



Appeal Decision

Site visit made on 25 November 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2021

Appeal Ref: APP/U5360/W/21/3268645

Durley House, Durley Road, London N16 5JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr M & N Lipschitz against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2020/3968, dated 9 December 2020, was refused by notice dated 3 February 2021.
 - The development proposed is prior approval for the erection of an additional storey above an existing residential building to provide two self-contained residential units.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr M & N Lipschitz against the Council of the London Borough of Hackney. This application is the subject of a separate decision.

Procedural Matters

3. The details of the appellant and the description of the proposal are unclear from the application form that I have before me. I have therefore taken these details from the appeal form. The date on the application form post dates the date of the decision notice of the Council. I have also taken the date of the application from the appeal form.
4. The application form relates to Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended). However, the proposal appears to relate to Schedule 2, Part 20, Class A which relates to new dwellinghouses on detached blocks of flats. There appears to be agreement between the parties that this is the case and I have therefore determined the appeal on this basis.

Preliminary Matters and Main Issue

5. Under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats along with associated works detailed by the GPDO, subject to limitations and conditions.

6. Where development under Class A is proposed the developer must apply to the local planning authority for prior approval of the authority as to a range of matters. One such matter is the external appearance of the building - A.2 Conditions(1)(e). It is in relation to this matter that the Council has concerns. This therefore forms the main issue.

Reasons

7. The building to which the proposal relates sits on the corner of Durley Road and Denver Road. Despite being a more modern building than many of those surrounding it, the building sits quietly within the street by reason of its overall height which is similar to the more established mostly terraced properties on both Durley Road and Denver Road.
8. Whilst the additional storey could be provided in materials to match the existing building and would be designed to match the existing building in terms of its openings, it would not be appropriate to consider the external appearance of the building in isolation.
9. The building at the increased height proposed would appear particularly visually disruptive, prominent, and out of scale when viewed against the adjacent terraced housing given that its resultant overall height would be significantly greater.
10. The corner location of the building would further increase the prominence of the additional storey which would result in the building inappropriately dominating the corner in an incongruous manner.
11. For the above reasons, I find that significant harm would be caused with regard to the external appearance of the building. In this respect, the proposal would not accord with paragraph 126 of the Framework¹ which seeks to create high quality, beautiful and sustainable buildings and places.

Other Matters

12. Although various arguments are put forward which seek to justify the proposal and other appeal decisions are supplied which come to a different conclusion on the issue of 'the external appearance of the building'² the permitted development right on which the proposal relies is not automatic. It would be inappropriate not to take into account the effects of the relationship of the resultant building with nearby properties when considering the external appearance of the building. There is nothing to indicate that the Council have mis-interpreted the regulations.

Conclusion

13. For the reasons given above, I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR

¹ National Planning Policy Framework 2021.

² APP/X1735/D/21/3269472, APP/T1410/W/20/3263486, APP/Q1445/W/21/3267608.