



Appeal Decision

Site visit made on 19 June 2025

by **SJ Desai BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/U5360/D/25/3364419

74 Linthorpe Road, Hackney, London N16 5RF

- 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 Alex Deutsch of Tagmarsh Charity Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2025/0169.
 - The development is described as: 'Roof extension on the rear section of the building to provide one additional bedroom, a study and a bathroom'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit I observed that a connected rear dormer extension and roof extension above the outrigger have been erected. For the avoidance of doubt, I confirm that my determination of the appeal is based on the drawings submitted with the original application.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the host dwelling and the surrounding area.

Reasons

4. The appeal property is a terrace dwelling located on a residential street characterised by Victorian terraced houses. While there is some variety in the rear elevations of the terrace, particularly at ground and first floor level, the prevailing roofline of the terrace remains largely unbroken and contributes positively to the cohesive character of the area. Notably, with the exception of an extension at 76 Linthorpe Road, upward extensions to existing outriggers within the terrace are not a common feature.
5. The Council's Residential Extensions and Alterations Supplementary Planning Document (2009) (the SPD) provides clear guidance that roof extensions should not depart from or disrupt the existing roof form and should be in scale with, and proportionate to, the existing roof.
6. Although the proposal incorporates a 2-metre setback from the rear wall of the outrigger, the position, scale and massing of the extension would nevertheless

result in a bulky and visually intrusive addition. It would dominate the outrigger and main dwelling roof slope, appearing discordant in relation to both the host property and the terrace as a whole. The proposal fails to be subordinate or reflect the proportionality of the original building.

7. While not visible in public views, the extension would be prominently visible from the rear windows and gardens of adjacent and nearby properties. In these private views, it would appear as an incongruous intervention, detracting from the established character of the terrace and the wider townscape. The impact on visual amenity in these views would be significant and adverse.
8. The appellant draws my attention to a potential fallback position under the provisions of the Town and Country Planning (General Permitted Development) Order 2015, and references the principles established in *Mansell v Tonbridge & Malling Borough Council* [2017] EWCA Civ 1314. I acknowledge that a fallback position can carry material weight in the decision-making process, provided that there is a genuine prospect of its implementation.
9. However, in this instance the evidence before me is insufficient to demonstrate a realistic intention or likelihood that such a permitted development scheme would be implemented nor am I persuaded, based on the information before me, that such a scheme would result in a materially greater level of harm compared to that identified in respect of the appeal proposal. Consequently, I afford only limited weight to the fallback argument.
10. For the reasons set out above, I conclude the proposal would cause significant harm to the character and appearance of the host dwelling and the surrounding area. Therefore, it would conflict with Policies D3 and D4 of the London Plan (2021), and Policies LP1 and LP17 of the Hackney Local Plan 2033 (2020), which collectively seek to ensure that development respects local context, enhances the built environment, and maintains appropriate separation and spatial character between buildings. The proposal would also be contrary to the guidance contained within the SPD, which aims to create a high-quality, sustainable built environment, and the requirements of the National Planning Policy Framework (the Framework).

Other Matters

11. The Council concluded the proposal would not result in harmful living conditions to neighbouring occupiers and based upon the evidence before me, and my observations on site, I concur. However, compliance with such policies would be a neutral matter in the balance and does not weigh in favour of the appeal scheme.
12. The efficient use of land and creating good quality accommodation are well-established planning objectives. However, these considerations do not override the need for high quality, contextually appropriate design. In this case, the harm identified significantly outweighs any limited benefits associated with the intensified use of the appeal property.
13. The appellant has referred to advice from the Council during the pre-application stage. However, such procedural matters do not carry determinative weight in the context of this appeal and do not alter the planning merits or policy compliance of the proposal. I have considered this appeal proposal on its own particular merits and concluded that it would cause harm for the reasons set out above.

Conclusion

14. The proposal does not accord with the development plan when considered as a whole and there are no material considerations, including the Framework that indicate a decision should be made other than in accordance with it.
15. For the reasons given above, I conclude the appeal should be dismissed.

SJ Desai

INSPECTOR