



Appeal Decision

Site visit made on 28 January 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Ref: APP/U5360/W/24/3352811

Top Flat, 70 Allen Road, London N16 8RZ

- 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 Helen Doll against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/1124.
 - The development proposed is a metal balustrade above part of the ground floor rear extension to facilitate the use of a private terrace for the top floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for a metal balustrade above part of the ground floor rear extension to facilitate the use of a private terrace for the top floor flat at 70 Allen Road, London N16 8RZ in accordance with the terms of the application, Ref 2024/1124, 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 drawing nos E 01, E 02, E 03, E 04, E 05, P 01, P 02, P 03, P 04, P 05 and Site Location Plan.

Applications for costs

2. An application for costs in relation to this appeal was made by the appellant against the Council of the London Borough of Hackney. This application is the subject of a separate decision.

Preliminary Matters

3. The description of the development has been taken from the application form. However, the reference to the proposal being a resubmission and details of the planning history of the existing ground floor rear extension have been removed as they are not acts of development.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupants of neighbouring properties with regard to privacy and overlooking.

Reasons

5. The appeal site is located within a predominantly residential area and relates to the upper flat of a three-storey, mid-terrace property with a basement. The upper flat comprises of the second and third floors and the basement and first floor of the

building form a separate residential unit. Properties within the terrace have no gardens to the front and small private gardens to the rear.

6. A two storey dwelling has recently been constructed close to the rear of the building. This dwelling includes full length glazing at both ground and first floor levels that face the rear elevation of the appeal property.
7. The proposal is for the installation of a metal balustrade and the alteration of an existing window to a door, to allow for the formation of a small balcony area. The balcony would be positioned on part of a single storey ground floor extension that is part of the lower flat.
8. At the time of my site visit, a high concrete wall and black slatted screen fencing restricted views from the position of the proposed balcony into the windows and doors of the dwelling to the rear of the host property. Further, the existing fire wall between the appeal property and 72 Allen Road would screen views from the balcony to its rear garden area. As such, the boundary wall, fencing and fire wall would be sufficient to ensure that the development would not have a materially negative impact on the privacy of the occupants of neighbouring properties.
9. For the reasons detailed above the proposed development would not harm the living conditions of the occupants of neighbouring properties with regard to privacy and overlooking. Therefore, the development is in accordance with Policy LP2 of the Hackney A Place for Everyone Hackney Local Plan 2033 Strategic Planning Adopted July 2020 and Policy D3 of the London Plan 2021 (LonP) which require that all new development is designed to ensure that there are no significant adverse impacts on the amenity of neighbours, which includes visual privacy and overlooking.

Other Matters

10. A single letter of objection was submitted in relation to the proposed development which raised concerns relating to its impact on the living conditions of neighbouring occupants in terms of noise and disturbance. However, the area of the proposed balcony is small which significantly restricts the number of individuals that the balcony could comfortably accommodate. Therefore, the potential for the balcony to result in undue noise and disturbance is limited.
11. My attention has been drawn to a previous application for a rear roof terrace at the appeal property, ref 2022/2208 which was also dismissed at appeal ref APP/U5360/W/23/3321468. Ordinarily the main issues identified by the Inspector are based on the Council's reasons for refusal. In their assessment the planning officer did not raise concerns with regard to privacy or overlooking. However, based on the evidence before me the initial proposal included a 1.7m high balustrade constructed from obscure glazing. The appeal proposal includes a lower balustrade that would be constructed from metal railings, which would not screen views to the same extent as the initial proposal. As such, I am not certain that the circumstances were the same as the appeal before me.

Conditions

12. I have attached conditions relating to the time limitation for the commencement of the development and compliance with the approved plans in the interests of clarity and certainty.

Conclusion

13. For the reasons given above the appeal should be allowed.

C Livingstone

INSPECTOR