

Appeal Decision

Site visit made on 27 August 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2024

Appeal Ref: APP/U5360/W/24/3342432

348-350 Craven Park Road, London N15 6AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Halpern against the decision of the Council of the London Borough of Hackney.
- The application Ref is 2023/2747.
- The development proposed is additional storey to the original dwellinghouse.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), permits development consisting of the enlargement of a two or more storey dwellinghouse, as is the case for the appeal property, by the construction of up to two additional storeys, subject to limitations and conditions set out under Class AA.1 and Class AA.2. The Council's concerns relate only to conditions of paragraph AA.2(3)(a)(ii). This requires consideration of the external appearance of the dwellinghouse, including the principal elevation and any side elevation that fronts a highway.
3. Where an application is made for prior approval for development as above, the GPDO¹ provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions.

Main Issue

4. The main issue is the effect of the proposal on the external appearance of the dwellinghouse and the character and appearance of the area.

¹ AA.3 (3) (a)

Reasons

5. The building within which the appeal property sits comprises of two three-storey properties within a purpose-built residential development consisting of two, three and four-storey terraced blocks. The appeal property is located approximately midway along 2 x three-storey blocks. The properties are of simple architectural style with a consistent flat roof. Several properties on Riverside Road and Grovelands Road have upward extensions and rear dormers viewed within the street scene.
6. The proposed development would involve the erection of an additional storey increasing the height of Nos 348-350 by approximately 2.3 metres. The roof design, materials and fenestration would both match and be sympathetic to those used in the existing building.
7. The GPDO permits the development in principle. 'Planning Reform: Supporting the High Street and Increasing the Delivery of New Homes' (2018) and 'Planning for the Future' (2020) are supportive of the general principle of upward extensions to buildings because they boost housing density in areas of high demand, and the Government's ambition to deliver more homes.
8. However, this does not remove the requirement in the GPDO to consider the impact on external appearance. The GPDO is clear that in determining applications for prior approval, paragraph AA.3 (12) (b) of Part 1, Class AA, requires the local planning authority to have regard to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval as if the application were a planning application. The Framework makes clear that development should be sympathetic to local character, including the surrounding built environment. This is relevant policy to which I must have regard.
9. While I concur with the appellant that the appeal premises are located in the middle of the terrace, and away from Craven Park Road, an upward extension would nevertheless project significantly above the remaining properties. This increase in height would interrupt the predominantly regular roofline along the row of three-storey dwellings and would disrupt the current uniformity of the street. Despite not front a highway, it would still significantly unbalance the terrace resulting in an uneven appearance which would be anomalous to the prevailing height and unsympathetic to the local character.
10. My attention has been drawn to a recent prior approval for an upward extension to No 362². This property is set on the end of the terrace within which the appeal premises are located and is viewed alongside the prevailing character of Riverside Road. Whilst an increase in height would be unequivocally higher than the roofs of the adjoining dwelling and remaining terrace, given its position, it would be seen as a natural bookend to the terrace and would not materially affect the overall symmetry within which it sits. As such, its context is sufficiently different not to be directly comparable. Furthermore, given the position of the upward extensions within Riverside Road and Grovelands Road to the appeal property, their presence does not form part of its immediate street scene or alter my conclusion.

² Ref 2023/1401

11. For the above reasons, I find that harm would be caused to the external appearance of both the dwelling house and the character and appearance of the wider area. In this respect, the proposal would not accord with paragraph 124 of the Framework which seeks to ensure upward extensions are consistent with the prevailing height and form of neighbouring properties and the overall street scene. It also fails to comply with condition AA.2(3)(a)(ii) of the GPDO.

Other Matters

12. As set out in the explanatory memorandum to the GPDO, the main purpose of Class AA is to provide a significant contribution towards the government's ambition to provide more homes. In this regard, although the proposed development would create additional accommodation to existing dwellings it would not result in an increase in additional homes. I therefore give this limited weight.

13. I acknowledge that the proposed development would comply with all relevant criteria set out in AA.1 of the GPDO, that the materials would match the existing dwelling, and that there would be no impact on the amenity of any adjoining occupiers. However, these are neutral matters in my determination of this appeal.

14. I have had regard to the wishes of the appellant to provide much-needed living space. However, the harm identified above would be permanent and is not outweighed by the appellant's particular circumstances.

15. I note that the appellant submitted a Construction Method Report to respond to AA.2(b) of the GPDO. This weighs neutrally in the planning balance.

Conclusion

16. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

L Clark

INSPECTOR