



Appeal Decision

Site visit made on 15 September 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2020

Appeal Ref: APP/U5360/D/19/3243235

14 Leweston Place, Hackney, London N16 6RH

- 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 Englander against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2019/3416, dated 18 September 2019, was refused by notice dated 14 November 2019.
 - The development proposed is described as excavation of a single-storey basement level beneath the front garden and footprint of property in association with the formation of a front lightwell and partial removal of the front boundary wall.
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Decision

1. The appeal is allowed and planning permission is granted for excavation of a single-storey basement level beneath the front garden and footprint of property in association with the formation of a front lightwell and partial removal of the front boundary wall at 14 Leweston Place, Hackney, London N16 6RH in accordance with the terms of the application, Ref: 2019/3416, dated 18 September 2019, and the plans submitted with it, 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 following approved drawings: E01 Floor Plans, Existing; E02 Floor Plans, Existing; E03 Elevations, Existing; E04 Elevations, Existing; E05 Sections Existing; E06 Sections, Existing; E07 Sections, Existing; P01 Floor Plans, Proposed; P02, Floor Plans, Proposed; P03, Floor Plans, Proposed; P04 Elevations, Proposed; P05 Elevations, Proposed; P06 Sections, Proposed; P07 Sections, Proposed; P08 Sections, Proposed; P09 Sections, Proposed; SO-01 Location Plan.
 - 3) The materials to be used in the construction of the external vertical surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme for the provision and implementation of flood-resilient and resistant construction details and measures for the basement, against surface water flood risk. The scheme shall accord with the BS8102:2009 code of practice for protection of below-ground structures against water from the ground, and

BS 8582:2013 code of practice for surface water management for development sites, as applicable. The scheme as approved shall be implemented in its entirety before the basement is occupied, and retained thereafter.

- 5) In the event that groundwater is encountered during excavation, works shall not proceed until there shall have been submitted to and approved in writing by the local planning authority a groundwater flooding mitigation plan. The measures implemented as approved shall be retained thereafter.
- 6) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a sustainable drainage scheme. The scheme shall include the following: a detailed specification and layout of a suitable sustainable drainage system, including but not necessarily restricted to water butt and/or bioretention planter box provision. If soakaways comprising 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 the following: no increase in surface water flow being discharged off-site; and an overall reduction in peak flow rate and volume for all return periods up to the 1-in-100 year storm events, plus an allowance for climate change. The measures implemented as approved shall be retained in working order thereafter.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area including the host building, and
 - the living conditions of future occupiers, with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal site comprises a two-storey semi-detached dwelling, located within a residential area. The property is situated within a row of early twentieth century pairs of semi-detached houses, which have a mix of brick and/or render walls, and tile or slate roofs. The other side of the street comprises a terrace of older Victorian brick dwellings. The appeal property has a paved front garden area on which cars were parked. This is within a context on the street of a mix of more traditional front gardens with some planting, and other more open, hard surfaced spaces which are used for parking.
4. The host building has one and two-storey extensions to the rear, and a front, side and rear wrap-around dormer extension. Together, these extensions have added proportionately substantial mass to the host building. The Council is concerned that the proposed development would, in combination with the existing extensions, result in an excessively disproportionate addition to the original dwelling.
5. However, the proposed basement would be situated below ground. Furthermore, while the top of the lightwell and the proposed steps down to the

basement would be visible externally, together they would occupy only around a sixth of the front garden area, and would not be visually dominant. These elements would also be visually separated from the mass of the existing rear extensions by the main core of the building. Given the above, the mass of the proposal would not be significantly perceptible externally, viewed above ground, including from the public domain. Consequently, it would not add significantly to the externally visible mass of the dwelling.

6. The front garden area would continue to appear as a mainly paved area. Furthermore, the short stretches of front perimeter walling and compact trees or shrubs in containers, as illustrated on the proposed layout and elevation drawings, would echo more traditional front garden treatments. There is scope for container planting within a sustainable drainage scheme, which is to be secured by planning condition.
7. In conclusion, the proposal would not harm the character and appearance of the host building, the streetscene and the area. As such, it would not conflict with Policies 7.4 and 7.6 of the London Plan (2016)¹, Policy 24 of the Hackney Core Strategy (2010) and Policy DM1 of the Hackney Development Management Local Plan (2015) (DMLP). Together the policies seek to ensure that development complements local character. Furthermore, the proposed development would not conflict with the aim of preserving the appearance of the residential area, as set out in section 3.1 of the guidance in the Hackney Residential Extensions and Alterations Supplementary Planning Document (2009) (SPD).

Living conditions of future occupiers

8. A storage room, playroom and bathroom are proposed in the basement. Whilst the proposed development would receive some light from the lightwell, it would substantially rely on artificial indoor lighting, and would not have outlook from side windows. Nevertheless, the main, substantial volume of living space in the dwelling would remain above ground, with associated light and outlook. Moreover, the proposal would provide additional storage space within the property.
9. I conclude that the proposed development would not harm the living conditions of future occupiers. As such, it would not conflict with Policies DM1 and DM2 of the DMLP which, together, seek to ensure that development safeguards the living conditions of residents.

Conditions

10. The conditions suggested by the Council have been considered against the tests of the National Planning Policy Framework and advice provided by Planning Practice Guidance. They have been broadly found to be reasonable and necessary in the circumstances of this case. I have made some minor drafting changes to suggested conditions in the interests of precision.
11. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, to provide certainty. A condition covering materials is necessary in the interests of safeguarding the character and appearance of the area. Conditions

¹ The London Plan: The Spatial Development Strategy for London, Consolidated with Alterations since 2011, March 2016.

regarding groundwater and surface water flood protection are required to safeguard living conditions of occupiers. A condition covering sustainable drainage is necessary in the interests of environmental sustainability.

12. While the Planning Officer's Report refers to the need to protect trees in proximity to the proposal, the Council has not suggested a condition to this effect. Moreover, during my site visit I did not see trees that are likely to require such protection in the vicinity of the proposed works. Therefore, such a condition is not attached.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

William Cooper

INSPECTOR