



Appeal Decision

Site visit made on 19 January 2023

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2023

Appeal Ref: APP/U5360/D/22/3301311

20A Manor Road, London N16 5SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Y Patel against the decision of London Borough of Hackney.
 - The application Ref 2022/0804, dated 25 March 2022, was refused by notice dated 19 May 2022.
 - The development proposed is prior approval for the erection of an additional storey (with a maximum height of 2.8m) to the existing two-storey dwellinghouse (for a maximum overall height of 11.1 metres) and installation of window at first floor level to the rear.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. For the sake of brevity and clarity I have used the description of development from the Council's decision notice.

Main Issues

3. The main issue is whether the proposed development would comply with the conditions applicable to development permitted, having regard to Class AA of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), particularly with reference to the effect of the proposal on the character and appearance of the area and living conditions of occupiers of neighbouring properties regarding outlook.

Reasons

Living conditions

4. The proposal would result in a significant increase of around 2.8 metres to the height of the existing building. There are neighbouring properties to the north and north east of the appeal site which have windows facing the appeal building. Given the close proximity of the appeal building to neighbouring properties, the proposed additional storey would appear as a large and dominant structure that would compromise the outlook of the occupiers of neighbouring properties.
5. Accordingly, the proposal would have a harmful effect on the living conditions of occupiers of neighbouring properties with regards to outlook. The proposal

would have an impact on the amenity of adjoining premises and therefore would not comply with the conditions in paragraph AA.2(3)(a)(i) of the GPDO.

6. I have had regard to the submitted Daylight and Sunlight Assessment for Planning October 2021 and that the Council have not raised any specific concerns in relation to light. Nevertheless, this matter does not alter my findings with regards to outlook.

Character and appearance

7. The area surrounding the appeal site is characterised predominantly by residential properties of varying architectural styles and form. There is a mix of different heights of buildings in the area including two, three and four storey size properties. The prominent built form of the buildings to the north side of Manor Road is mainly three and four storey, particularly in close proximity to the appeal site.
8. The proposal would replicate the same materials, window design, placement and roof design of the existing property with the Council describing the proposal as emphasising the existing utilitarian character of the building. The proposal would be sensitively designed and the increase in mass and height would be in keeping with the built form that fronts onto Manor Road. Due to its bulk, scale, massing, position and detailed design, the proposal would not be visually unattractive or be an incongruous feature within the street scene.
9. My attention has been drawn to the locally listed building (LLB) at 20 Manor Road including the listing details. The proposal would not significantly alter the appearance of the street scene and given the relationship with the appeal building and the LLB, the proposal would not have a harmful effect on the special qualities of the LLB.
10. The proposal would not have a harmful effect on the character and appearance of the area or the external appearance of the dwellinghouse including the design and architectural features. The proposal would therefore comply with the conditions in paragraph AA.2(3)(a)(ii) of the GPDO.
11. The appellants statement of case refers to paragraph 120(e) of the National Planning Policy Framework indicating that the proposal would allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene. I largely agree with this although this does not alter my findings with regards to the impact on the amenity of adjoining premises.

Conclusion

12. Whilst the proposal would comply with paragraph AA.2(3)(a)(ii), it would nevertheless fail to comply with paragraph AA.2(3)(a)(i) of the GPDO.
13. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR