



Appeal Decision

Site visit made on 11 July 2025

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/U5360/C/23/3328524

18 St. Kilda's Road, London N16 5BP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Aron Adolf against an enforcement notice issued by the Council of the London Borough of Hackney.
 - The notice was issued on 20 July 2023.
 - The breach of planning control as alleged in the notice is: The erection of a Sukkah roof on the rear dormer.
 - The requirements of the notice are to:
 1. Make all the necessary amendments to the Sukkah roof at the Property so that it accords with the conditions and approved drawings PR-P004 and PR-E001 of planning permission 2022/1276 dated 18 July 2022; or
 2. Remove the Sukkah roof that has been erected on top of the rear dormer; and
 3. Make good all damage to the property resulting from the removal of the unauthorised works as listed above;
 4. Upon completion of the above steps, remove all materials, debris, waste and equipment resulting from compliance with the other requirements of the notice from the property and its premises.
 - The period for compliance with the requirements are: 4 months.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(a), (c) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a Sukkah roof on the rear dormer, 18 St. Kilda's Road, London N16 5BP, as shown on the plan attached to the notice.

Preliminary Matters

2. The appellant clarified that they are appealing under ground (c) rather than (b).

Appeal on ground (c)

3. The appeal on this ground is that what is alleged does not constitute a breach of planning control. The onus is upon the appellant to demonstrate their case therefore that planning permission was not required for the development. It is not clear on what basis that is argued. Given the position and height of the structure, it would appear to be development requiring planning permission as it would not meet the requirements of Article 3 of the Town and Country Planning (General Permitted Development)(England) Order (as amended).
4. The appeal under ground (c) fails.

Appeal on ground (a)

Main Issue

5. The main issue is the effect of the development on the character and appearance of the dwelling and surrounding area.

Reasons

6. The appeal site is within a terrace of similar looking dwellings within a mainly residential part of north London. These dwellings have pitched roofs with prominent gables on the front elevations and unifying period decoration around windows and doors. The mainly red-brick buildings are set back from the road behind short front gardens. There is a consistency to the appearance of the dwellings when seen from St Kilda's Road.
7. The rear of the property has been substantially altered. At ground floor level, there are a couple of inter-related single-storey buildings attached to the dwelling and this also incorporates the rear outrigger. The outrigger looks to have been extended upward as it is a storey higher than the adjoining outrigger on the next-door neighbouring property. The high, prominent flat-roof of the outrigger adjoins another rear elevation of the dwelling close to the other dormer on the main roof. The back of the property can be seen from Grangecourt Road between the side of the terraced houses in that road and the rear of the properties that face onto Heathland Road. This view is across rear outbuildings and other garden structures as well as a number of trees within neighbouring gardens. The view from here is of a varied assemblance of roofs, some being prominent, flat and jarring against the traditional roofs, interspersed with mature landscaping limiting the effects on the street-scene.
8. The Sukkah takes the form of what appears as an additional roof on top of the flat-roof dormer on the main rear roof-slope and resembles a roof-lantern. It is a ridged structure which is above what was laid out as a bed-room when I visited. From inside, I could see the mechanics of the structure. It is constructed of a white material with large areas of glazing on either side of the ridge. This is openable and there are struts beneath it which would appear to provide support when opening which is necessary during the festival of Sukkot. I could see the size of the openable parts on either side of its ridge.
9. I could not see the Sukkah from street level from the front or from the small car-park to the west of the property. I could see it from Grangecourt Road although this is set amongst the varied, jumble of roof-forms at the appeal site and also adjoining properties. From street-level, the structure appears to be set back from the edge of the large, dominant existing dormer across the back of the house. There is also a large flat roofed dormer on top of the outrigger in the foreground. From looking at the mechanism internally, I do not consider that when the roof is open, it would have any significant increased visual impact.
10. Although I did not enter any of the neighbouring properties, glimpses of the development maybe visible from nearby gardens. It may be more visible from windows in the backs of nearby houses. The triangular ends of the structure are completely white and so potentially could stand out more than the dark glazing. However, views of it would be obscured to some extent by the chimney stack on the party-wall between No 18 and No 16 and on the other side, by the large

dominant and incongruous flat roofed-dormer. In this context the structure has not reduced the visual quality of the dwelling or development in the nearby area, to any significant extent. Also, in this context given the existence of the prominent flat roofed dormers, the alteration is in scale with the building as required by the Council's 2009 Supplementary Planning Document Residential Extensions and Alterations.

11. In relation to the main issue, the development has an acceptable effect on the character and appearance of the dwelling and surrounding area. Within the context of what surrounds the development, it complies with Policies LP1 and LP17 of the Hackney Local Plan 2033, adopted July 2020. These seek, amongst other things, high quality design, to ensure that all new development is of the highest architectural and urban design quality, responding to local character and context. It also complies with Policies D1, D3 and D6 of the London Plan 2021. These require amongst other things, that there is a design-led approach, with high quality design responding to the site's context.

Other Matters

12. The development has already been carried out. It is unnecessary to attach any planning conditions.

Conclusion

13. For the reasons given above, I conclude that having had regard to the development plan as a whole and all other material considerations, the development is acceptable. The appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The appeal on ground (g) does not therefore fall to be considered.

Andy Harwood

INSPECTOR