



Appeal Decision

Site visit made on 8 October 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 27th November 2024

Appeal Ref: APP/U5360/D/24/3343840

57A Mount Pleasant Lane, Hackney, London E5 9DW

- 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 A Friesel against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/0153.
 - The development proposed is for prior approval for the erection of an additional storey above an existing three-storey dwellinghouse (to a maximum height of 12.2 metres of four storeys)
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Decision

1. The appeal is dismissed.

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.

Applications for costs

3. An application for costs was made by Mr A Friesel against the Council of the London Borough of Hackney. This application is the subject of a separate Decision.

Preliminary Matters and Main Issue

4. The description of development on the application form identifies that the scheme is a resubmission of a previous scheme, with no other details. The description of development on the Council's decision notice, and subsequent appeal form is as above, which appears to be copied from the previous scheme. I am therefore content that the description of development accurately captures the proposal before me.
5. The Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) was amended on 31 August 2020 to introduce Class AA to Part 1 of Schedule 2, setting out permitted development rights for development consisting of works for the construction of up to two additional storeys on an existing dwellinghouse that consists of two or more storeys, or for one additional storey on an existing single storey dwellinghouse, together with any reasonably necessary engineering operations.

6. Development is permitted under Class AA subject to various limitations and conditions. Paragraph AA.1 (a) to (k) sets out a number of limitations with which a proposal must comply to fall within the scope of the development permitted by the Class. There is no dispute that the proposal would comply with these limitations. In addition to those limitations, paragraph AA.2 details a number of conditions that must be met.
7. All development is subject to a requirement that details are submitted for prior approval in relation to the matters set out in paragraph AA.2 (3)(a)(i) to (iv). In this instance, the Council considers that the proposal fails to accord with one of the conditions in the above paragraph of Class AA. The Council considers the proposal would not comply with condition 3(a)(ii) having regard to the external appearance of the building.
8. I understand that the same scheme was previously approved in January 2021, and that this has now lapsed. Since the granting of the previous scheme, several other examples have been advanced by the Council are now additional material considerations. These examples establish that national planning policy is a material consideration with regards to the character and appearance of the wider area. In this respect, where the previous scheme was assessed only on the character and appearance of the host dwelling, the proposal before me can be assessed in terms of the character and appearance of the wider area under condition 3(a)(ii).
9. In view of the above, the main issue is whether prior approval should be granted when the proposed development is assessed against condition AA.2.(3)(a)(ii) of the Order.

Reasons for the Recommendation

10. Mount Pleasant Lane is located in a residential area, with a mix of older traditional terraced properties, and other more modern terraces. There is a prevailing character of the use of brick, and the houses have a common height amongst each terrace. The appeal building has three floors, and belongs to a long, more modern terrace, which is stepped in sections but has a uniform appearance with a largely consistent and uninterrupted roofline. The terrace can be seen from longer views down Mount Pleasant Lane where the road turns to corner into a perpendicular road.
11. Number 57A is situated in the middle of the terrace, therefore the additional floor as proposed would break the existing uniform roofline of the terrace, harming the homogenous character and appearance of the terrace. There does not appear to be any properties with additional floors in the immediate area, and therefore the proposal would be incongruous, and at odds with the prevailing pattern of development. The scheme would form the appearance of a tower, which would be a disruptive addition to the middle of the terrace, giving undue prominence to it within the street scene.
12. The group of dwellings within the terrace together have a low-level appearance, and read as being wider, similar to the older dwellings on the street. The introduction of the extension would accentuate the individual properties, showing their verticality compared to their width. In this respect, the proposal would significantly alter the perceived proportions of the whole terrace, which would be harmful to the character and appearance of the area.

13. Overall, the design and architectural features would not contribute positively to the external appearance of the dwellinghouse and would create a building that would not sit harmoniously within the terraced dwellings, resulting in an unacceptable impact on the character of the area. As such, the proposal would fail to satisfy paragraph AA.2.(3)(a)(ii), of Class AA of the Order.

Conclusion and Recommendation

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

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Mr A Spencer-Peet

INSPECTOR