



Appeal Decision

Site visit made on 16 May 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 JULY 2023

Appeal Ref: APP/G5750/D/22/3301861

34 Hanover Avenue, Silvertown, London E16 1SD

- 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(1) 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 Mr James Ball against the decision of the Council of the London Borough of Newham.
 - The application Ref 22/00315/PREHHA, dated 8 February 2022, was refused by notice dated 5 April 2022.
 - The development proposed is an application to determine if prior approval is required for proposed construction of an additional storey.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the banner heading above, I have used the shortened description of development from the appellant's appeal form and the Council's decision notice. However, I have had regard to the longer description in the appellant's application form.
3. Under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), planning permission is granted for the enlargement of a dwellinghouse consisting of the construction of up to two additional storeys, where the existing dwellinghouse consists of two or more storeys, subject to several limitations and conditions.
4. It is not a matter of dispute between the main parties that the proposal complies with the limitations and restrictions of Paragraph AA.1 of Class AA of the GPDO. Based on the evidence before me, I have no reason to reach a different view. However, the conditions of development permitted by Class AA are subject to, amongst others, Paragraph AA.2.(3)(a)(ii) of Class AA of the GPDO, which requires the developer to seek prior approval from the local planning authority as to the external appearance of the enlarged dwellinghouse, including the design and architectural features of (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway.
5. In assessing the effect of the appeal proposal on the external appearance of the building, the local planning authority has, under Paragraph AA.3.(3)(a) and (b) of Class AA of the GPDO, concluded that the appeal proposal does not

comply with the condition in Paragraph AA.2.(3)(a)(ii) of Class AA of the GPDO, and it refused prior approval.

Main Issue

6. I therefore consider the main issue in this appeal is whether prior approval should be granted under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO, having particular regard to the effect of the proposed development on the external appearance of the building.

Reasons

7. The building heights in the locality of the appeal site vary considerably. However, there is an appreciably coherent hierarchy of buildings in the roofscape. There is a clear transition in roof heights from the tall buildings fronting on to the dock, including the very tall flat roofed apartment block, to the modestly sized 2 storey buildings fronting on to the northern side of Hanover Avenue, with 3 storey buildings in between. In this regard, the area of the appeal site has a formal and generally well-ordered character and appearance.
8. The appeal property comprises of a 2 storey end of terrace dwelling situated within a short row of similar style terraces fronting on to the northern side of Hanover Avenue. Although Fitzwilliam Mews forms a relatively narrow gap between the appeal terrace and the longer row of 2 storey terraces fronting the same side of Hanover Avenue, the two terraces are nonetheless viewed as a long terrace of dwellings in the street scene.
9. Together, these terraces are consistent in terms of their scale, form and appearance, and they display a strong sense of uniformity and cohesion in the street scene. Their modest roof heights positively reflect and reinforce the coherent hierarchy of building roof heights in the area. Furthermore, the 2 storey terraces are distinctly different in appearance to the relatively short row of 3 storey terraces fronting on to the south side of Hanover Avenue, which form part of the transition toward and relate more closely with the character and appearance of the taller 4 storey buildings at the corner with Britannia Gate.
10. The proposed additional storey to the dwellinghouse would have a significantly higher ridgeline than the existing host terrace. It would add high level bulk that would unbalance and disrupt the uniformity of the existing terrace in the street scene. Although the proposed additional storey to the appeal dwelling would be visible in the context of the markedly taller and larger buildings in the locality, and the raised highway flyover nearby, it would nonetheless be seen as a visually discordant and incongruous addition to the dwellinghouse and host terrace. Consequently, it would harmfully erode the appeal dwelling's positive contribution to the uniformity of the rows of terraces fronting on to the northern side of Hanover Avenue and to the coherent hierarchy of buildings in the wider locality. The matching materials and architectural design features of the additional storey would not overcome this harm.
11. Whether or not the appeal property becomes a mid-terraced dwelling through the implementation of an extant planning permission does not alter my conclusion on the main issue. I note that the appellant intends to submit a revised planning application for a 3 storey development, however I can only

determine the appeal proposal on the basis of the current situation at the appeal site.

12. For these reasons, I conclude that the proposal would have a harmful effect on the external appearance of the building and therefore prior approval should not be granted under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO.

Other matters

13. An absence of harm to the living conditions of the occupiers of nearby properties is a neutral factor and therefore does not influence the outcome of this appeal.
14. The appeal decision referred to by the Council relates to a site within a different London Borough and is of little relevance to my considerations in this appeal.

Conclusion

15. For the reasons given above, I conclude that the appeal proposal would have a harmful effect on the external appearance of the building and prior approval should therefore be refused. It follows that the appeal should be dismissed.

G Sylvester

INSPECTOR