



Appeal Decision

Site visit made on 6 October 2025

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/U5360/D/25/3372224

20 Bergholt Crescent, London N16 5JE

- 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 E Rothbart against the decision of Hackney Council.
 - The application Ref is 2025/0666.
 - The development proposed is for the erection of a single storey rear/infill extension with roof lights.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear/infill extension with roof lights at 20 Bergholt Crescent, London N16 5JEB in accordance with the terms of the application, Ref 2025/0666, subject to the following conditions:
 - 1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
 - 2) The development hereby permitted shall only be carried out and completed strictly in accordance with the following approved plans: 1:1250 Location Plan, BC.20.PR.201, BC.20.PR.202, BC.20.PR.203, BC.20.PR.204 & BC.20.PR.205.
 - 3) Prior to superstructure works, a detailed specification, a drainage layout and a management & maintenance plan (where applicable) of at least one suitable sustainable drainage system (i.e. water butt with overflow, rain garden, bio-retention planter box, living roof (substrate depth of 80-150mm excluding the vegetative mat), permeable paving etc.) shall be submitted to, and approved by the Council, in consultation with the Lead Local Flood Authority. 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 and the development shall be implemented as per the approved details.
 - 4) All new external finishes in respect of all the works hereby approved (and any other incidental works to be carried out in this connection) shall match the existing building in respect of materials used, detailed execution, and finished appearance.

Main Issues

2. The main issues are the effect of the appeal proposal upon the character and appearance of the area; and upon the living conditions of the occupants of 18 Bergholt Crescent, with specific reference to outlook.

Reasons

Character and Appearance

3. The appeal site comprises a mid-terrace house which has a single storey extension in situ within its lightwell, no 18 has a similar structure the same depth such that their rear elevations are in line with each other. No 18 has glazed doors and windows serving a kitchen area within its infill extension which leads out onto a patio.
4. I note from the planning history that the site benefits from an extant planning permission (2024/2223) which is very similar in design to that before me, bar the fact the eastern flank elevation, adjacent to No 18 is set in by 1.5m from the main rear elevation, before projecting at a depth of 4.5m beyond the rear of the neighbouring property; the remainder of the extension being a total of 6m in depth.
5. Consequently, whilst the proposal would square off the rear elevation of the extension, in reality it would not be materially greater in scale than the extant scheme and therefore I fail to see how it would result in an overly large or dominant extension having regard to the fallback position.
6. The Council quite clearly found the previous proposal acceptable, notwithstanding that in terms of depth the extension was more than double that advocated in paragraph 3.22 of the its Local Development Framework Supplementary Planning Document: Residential Extensions and Alterations approved April 2009 (SPD) which stipulates that for terraced houses the maximum depth normally acceptable is 3m provided a minimum of 50% of the back garden remains. The SPD goes on to state that rear extensions to houses with very small gardens will be assessed on their individual merits and if the neighbouring house is set to a lower level or has a different rear building line then this depth may have to be reduced, which is not the case here. The Council has not specified as to why the previous proposal was deemed to be acceptable therefore whilst it would conflict with the SPD on face value I consider that in terms of depth, the proverbial horse has already bolted.
7. On this matter I consider that the proposal would not have a harmful effect on the character and appearance of the area and complies with policies D3, D4 and D6 of The London Plan (2021) and policy LP1 of The Hackney Local Plan 2033 Strategic Planning adopted July 2020 (HLP) which together require all development to make the best use of land by following a design-led approach which optimises the capacity of sites ensuring good design and high quality housing whilst being compatible with the existing townscape.

Living Conditions

8. As I've highlighted above, no 18 has an infill extension within the lightwell to the same depth as that on the appeal dwelling, this includes fenestration that provides natural light to its kitchen area. The proposal as previously permitted by the council exceeded the guidelines set out within the SPD and whilst I acknowledge that 'two wrongs don't make a right', the eastern elevation of the extension has been

designed such that it would have a shallow mono pitched roof element adjacent to the shared boundary with No 18 at 2.7m high. No 18 also has other habitable room windows towards the eastern side of its rear elevation and overall, by virtue of its limited height I consider that the proposed extension would not give rise to material loss of outlook to the occupants of the neighbouring property.

9. Therefore, on balance, I find that the proposal would not have a demonstrable harmful effect upon the occupants of no 18 and in addition to complying with the aforementioned design policies set out within the development plan, I also find that the scheme would comply with HLP policy LP2 which requires all new development to be appropriate to its location and designed to ensure that there are no significant adverse impacts on the amenities of neighbours having regard to, amongst other things outlook.

Conclusion and Conditions

10. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
11. The Council has not suggested that any conditions be imposed, however bearing in mind the extant planning permission I consider that it is reasonable to reimpose those conditions found on the decision notice for 2024/2223. These essentially comprise the standard conditions as set out within the householder appeal questionnaire, along with a condition requiring details of drainage as recommended by the Council's drainage consultee. Consequently, I consider that in addition to imposing the standard time limit condition, it is necessary to impose those conditions as listed above in the interests of the character and appearance of the area, and to reduce the risks from surface water flooding.

C J Tivey

INSPECTOR