
Appeal Decision

Site visit made on 4 November 2022

by Malcolm Rivett BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 April 2023

Appeal Ref: APP/U5360/D/22/3300151

113 Stellman Close, London, E5 8QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3 and 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 Abdulsalam Nasir against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/0066, dated 11 November 2021, was refused by notice dated 9 March 2022.
 - The development proposed is erection of an additional storey above the existing two-storey dwellinghouse (to a maximum height of 9.3m).
-

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 18th November 2022.

Decision

1. I allow the appeal and grant prior approval under Article 3 and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for erection of an additional storey above the existing two storey dwellinghouse (to a maximum height of 9.3m) at 113 Stellman Close, London, E5 8QZ in accordance with the application Ref 2022/0066, dated 11 November 2021 and the details submitted with it including drawing nos AN/PN – 100, AN/PN – 101, AN/SU – 100 and AN/SU – 101.

Preliminary Matter

2. The description of the development detailed above reflects that on the Council's decision notice rather than the application form. The appellant has stated that they have no objection to the appeal being determined on this basis.

Main Issue

3. The main issue of the appeal is the effect of the proposal on the external appearance of the dwellinghouse.

Reasons

4. Noting the parties' disagreement about, and having regard to recent case law¹ concerning, the matter, I conclude that in assessing the proposal's effect on the external appearance of the dwellinghouse it is appropriate to have regard to its impact on the appearance of neighbouring properties and the locality.
5. Stellman Close is part of a neighbourhood of 1970s-style residential development, predominantly consisting of terraces of dwellings of mostly two and (to the south) three storeys. The properties are of simple architectural style with shallow pitched roofs and many of the terraces are staggered with some dwellings set back behind the others. The most prominent and consistent feature of the properties is fascia tiling at first and second floor level.
6. Reference has been made to two dwellings in the neighbouring terrace which have already been extended in a similar manner to the appeal proposal. In my judgement these demonstrate how, in this particular locality and given its predominant architectural style, such schemes can be in keeping with the appearance of the original dwellings and the neighbouring properties. Indeed, the simple style of the architecture suits changes in height between adjoining properties, providing an attractive element of variation complementing that achieved by the staggering in the terraces. Importantly, consistency is ensured by the use of fascia tiling on the upper storeys and matching shallow roof pitch, which are also features of the appeal proposal and which are secured by the standard conditions of Class AA permitted development.
7. Whilst noting the referenced appeal decisions on proposals in other locations, I therefore conclude that this specific scheme in its particular setting would not have an adverse effect on the external appearance of the dwellinghouse and that it would represent high quality design, sympathetic to local character and history. Moreover, having regard to the existing three-storey properties in the area, it would be consistent with the prevailing height and form of neighbouring properties. As such it would accord with the National Planning Policy Framework and would thus not conflict with Schedule 2, Part 1, Class AA, paragraph AA.3 (12) of the General Permitted Development Order.
8. For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed. The Council has suggested conditions concerning the extension's materials and a time limit for its commencement but these matters are addressed by the standard conditions which apply to this development set out in AA.2. of Class AA of the regulations detailed above.

Malcolm Rivett

INSPECTOR

¹ Cab Housing Limited, Beis Noeh Limited and Rotenbe v Secretary of State for Levelling Up Housing and Communities, Broxbourne Borough Council and Haringey London Borough Council [2022] EWHC 208 (Admin) (3 February 2022)