reasonable condition and provides no hazard to pedestrians, would remain as it is. Furthermore, as the garages are not of a usable width for cars, their demolition would not result in a loss of parking and therefore it is not necessary for replacement on-street parking space to be provided. Indeed, HLP policy LP45 supports the reduction in parking provision. Any works that do occur would require the agreement of the Council which would ensure they are of an appropriate standard. As this would be covered by separate legislation it need not be subject of a planning obligation.
17. As such, the development would have no harmful effect on highway safety and parking provision. It would therefore not conflict with policies T1 and T4 of the LP and policy LP43 of the HLP which together seek to ensure development mitigates any impacts on the transport network so that it does not increase road danger. It would also comply with HLP policy LP45 as set out above.

Other Matters

18. The concerns raised by some neighbours are noted. However as the appeal is being dismissed for other reasons, I need not consider those concerns further as they could not have a determinative bearing on my decision.

Conclusion

19. Although I find no harm to highway safety and parking provision, the harm the proposal would cause to the character and appearance of the area including the Graham Road and Mapledene Conservation Area carries great weight. The proposal would therefore conflict with the development plan taken as a whole and there are no other material considerations that suggest a decision other than in accordance with the development plan.
20. Therefore the appeal is dismissed.

A Owen

INSPECTOR