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## Appeal Decision

Site visit made on 9 December 2024

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

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**Appeal Ref: APP/U5360/D/24/3349507**

**53 Egerton Road, Hackney, London N16 6UE**

- 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 Moses Motzen against the decision of the Council of the London Borough of Hackney.
  - The application Ref is 2024/0484.
  - The development proposed is to add an additional floor to the house.
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### Decision

1. The appeal is allowed, and planning permission is granted for Prior Approval (Class AA) for the construction of an additional storey above the existing two-storey building. at 53 Egerton Road, Hackney, London N16 6UE in accordance with the terms of the application, Ref 2024/0484.

### Preliminary Matters

2. 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.
3. The Council concluded that the proposal would comply with the conditions and limitations set out at paragraph AA.1 of Class AA, such that it would fall within the scope of permitted development rights, subject to consideration of relevant matters of prior approval. On the evidence before me I see no reason to take a different view.
4. 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.
5. Notwithstanding the description in the heading above which is taken from the application form, the proposal is more clearly described on the decision notice and appeal form as 'Prior Approval (Class AA) for the construction of an additional storey above the existing two-storey building'. That is the description I have used in this decision.

### Main Issue

6. 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

7. No 53 Egerton Road (No 53) is two storeys, semi-detached and of a simple design and rectangular built form with a pitched roof. Along with its attached neighbour 51 Egerton Road (No 51) they are part of a group of six properties comprising of three semi-detached pairs. The group share a similar design and palette of external finishes which include off-white render and light brown brick with concrete roman roof tiles. The dwellings that neighbour the group on either side are much later and, although they are also two storeys, they are taller and narrower with fine architectural detailing. Given their relatively modern design, external finishes and layout the group clearly presents as such, within the street scene.
8. The appellant asserts that the Council granted prior approval for the construction of an additional storey above both 59 and 61 Egerton Road<sup>1</sup> ( No 59 and No 61), which are part of the group that the appeal site forms part of. At the time of my site visit an additional storey was completed on No 59 and one was nearing completion on No 61. These developments have increased the height of both Nos 59 and 61 to three storeys, which alters the character and appearance of the group.
9. There is also considerable variation in building style and scale within the area. The most notable being the school opposite the appeal site which occupies an elevated position and includes a tall glazed central section, other buildings in the vicinity including a Synagogue and blocks of residential flats, are significantly larger and taller than the appeal property. This variation in building heights and built forms 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.
10. The appeal scheme proposes to add a third storey to No 53, which would increase the eaves and the ridge height of the building. Consequently, as extended the host property would be taller than the adjoining dwelling No 51. However, the proposed development would not appear out of place given the existing variety in neighbouring building heights as well as on Egerton Road in general. Further, the use of external materials to match the existing building, and the same roof pitch, would result in the proposal appearing as a neat addition above the host property.
11. 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

12. The Council has drawn my attention to two appeal decisions<sup>2</sup> in which the Inspectors considered the proposals had a harmful effect on the character and appearance of the wider area. However, as I have found that the appeal scheme before me would not detract from the character of the area, those decisions do not alter my reasoning.

## Conditions

13. 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

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<sup>1</sup> 2021/3156 and 2021/0760

<sup>2</sup> (APP/Y5420/W/20/3262412) and APP/Y5420/D/21/3268817

approval being granted, and that the Council should be notified as soon as reasonably practicable after completion. No further conditions are necessary.

**Conclusion**

14. For the reasons given above, the appeal is allowed, and prior approval is granted.

*C Livingstone*

INSPECTOR