



Appeal Decision

Site visit made on 24 October 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2023

Appeal Ref: APP/U5360/W/23/3321308

69-79 Moundfield Road, Hackney, London N16 6TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- The appeal is made by 69-79 Moundfield Road Limited against the decision of the Council of the London Borough of Hackney.
- The application Ref 2023/0018, dated 23 December 2022, was refused by notice dated 3 March 2023.
- The development proposed is prior notification under Class A of Part 20, Schedule 2, of the GPDO 2015 for the erection of 1 additional storey to facilitate the creation of 2 x residential units (Use Class C3). Provision of cycle and refuse storage.

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal is made pursuant to Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Class A permits 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, as well as certain associated works.
3. This right is subject to limitations which are specified at paragraph A.1, and conditions which are set out at paragraph A.2. The conditions establish a requirement for developers to apply to the local planning authority for a determination as to whether prior approval will be required in relation to a number of specified prior approval matters.
4. In refusing the application, the Council states that the proposed development would not have an acceptable external appearance and there would not be a legal agreement to secure the units as car free, resulting in an unacceptable impact on transport and highways. Therefore, finding that the proposed development would not comply with Conditions A.2.1 (a) and A.2.1(e) of Part 20, Class A of the GPDO.
5. Accordingly, the main issues of the appeal are whether or not prior approval should be granted having regard to:
 - the effect of the proposed development on the external appearance of the building; and
 - the highway and transport impacts, with particular regard to whether or not the development would provide car-free housing.

Reasons

External Appearance

6. The appeal site is a three-storey, detached, brick-built building, set back from Moundfield Road. The building faces towards an area of public open space, rather than onto Moundfield Road and is part of a group of three similar buildings. The surrounding area of Moundfield Road is characterised by mostly two and three storey buildings, with some variety in rooflines. By contrast the properties on Olinda Road are mostly two-storey, traditional, terraced dwellings, with a high degree of uniformity to their height.
7. The proposed development would involve the upwards extension of the detached building to provide two additional flats within an additional storey of the building. The proposed development would retain the building's pitched roof design and would be of similar external appearance to the existing building.
8. However, the appeal site is set back from the road, with the gable end elevation of the appeal property is highly prominent from Olinda Road. In this context the proposed increase in height from 3 to 4 storeys would also be prominent and dominate this part of the road.
9. Whilst I acknowledge that there is a greater degree of variety found on Moundfield Road, the predominant character is nevertheless a mix of two and three storey properties. There are no taller buildings within the immediate surrounding area with the prevailing character of the area being predominantly two and three storey buildings. Therefore, the introduction of a four-storey building, in this location, would appear as incongruous and harmful addition to the street scene.
10. I acknowledge that this application has been reduced in size following refusal of an earlier application and now proposes only one additional floor, increasing the overall height of the building by approximately 2.2 metres. Nevertheless, the building would still be materially higher than the existing building and other buildings found in the surrounding area.
11. I have had regard to the recent approvals¹ granted for upwards extensions to properties on Moundfield Road, including Nos 54, 62 and 68. These extensions involve the construction of an additional storey to two-storey terraced dwellings. These properties are located in an area which contains a mix of two and three storey buildings and stepped rooflines are present within this part of Moundfield Road. The appeal site is of a different character, belonging to a group of three, detached, three storey blocks of a similar height and scale. Furthermore, the proposed development would involve the creation of a four-storey building, which would be at odds with the surrounding area which is predominantly two and three storeys in character.
12. For these reasons, the proposed development would therefore be harmful to the character and appearance of the area and the external appearance of the appeal building. It would therefore fail to comply with Condition A.2.1 (e) of Part 20, Class A of the GPDO.

¹ Appeal Ref: APP/U5360/W/21/3282814 and Planning Application Ref: 2022/2372

Car-Free Housing

13. The appeal site is located within a controlled parking zone, which restricts on street parking provision to permit holders only between the hours of 10:00 and 12:00, Monday to Friday.
14. The appellant has provided a signed and executed unilateral undertaking which would overcome the Council's reason for refusal and secure the proposed development as a car-free.
15. On this basis, the proposed development would accord with Condition A.2.1(a) of Part 20, Class A of the GPDO and would not cause unacceptable highway and transport impacts.

Other Matters

16. It is not disputed by the parties that the proposed extension would not result in harm to the living conditions of neighbouring occupiers, and I see no reason to disagree with this conclusion. However, the absence of harm in this respect is a neutral factor which neither weighs for or against the proposed development.
17. I recognise that there would be some benefits arising from the proposed development, including a small contribution to housing supply within the Borough. However, these benefits are limited and not sufficient to outweigh the harm I have found in relation to the external appearance of the building.

Conclusion

18. Whilst I have found that the proposed development would not result in unacceptable impacts on traffic and highways, I have concluded that the proposed development would cause unacceptable harm to the external appearance of the building, which would fail to comply with Condition A.2.1(e) of the GPDO.
19. For the above reasons, and taking account of all other matters raised, I conclude that the appeal is dismissed.

K Lancaster

INSPECTOR