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# Appeal Decision

Site visit made on 19 September 2024 by N Unwin BSc (hons) MSc MRTPI

## Decision by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14<sup>th</sup> November 2024

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### Appeal Ref: APP/U5360/D/24/3345870

#### 9 Symington Mews, Hackney, London E9 6BG

- 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 Enric Jorba Aguilar against the decision of the Council of the London Borough of Hackney.
  - The application Ref is 2024/0151.
  - The development proposed is described as 'Enlargement of an existing single family, two-storey dwelling house by erection of an additional storey. The appearance of the principle elevations, the existing roof and the pitch of it will be replicated (please also refer to design statement).'
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## Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of an additional storey above the existing two storey dwellinghouse (to a maximum height of 10.86m) at 9 Symington Mews, Hackney, London E9 6BG in accordance with the terms of the application, Ref 2024/0151, dated 24 January 2024, and the details submitted with it (including plans ref. 01-D-001, 02-D-011, 02-D-015, 02-D-020, and 02-D-021), pursuant to Article 3(1) and Schedule 2, Part 1, Class AA.

## Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

## Preliminary Matters

3. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) allows for up to two additional storeys to a dwellinghouse, subject to limitations and conditions set out under Class AA.1 and Class AA.2. The Council's concern relates only to the 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. The National Planning Policy Framework (the Framework) is relevant to my consideration of the appeal insofar as it relates to the development and prior approval matters.

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4. Notwithstanding the description in the heading above which is taken from the application form, the proposal is more concisely described on the decision notice and appeal form as 'Prior Approval for the erection of an additional storey above the existing two storey dwellinghouse (to a maximum height of 10.86m).' That is the description I have used in this decision.

### **Main Issue**

5. Having regard to the above, the main issue is the effect of the development on the character and appearance of the appeal building and its surroundings.

### **Reasons for the Recommendation**

6. The appeal property comprises a two-storey, end of terrace dwelling. The terrace is relatively short, comprising four properties. The proposed additional storey would result in the appeal property projecting above the other three dwellings forming the terrace. However, the use of similar materials to the existing terrace, and the same roof pitch, would result in the proposal appearing as a neat addition at one end of the terrace.
7. There are many other two storey properties in the locality, including other terraces similar to the appeal building. Nonetheless, there is also considerable variation in building style and scale. The most notable of these being the three and four storey properties adjoining Brooksby's Walk, close to the appeal site boundary. This variation in building heights in the immediate vicinity of the appeal building is a positive feature of the character of the area, adding interest in the street scene. As such, the appeal proposal would be seen in the context of the diversity of building heights in the locality. Therefore in the particular circumstances of this case, the proposed additional storey would not appear out of place.
8. The Council has drawn my attention to two appeal decisions (Ref APP/Y5420/W/20/3262412 and APP/Y5420/D/21/3268817) in which the Inspectors considered the proposals' effects on the character and appearance of the wider area. However, as I have found that the proposal would not detract from the character of the area, those decisions do not alter my reasoning.
9. Accordingly, the proposed development would be acceptable in terms of its effect on the character and appearance of the appeal building and its surroundings. As such, it would not conflict with the Framework which, amongst other things, seeks well designed places.

### **Other Matters**

10. I note the concerns of the occupants of the adjacent property. However I am not persuaded that the modest additional storey above the footprint of the two storey element of the building would result in loss of light to the detriment of the neighbours' living conditions. Concerns were also raised about the potential for harm from asbestos and the construction process more generally. However, no substantive evidence is before me in that regard. The Council has raised no objection to these matters, and having regard to the limitations and conditions set out within the GPDO, I have found no reason to conclude otherwise. Moreover, under the terms of the GPDO, before beginning the development under Class AA the developer must provide a report to the Council on the hours

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of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

11. With regard to the comments on behalf of Chats Palace Arts Centre, I see no reason to conclude that an additional storey would give rise to increased noise complaints associated with the use of the Arts Centre as described.

### **Conditions**

12. The conditions set out in paragraphs AA.2(2) and (3) of Schedule 2, Part 1, Class AA of the GDPO include requirements for the materials to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse, the omission of windows in any wall or roof slope forming a side elevation, and the roof pitch of the principal part of the dwellinghouse to be the same as the roof pitch of the existing house. Also, in addition to notifying the Council prior to development as already described, these conditions require that the development should be completed within three years of prior approval being granted, and that the Council should be notified as soon as reasonably practicable after completion. No further conditions are necessary.

### **Conclusion and Recommendation**

13. The appeal scheme would, on the basis of the above, comply with the relevant provisions of the legislation under which it should be considered. For that reason, I recommend the appeal should be allowed.

*N Unwin*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

14. I have considered all the submitted evidence and my representative's recommendation and on that basis I allow the appeal.

*Rachel Hall*

INSPECTOR