

Planning Sub-Committee – 11/01/2024

ADDRESS: 42 Bergholt Crescent, Hackney, London, N16 5JE	
WARD: Woodberry Down	REPORT AUTHOR: James Clark
APPLICATION NUMBERS: 2023/1076	VALID DATE: 10-05-2023
DRAWING NUMBERS: 21.1249/001 D; 21.1249/002 A; 21.1249/003 A; 21.1249/004 A; 21.1249/005 A; 21.1249/006 A; 21.1249/007 A; 21.1249/008; 21.1249/010; 21.1249/011; 21.1249/012 C; 21.1249/013 D; 21.1249/014 A; 21.1249/015 B; 21.1249/016 C; 21.1249/017 C; 21.1249/018 B; 21.1249/019 C; 21.1249/020 C; 21.1249/021 B	
APPLICANT: Moses Rosner	AGENT: Chris Brady
PROPOSAL: Construction of a single-storey rear extension at ground floor level, a first floor infill extension and a rear roof extension as well as the installation of windows in the side elevation, excavation of a full-depth basement with associated front and rear lightwells.	
POST SUBMISSION REVISIONS: Alterations to the site curtilage, details of lightwell railing provided, changes to the internal layout, changes to the roof extension fenestration pattern, details provided to show the retention of the front boundary wall, changes to layout plan of front garden, side elevation updated to show the proposed side door, retention of the front staircase, covering letter updated to remove reference to demolition, daylight sunlight assessment amended to refer to the correct neighbouring garden.	
RECOMMENDATION SUMMARY: Grant planning permission subject to conditions.	
NOTE TO MEMBERS: This application is referred to members of the Planning Sub-Committee for consideration due significant public interest in the application.	

REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:	
Major application	
Substantial level of objections received	Yes
Other (in accordance with the Planning Sub-Committee Terms of Reference)	

ANALYSIS INFORMATION

ZONING DESIGNATION

	Yes	No
CPZ	W	
Conservation Area		X
Listed Building (Statutory)		X
Listed Building (Local)		X
Priority Employment Area		X

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LAND USE	Use Class	Use Description	Floorspace Sqm
Existing	C3 (a)	Dwellinghouse	222
Proposed	C3 (a)	Dwellinghouse	375.6

CASE OFFICER'S REPORT

1. SITE CONTEXT

- 1.1 The application site is located to the north of Bergholt Crescent between Cranwich Road and Durley Road.
- 1.2 The application site consists of a three-storey, end of terrace single dwellinghouse built from yellow and red stock brick with white painted window and door surrounds. The roof profile comprises two gable ends, the primary gable is located on the side elevation and a secondary gable end is located on the front elevation. The dwellinghouse also features a two-storey outrigger on the rear elevation with a hipped roof. At the ground floor level the application site has two existing rear extensions, an infill extension and a lean to rear extension.
- 1.3 The surrounding area is primarily residential, with Bergholt Crescent mainly consisting of dwellinghouses of the same typology as the application site. The street appears to be heavily modified with most dwellinghouses possessing a rear extension and many possessing roof extensions. Some also possess front lightwells and basement extensions.
- 1.4 The site is neither a Listed Building, nor lies within a Conservation Area.

2. RELEVANT HISTORY

- 2.1 *Planning History*
- 2.2 **2018/2033:** Proposed erection of a rear roof extension. **Decision: Granted 23-07-2018 Delegated**
- 2.3 **2018/2054:** Erection of a single-storey rear extension, plus excavation of the existing basement including the provision of a front lightwell and associated alterations to the front elevation. **Decision: Granted 02-08-2018 Delegated**
- 2.4 **2018/2083:** Prior Approval for a Larger Homes Extension for the erection of single-storey ground floor rear extension measuring up to 6.0m deep, 4.3m wide and 3.0m high. **Decision: Refused 17-07-2018 Delegated**

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- 2.5 **2019/1338:** Prior Approval for a Larger Homes Extension for the erection of single-storey ground floor rear extension measuring up to 6.0m deep, 3.5m eaves height and 3.5m maximum height. **Decision: Granted 17-05-2019 Delegated**
- 2.6 **2019/1402:** Prior Approval for a Larger Homes Extension for the erection of single-storey ground floor rear extension measuring up to 6.0m deep, 2.8m eaves height and 2.8m maximum height. **Decision: Granted 21-05-2019 Delegated**
- 2.7 **2019/1633:** Erection of a first floor rear extension. **Decision: Granted 01-07-2019 Delegated**
- 2.8 **2019/1844:** Erection of single-storey ground floor rear extension and excavation basement including the installation of front and rear lightwell and associated elevational alterations. **Decision: Refused 18-09-2019 Delegated. Refused on the grounds that the ground floor rear extension was overly large and unsympathetic to the host dwellinghouse. Furthermore it would result in a loss of light and outlook as well as an increased sense of enclosure for the neighbouring dwellinghouse.**
- 2.9 **2019/2189:** Proposed installation of windows in western elevation at ground, first and second floor levels. **Decision: Granted 08-08-2019 Delegated**
- 2.10 **2019/3890:** Demolition of existing single storey rear extension and erection of a part 6m, part 10.5m deep single storey rear extension (wraparound extension), excavation of a basement floor including a front and rear lightwell and modest external alterations. **Decision: Refused 17-12-2019 Delegated. The reason for refusal was due to the ground floor rear extension being overly large at the boundary resulting in a loss of light and outlook as well as an increased sense of enclosure for the neighbouring dwellinghouse.**
- 2.11 **2020/0409:** Erection of single-storey rear extension at ground; excavation of full depth basement with associated front and rear lightwells and associated works. **Decision: Refused 31-03-2020 Delegated. Refused on the grounds that the ground floor rear extension was overly large at the boundary resulting in a loss of light and outlook as well as an increased sense of enclosure for the neighbouring dwellinghouse.**
- 2.12 **2021/0544:** Construction of a single storey rear extension at ground floor level and alterations to the existing rear and infill extensions together with excavation of full depth basement with associated front and rear light wells and associated works. **Decision: Granted 03-06-2021 Delegated.**
- 2.13 **2021/2110:** Construction of a single-storey rear extension at ground floor level and the construction of a two-storey infill extension together with the construction of a rear roof extension, the installation of windows in the side elevation, excavation of a full-depth basement with associated front and rear lightwells and associated works. **Decision: Refused 28-09-2021 Delegated. Refused on the grounds that the rear roof extension was overly large and unsympathetic to the host dwellinghouse. Furthermore, the size of the roof extension and of the ground floor rear extension would result in a loss of light and outlook as well as an**

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increased sense of enclosure for the neighbouring dwellinghouse. Finally the proposed side windows were considered to result in an undue loss of privacy for the neighbouring dwellinghouse.

- 2.14 **2021/3213:** Demolition of the existing building (and associated structures) and construction of a replica replacement building, including the construction of a single-storey rear extension at ground floor level; the construction of a two-storey infill extension together with the construction of a rear roof extension; the installation of windows in the side elevation; excavation of a full-depth basement with associated front and rear lightwells and reconstruction works to the front elevation. **Decision: Refused 26-06-2023 Delegated. Refused on the grounds that the rear roof extension was overly large and unsympathetic to the host dwellinghouse. Furthermore, the demolition and reconstruction of the house would result in a loss of original fabric and detailed design, would result in a unsympathetic and uncharacteristic form of development which would harm the character and appearance of the site, adjoining terrace and the surrounding wider streetscene. Finally concerns were raised relating to the sustainability of such works.**
- 2.15 **2022/2177:** Prior notification of proposed demolition of 42 Bergholt Crescent, Hackney, London, N16 5JE. **Decision: Refused 04-10-2022 Delegated. The proposed development, is considered contrary to the limitations set out in B.1 (A) of Class B of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)**
- 2.16 **2023/2395:** Prior notification of proposed demolition of 42 Bergholt Crescent, Hackney, London, N16 5JE. **Decision: Refused 03-11-2023 Delegated. The proposed development, is considered contrary to the limitations set out in B.1 (A) of Class B of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)**
- 2.17 *Enforcement History*
- 2.18 **2018/0551/ENF:** Change of use to a House in Multiple Occupation. **Outcome: Case closed - No breach.**
- 2.19 **2020/0167/ENF:** Construction of rear extension in excess of previously consented scheme or permitted development limits. **Outcome: Case closed - breach removed.**

3. CONSULTATIONS

- 3.1 Date Statutory Consultation Period Started: 23-05-2023
- 3.2 Date Statutory Consultation Period Restarted: 15-12-2023
- 3.3 Date Statutory Consultation Period Ends: 08-01-2024
- 3.4 Site Notice: No

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3.5 Press Advert: No

Neighbours

3.6 Letters of consultation have been sent to 51 adjoining owners/occupiers. At the time of writing the report, objections in the form of ten written letters of objection had been received. These representations are summarised below:

- The proposed extensions are out of scale and disproportionate resulting in harm to the character of the dwellinghouse, the rest of the terrace and the wider neighbourhood.
- The end of terrace properties are more visually prominent and have a unique design which adds to the character of the streetscape, the proposal would damage the coherence established by these elements.
- The single storey rear extension is larger than anything currently present on the street and would set a negative precedent.
- The proposal would set a negative precedent for the surrounding area.
- Loss of light from the ground floor extension on neighbouring amenity spaces.
- It appears that the roof of the flat roof ground floor extension will be accessible and used as an amenity space resulting in a loss of neighbouring privacy.
- Light pollution from the windows and skylights.
- General loss of light and outlook
- Loss of privacy
- Noise and traffic impacts
- The proposed height of the ground floor extension is misleading in reality it will be 3.22 metres rather than the 2.8 shown on the plans which is taken from the raised floor structure resulting in a loss of light and outlook for neighbouring dwellings.
- The proposed roof extension would create a sense of enclosure and detract from the character of the area.
- May result in an impact on neighbouring trees
- Harm to biodiversity by removing shrubs and bushes in the rear garden
- The proposed first floor infill extension would be a significant increase in massing and would be prominently visible from the surrounding area.
- The sukkah roofs in the rear ground floor extension and roof extension are larger than anything currently present on the street and would result in significant amounts of light pollution.
- Concern about drainage issues from the size of the proposed basement, in the event of approval drainage conditions recommended on previous applications should be included for this case.
- Loss of front garden area results in lack of space for waste bins
- The design and access statement makes reference to the demolition of the existing building which would be extremely harmful to the character of the area. (Officers note: The covering letter was revised to remove reference to demolition as this does not form part of the application.)
- Property is in a state of neglect because of deliberate actions of the landowner which is not mentioned or shown in the plans. (Officers note: The property is currently in a state of disrepair, although the proposed works seek to remedy this issue.)

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- Lack of information about water or sewage (Officers note: This is not a material planning consideration)
- Such a large and deep basement may create significant structural issues. (Officers note: Structural issues are not a material consideration of planning.)
- Concern raised about subsistence of neighbouring dwellings and gardens from the basement and the massing from the additional extensions. (Officers note: Structural issues are not a material consideration of planning.)
- The application includes elements that formed part of the reason for refusal under the previous application. (Officer note: The proposal will be assessed in accordance with the requirements of the adopted Development Plan)
- The proposal would harm the appearance and uniformity of the area.
- Why is such a large extension required for a family dwellinghouse and no new bedrooms are proposed. (Officers note: The application will be assessed in accordance with the adopted Development Plan)
- Concern that the significant enlargement may result in the use of the building as a school, community centre or place of worship. It may also be amalgamated with the schools on Amhurst Road. This will exacerbate existing noise disturbance from the schools into a quiet residential area. (Officers note: The submitted details indicate the application site will be retained as a single family dwellinghouse)
- In application 2021/3213 this room has been described as a function room and has simply been renamed to play room implying that a commercial or semi-public use is intended that could cause noise disturbance. (Officers note: This comment is conjecture. The submitted details will be assessed in accordance with the Development Plan, having regard to relevant material planning considerations)
- The application may also be converted into rented accommodation which would have a wider impact upon the character of the area. (Officers note: This comment is conjecture. The submitted details will be assessed in accordance with the Development Plan, having regard to relevant material planning considerations)
- The extension would be built on an access path which does not belong to the site. (Officers note: The floor plans show that no part of any of the extensions would be built over the side passageway; however a side door would open onto this space.)
- Risk of increased subdivision due to the large increase in internal floor area. (Officer note: This comment is conjecture. The submitted details will be assessed in accordance with the Development Plan, having regard to relevant material planning considerations)
- The large amount of applications submitted which are not followed through leading to more submission is a waste of time for residents. (Officer note. This is not a material planning consideration. There are no limits on the number of applications that can be made by an applicant)
- There are no basement or ground floor plans (Officers note: These have been submitted and published online.)
- Form says that the work has not commenced however stripping out of the interior has already begun. (Officer note: Works to the interior of the dwellinghouse do not require planning permission.)

3.7 One representation was also received which raised the following comments:

- All windows on the southwest elevation should be non-opening and opaque to ensure that impacts on neighbouring privacy and noise are limited.
- The roofs of rear extensions should not be used as roof terraces

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- The windows on the rear elevation of the house that overlook neighbouring dwellinghouse should be opaque.

(Officer note: The submitted plans show all side facing windows are fixed shut and opaque glazed. A condition has been attached ensuring the roof of the ground floor extension shall not be used as a terrace).

3.8 **Statutory / Local Group Consultees**

3.9 **Drainage:**

- 3.10 Raised no objections subject to a condition requiring the implementation of at least one SUDs feature is included and another condition requiring a report that will outline how the basement works will avoid groundwater flooding.

4. **RELEVANT PLANNING POLICIES**

4.1 Hackney Local Plan 2033 2020 (LP33)

- LP1 – Design quality and local character
- LP2 – Development and Amenity
- LP17 – Housing design
- LP47 – Biodiversity and Sites of Importance of Nature Conservation
- LP51 – Tree management and landscaping
- LP53 – Water and flooding
- LP54 – Overheating And Adapting To Climate Change
- LP55 – Mitigating Climate Change
- LP57 – Waste
- LP58 – Improving The Environment - Pollution

4.2 London Plan 2021

- D3 – Optimising site capacity through the design-led approach
- D4 – Delivering good design
- D5 – Inclusive design
- D6 – Housing quality and standards
- D12 – Fire safety
- D14 – Noise
- H9 – Ensuring the best use of stock
- G1 – Green infrastructure
- G5 – Urban greening
- G6 – Biodiversity and access to nature
- SI 1 – Improving air quality
- SI 2 – Minimising greenhouse gas emissions
- SI 4 – Managing heat risk
- SI 5 – Water infrastructure
- SI 12 – Flood risk management
- SI 13 – Sustainable drainage

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- 4.3 Local Guidance
Residential Extensions and Alterations Supplementary Planning Document (2009)
- 4.4 National Planning Policies/Guidance
National Planning Policy Framework (NPPF)
Planning Practice Guidance (NPPG)
- 4.5 Legislation
Town and Country Planning Act 1990

5. **Comment**

5.1 *Application Background*

5.2 The site has been subject to numerous approved extensions previously including a lawful development certificate for a rear roof and outrigger roof extension (2018/2033), the creation of a front lightwell (2018/2054, 2021/0544) erection of a 6 metre deep full width rear extension (2021/0544), a first floor extension that infilled the side return (2019/1633), a full depth basement (2021/0544) and a lawful development certificate for the installation of windows in the side elevation (2019/2189). This application seeks to amalgamate some of these consented works, which have varied weight in the assessment of this submission, along with other associated modifications.

5.3 The main considerations relevant to this application are:

Principle;
Design;
Neighbouring amenity;
Standard of accommodation;
Sustainability;
Biodiversity.

5.4 Each of these considerations is discussed in turn below.

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6. Principle

- 6.1 The principle of erecting residential extensions and alterations is in accordance with planning policy at local, regional and national levels, subject to assessments of other material planning considerations.

7. Design and Conservation

- 7.1 Hackney Local Plan 2033 (LP33) Policy LP1 (Design Quality and Local Character) states the development will be permitted if it responds to local character, context, and be compatible with existing townscape. London Plan Policy D3 (Optimising site capacity through the design-led approach) requires development proposals to enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape,
- 7.2 *Single storey, ground floor, rear extension*
- 7.3 The Residential Extensions and Alterations SPD states that extensions must be subordinate to the existing building and that single-storey extensions are typically preferred. Furthermore, extensions must respect the existing solid to void ratios and must be built of sympathetic and high-quality materials.
- 7.4 The proposal will create a large, ground floor, single-storey, rear extension of approximately 6 metres in depth and will have width matching that of the existing dwellinghouse. Officers note that there are already several examples of large extensions within the immediate area including within the terrace the site forms a part of. This includes 34 Bergholt Crescent where permission was granted for a six metre deep extension under application 2008/1963. Another large extension can be seen at 36 Bergholt Crescent. Although this extension does not appear to benefit from planning permission, satellite imagery shows that it has been present on site since at least 2007 and therefore benefits from being lawful via the passage of time. Regardless of circumstance, the presence of these extensions demonstrates that the rear building line of the terrace has been extended and the character of the terrace has been altered. Furthermore, the dwellinghouse benefits from a long rear garden so the proposed extension would not extend into the rear garden by more than 50% retaining the vast majority of the rear garden. Finally and most notably, extensions of a similar depth and width have already been approved on the site under application 2021/0544.
- 7.5 The proposed extension would be substantially set down from the cills of the first floor windows above and the proposed sukkah roof would be set behind the parapet and would therefore not project above the highest point of the extension. Officers are therefore satisfied that the proposed extension would not appear as an overly dominant element on the dwellinghouse.

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- 7.6 The solid to void ratios are considered to be acceptable for an extension of this size at the ground floor level. Furthermore the materials proposed will match the existing, however in the event of approval, a condition will be attached to ensure this.
- 7.7 *Two-storey, rear infill extension*
- 7.8 The Residential Extensions and Alterations SPD states that extensions must be subordinate to the existing building and that single-storey extensions are typically preferred. Furthermore, extensions must respect the existing solid to void ratios and must be built of sympathetic and high-quality materials. Dwellings that have a rear outrigger and a side return may infill this side return as long as it does not negatively affect neighbouring amenity.
- 7.9 The proposal will construct a two storey extension that will almost completely infill the side return of the outrigger with a slight setback from the rear elevation of the existing outrigger. A similar extension has already been approved under application 2019/1633, although the fenestration pattern will now more closely match the fenestration pattern of the existing dwellinghouse and the new extension will include a slight setback from the rear elevation of the existing outrigger. These are positive alterations that are sympathetic to the character of the dwelling.
- 7.10 The proposed infill extension will be set within the existing side return, will not extend the building line at the first-floor level nor will it exceed half the width of the dwellinghouse. The extension is therefore considered to be proportionately sized in regard to the host dwelling and wider context and will not harm the character and appearance of the application site or wider surrounding context.
- 7.11 *Rear roof extension*
- 7.12 Hackney's Extension and Alterations SPD lays out the requirements of roof extensions, stating they will normally be acceptable on rear roof slopes; however, they must reflect the existing architectural character. They should be set in from the sides, eaves and ridge of the roof and they should not span from party wall to party wall. It notes that where there is an established precedent for dormers in the surrounding area, this setback can be reduced.
- 7.13 The proposed roof extension possesses a setback of 0.2 metres from the end of the outrigger and the eaves of the roof as well as a setback of 0.3 metres from the inner and outer edges of the party walls and a setback of just over a metre from the ridgeline of the roof. Whilst some of these setbacks are marginally below the recommendations within the Residential Extensions and Alterations SPD, officers note the proposed roof extension would match the dimensions of a roof extension that was approved under lawful development certificate application for 2018/2033.

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Therefore the applicant is considered to benefit from the fallback position and is considered to be acceptable.

7.14 Further to this the fenestration pattern of the roof extension would replicate the fenestration pattern of the host dwellinghouse and the materials proposed will match the existing, however in the event of approval a condition will be attached to ensure this.

7.15 *Basement and Lightwell*

7.16 The proposal will construct a basement that will lie beneath the entire footprint of the existing dwelling as well as the footprint of the proposed extensions with an associated lightwell at the front of the property. As the basement lies in its entirety beneath the dwellinghouse, it will not be visible and will therefore have no impact on the character of the dwellinghouse or the wider streetscene.

7.17 The Residential Extensions and Alterations SPD is generally opposed to the construction of a front lightwell where it is a non-traditional feature. The SPD also notes that at least 50% of the front garden should be retained. The design and scale of the traditional windows should be maintained.

7.18 The proposal would create a new lightwell in the front garden. There are already examples of lightwells in the surrounding area as seen at 13, 15 and 32 Bergholt Crescent and lightwells have already been approved on site as part of applications 2018/2054 and 2021/0544. The principle for these lightwells is therefore considered to be well established. In relation to the lightwell itself, the fenestration pattern would match the upper levels of the front elevation, maintaining the consistency of the dwellinghouse's appearance. Furthermore the lightwell would maintain at least 50% of the depth of the front garden when measured from the bay window and the proposed stair is not considered to add visual clutter given the prevalence of this feature in the area.

7.19 *New windows and door*

7.20 The proposal would introduce seven new windows into the side elevation of the existing dwellinghouse, five at the ground floor level and two at the first floor level as well as one door at the ground floor level. A lawful development certificate (2019/2189) for five windows has already been approved and therefore the principle for windows in the side elevation is considered to be established. The ground floor windows and door would not be prominently visible from the surrounding area given their location and the two first floor windows would be acceptable given their traditional appearance. The windows are considered to be acceptable however in the event of approval a condition will be attached requiring details of these side windows to ensure they are sympathetic and of a high quality.

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8. Neighbouring Amenity

- 8.1 The application is subject to the requirements of LP2 'Development and Amenity' which states that all development must have regard to the amenity of occupiers and neighbours. These individual and cumulative impacts will be assessed and weighed against the merits of the proposal. The potential impacts of the proposal on the amenity of neighbouring properties relate to;

Visual privacy and overlooking;
Overshadowing and outlook;
Sunlight and daylight, and artificial light, levels;
Vibration, noise, fumes and odour, and other forms of pollution;
Microclimate conditions;
Safety of highway users

8.2 *Single storey, ground floor, rear extension*

- 8.3 The proposed extension would extend along the boundary with 40 Bergholt Crescent for 6 metres with an height of 2.8 metres on the boundary. The Council's Residential Extensions SPD gives guidance of 3 metres generally being appropriate, with a height that does not adversely impact on adjoining properties' amenity. The proposed extension would exceed this, however it would match the depth of the extension approved under prior approval application 2019/1402 and planning application 2021/0544. Furthermore it is noted that the neighbouring windows appear to pass the 45 degree angle test, outlined in the SPD. Officers note concern has been raised that the extension will actually have a boundary height of 3.2 metres when not taking into account the additional height in relation to the neighbours patio. Despite this suggested increased height, officers are satisfied that the neighbouring garden will continue to benefit from sufficient daylight and sunlight, given the orientation of the site (to the west) and the overall depth of the garden.

- 8.4 The western boundary of the application site borders a back passageway and beyond this the gardens of the properties along Cranwich road provide a buffer between the site and the neighbouring dwellings. Officers consider the proposed extension to have no adverse amenity impacts upon any of these dwellings.

- 8.5 No new lines of sight would be created from the ground floor rear extension; however, in the event of approval a condition will be attached ensuring that the roof of the extension is not used as a roof terrace.

- 8.6 Concern has been raised about light pollution from the proposed sukkah roof above the ground floor extension, officers note that this feature is already well established within the area with similar sukkah roofs located at 4, 17, 19 and 32 as well as numerous conservatories. Given the character of the area and the sukkah

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roof's position on the roof space of the extension, plus the proposal serving a residential use, this is considered to be acceptable.

8.7 *Two-storey, infill extension*

8.8 The proposed two-storey infill extension would not extend beyond the rear elevation of the outrigger or the side elevation of the dwellinghouse and therefore it would be entirely contained within the side return. It would also not exceed the eaves of the existing roof and the nearest dwellings that could be impacted by the two-storey rear extension are located along Cranwich Road, which are separated from the extension by a back passageway and the length of their entire rear gardens. Officers are therefore satisfied that the two-storey addition would be compliant with the 45-degree angle test and it would result in no significant loss of light, privacy or outlook to neighbouring dwellings.

8.9 The rear window of this extension will have similar lines of sight to other first floor rear windows and is therefore considered to be acceptable. In the event of approval, a condition will be attached preventing the use of the infills roof as a roof terrace.

8.10 *Rear roof extension*

8.11 The rear roof extension will be entirely contained within the existing footprint of the dwellinghouse and it would be set below the roof's ridgeline. Furthermore, the applicant has provided a sunlight daylight assessment that demonstrates that the proposal would not lead to an adverse loss of light to any neighbouring windows or outdoor amenity spaces. Officers are satisfied that the roof extension will result in no loss of light or outlook for neighbouring dwellinghouses.

8.12 The proposed windows on the rear of the roof extension will be raised relative to the existing rear windows on the first floor level. Despite this, these windows will not have any direct lines of sight into any amenity spaces that are not already overlooked from different angles. Officers are therefore satisfied that there will be no loss of neighbouring amenity.

8.13 *Basement*

8.14 The basement will be set fully below ground level, with openings to the front remaining below ground level. Due to this, it is not considered that the proposal will not have a significant impact on neighbouring amenity.

8.15 *Windows*

8.16 No part of the proposal would create any new lines of sight that do not already exist from the existing windows, the only exception to this are the proposed first

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floor windows in the side elevation. Officers note however that these windows are non opening and translucent and will therefore result in no loss of neighbouring privacy. A condition will be attached in the event of approval requiring details of the obscure glazing to ensure that it is effective at preserving neighbouring amenity.

8.17 *Other concerns*

8.18 Concern has been raised by neighbours relating to the potential for increased noise and disturbance arising from the proposal. Given the site will remain within residential use as a dwellinghouse, officers do not anticipate noise impacts to be exacerbated beyond existing levels experienced within the surrounding context.

9. **Standard of Accommodation**

9.1 Hackney LP33 policy LP17 'Housing Design' states that the Council will expect all homes and extensions to existing properties to be of high quality design and meet the internal and external space and accessibility standards set out in the London Plan, GLA Housing SPG and Hackney's Housing SPD.

9.2 In terms of the standard of accommodation at the subject site, the effect is considered to be positive. The site will retain a reasonably sized and originated garden (more than 50% of the current size) that is usable and satisfactory for amenity purposes. The proposed extensions and alterations would significantly increase the internal floor area and provide much more internal amenity and living space. Furthermore, the new windows and lightwells would provide a sufficient amount of light for these new additions.

10. **Transport**

10.1 LP43 'Transport and Development' requires any significant negative impact on the operation of transport infrastructure must be satisfactorily mitigated.

10.2 Concern has been raised that the increased number of bedrooms will result in increased car usage on the site adding to increased parking strain within the immediate area. Officers note however that the area is located within a controlled parking zone and therefore any increased car usage will be controlled. No additional residential units are proposed as part of the application.

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11. **Waste**

- 11.1 LP57 (Waste) requires developments to minimise waste during both construction and should provide clear details in plans for the facilities needed for the storage and collection of waste and recycling after completion of the development..
- 11.2 The residential bins will be stored in the front garden, this is considered to be an acceptable arrangement as they will be protected and easily accessible. At least 50% of the front garden has been retained by the lightwell which is considered to be a sufficient amount of space to store the bins.

12. **Drainage**

- 12.1 London Plan policy SI 12 states that development proposals must comply with the flood risk assessment and management requirements over the lifetime of the development and have regard to measures proposed in flood management plans. Policy SI 13 of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 12.2 LP53 'Water and Flooding' also requires that all development must reduce flood risk, both to, and from the site, over its expected lifetime. Therefore potentially vulnerable development should not be located within flood prone areas all development should decrease vulnerability to flooding through appropriate siting, design, and on-, and off-site mitigation. Item E also requires 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.
- 12.3 The site is shown to have a 'low' risk of surface water flooding as stated on the 'Long Term Flood Risk Map for England' and the proposal would increase the developed footprint of the site, whilst also creating a new basement. Therefore in order to mitigate the increased flood risk, conditions will be attached in the event of approval requiring the implementation of SUDs features and a report on the ground water flooding risk of the proposed basement works.
- 12.4 Subject to the above conditions, the proposal is deemed acceptable with regard to drainage and flooding impacts.

13. **Sustainability**

- 13.1 All new developments need to consider statutory requirements to reduce pollution, energy and carbon emissions, and should incorporate best practice design principles and guidance where appropriate.

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13.2 Policy SI 4 of the London Plan and LP54 of LP33 requires all development to regulate internal and external temperatures through orientation, design, materials and technologies which avoid overheating, in response to the Urban Heat Island Effect and addressing climate change. Policy LP55 applies to all new developments and states that these must actively seek to mitigate the impact of climate change through design which minimises exposure to the effects, and technologies which maximise sustainability.

13.3 The proposal has outlined how it will incorporate thermally efficient external materials with low U-values to help retain heat whilst the use of energy efficient appliances, low energy lighting fittings and low water flushing toilets would further improve the sustainability of the dwellinghouse. Finally the development would be required to comply with the building regulations which include energy efficiency standards, officers therefore consider the proposal to achieve a sufficient level of sustainability.

14. **Biodiversity**

14.1 Policy G5 of the London Plan and LP46 of Local Plan 33 requires that all development should enhance the network of green infrastructure and seek to improve access to open space. The proposal will not alter the existing green infrastructure of the site.

14.2 Policy G6 of the London Plan states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. Policy LP47 of LP33 reinforces this policy, stating that all development should protect and where possible enhance biodiversity leading to a net gain. Policy LP47(D) states that all development schemes involving buildings with an eaves height or a roof commencement height of 5 metres and above are required to provide nesting boxes for wildlife.

14.3 The proposal will retain part of the front wall along with the associated urban greenery thereby maintaining a level of urban greenery within the area. Officers note concerns have been raised about the loss of shrubs in the rear garden however given that these could be removed without planning permission they are not considered to be a relevant consideration for biodiversity.

15. **Trees**

15.1 LP51 (Tree Management and Landscaping) states that proposals resulting in the removal of protected trees (trees under a Tree Preservation Order (TPO) and those within Conservation Areas) or having a detrimental impact on the health and

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amenity of such trees will be refused except where overriding ecological benefits and/or wider planning benefits are demonstrated.

- 15.2 Concern has been raised about impact on trees and scrubs on the site and the nearby. It has been confirmed there are no trees or shrubs on site which will be impacted by the development and there are no protected trees surrounding the site. The proposed works take up space that was predominantly either hard paved or developed on. therefore any impact is considered to be acceptable.

16. **Conclusion**

- 16.1 The application represents an amalgamation of different permissions which have already received approval with slight variations to the design of some of these additions. These previous approvals together with the context of the surrounding area have material weight when deciding this application. Officers therefore consider the design of the proposal to be acceptable given that there are numerous examples of large extensions nearby. Furthermore, it is not considered that the proposal would result in any significant impact on neighbouring amenity. Finally the proposal would enhance the existing standard of accommodation and therefore officers consider the application to be acceptable.

17. **RECOMMENDATIONS**

Recommendation A

- 17.1 **That planning permission be GRANTED, subject to the following conditions:**

17.2 **Commencement within three years**

The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: In order to comply with the provisions of the Town and Country Planning Act 1990 (as amended).

17.3 **Development in accordance with plans**

The Development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

17.4 **Materials to match existing**

All new external facing and roofing materials in respect of all the works hereby approved (and any other incidental works carried out in this connection) shall match those of the existing building in respect of materials used, detailed execution

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and finished appearance.

REASON: To ensure that the proposed extensions are sympathetic to the host dwellinghouses.

17.5 **Development in accordance with plans**

The Development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

17.6 **Materials to match existing**

All new external facing and roofing materials in respect of all the works hereby approved (and any other incidental works carried out in this connection) shall match those of the existing building in respect of materials used, detailed execution and finished appearance.

REASON: To ensure that the proposed extensions are sympathetic to the host dwellinghouses.

17.7 **Window details**

Prior to the commencement of the relevant part of the development, detailed drawings/full particulars of the replacement windows, including sections at 1:5 scale, shall be submitted to, and approved by, the Local Planning Authority in writing. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be maintained as such thereafter.

REASON: In order to preserve the character and amenity of the surrounding area.

17.8 **Flat roofs**

The roof of the extensions hereby approved shall not be used as a terrace, balcony or similar amenity area.

REASON: In the interests of neighbours amenity.

17.9 **Obscure glazing**

Prior to the commencement of the relevant part of the works, details of the obscure glazing to be used on the side windows shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be maintained as such thereafter.

REASON: In the interests of neighbours amenity.

17.10 **SUDs**

Prior to superstructure works, 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, raingarden, bioretention

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planter box, living roof (substrate depth of 80-150mm excluding the vegetative mat), permeable paving etc.) shall be submitted to, and approved by the LPA. 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. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be maintained as such thereafter.

REASON: To ensure that the proposal does not contribute to surface water flooding in the local area.

17.11 **Groundwater flooding**

No development shall commence, other than works of demolition, until a report (including intrusive investigation/trial pit and monitoring where necessary) demonstrating that the basement development and lightwell will not increase the potential for groundwater flooding to itself or to the surrounding area during and post-construction has been submitted to the Local Planning Authority for approval. Where groundwater is identified as a potential risk, details of appropriate controls including flood resilience and/or resistance measures shall be submitted to the LPA for approval and the approved measures incorporated before the basement is occupied. The basement shall be constructed and completed in accordance with the approved plans in line with BS 8102:2022 Protection of below ground structures against water ingress - code of practice.

REASON: To ensure that the proposal does not contribute to groundwater flooding in the local area.

18. **INFORMATIVES**

The following informatives should be added:

SI.1 Building Control

You are strongly advised to contact the relevant building control body at an early stage given the extent of the works hereby approved. It is recommended that you engage the services of the Council's Building Control Service, who can be contacted on telephone number 020 8356 8024 or via email at buildingcontrol@hackney.gov.uk

SI.7 Hours of Building Works
NPPF Applicant/Agent Engagement

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Site Photographs

View of application site (front) from Bergholt Crescent



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View of site (rear)



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Signed..... Date.....

Natalie Broughton - Assistant Director, Planning & Building Control

No.	Background Papers	Name, Designation & Telephone Extension of Original Copy	Location Contact Officer
1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report</p>	<p>James Clark Planning Officer x1453</p>	<p>Hackney Service Centre, 1 Hillman Street London E8 1DY</p>