



---

## Appeal Decision

Site visit made on 15 September 2025

**by Chris Couper BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 24 September 2025**

---

**Appeal Ref: APP/U5360/D/25/3369897**

**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 planning permission.
  - The appeal is made by Moses Motzen against the decision of the Council of the London Borough of Hackney.
  - The application Ref is 2025/0367.
  - The development proposed is the erection of a first and second floor side extension; and the extension of the existing roofline.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a first and second floor side extension; and the extension of the existing roofline at 53 Egerton Road, Hackney, London N16 6UE in accordance with the terms of the application, Ref 2025/0367, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PLOS, PL01, PL02, PL03, PL04, PL05, PL06, PL07, PL08, PL09, PL10, PL11 and PL12.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Background and Procedural Matters

2. The host benefits from prior approval for an additional storey above the existing two storey building<sup>1</sup> ('the PA scheme'), and planning permission for a first floor side extension and the extension of the existing roofline<sup>2</sup> ('the approved side extension'). I refer to that planning history in my reasoning below.
3. As part of the appeal, the appellant has submitted amended plan no. PL 10 Rev A. Compared to drawing no. PL 10, which was before the Council and interested parties at application stage, this shows changes to the proposed facing materials.
4. The Planning Inspectorate Procedural Guide: Planning Appeals - England 2025 ('the Guide') states that the appeal process should not be used to evolve a scheme,

---

<sup>1</sup> Appeal reference: APP/U5360/D/24/3349507

<sup>2</sup> Application reference: 2024/0416

and that it is important that what is considered by the Inspector is essentially the same scheme that was considered by the Council and by interested parties at application stage. Having regard to the Guide, were I to accept that amended plan at this stage, it could potentially deprive interested parties who may be unaware of the proposed change, from the opportunity to comment, thereby introducing procedural unfairness. I have therefore based my decision on the drawings which were before the Council at application stage.

5. Interested parties state that the property will be used as a synagogue, and raise concerns regarding the loss of housing, traffic, parking, noise, general disturbance, and other potential issues associated with such a use.
6. However, the appellant states that it will be a family home. The scheme was submitted to the Council as a householder application for works or an extension to a dwelling, and the layout plans depict room functions typically associated with such a use. Planning permission would be required for the change of use of the property to a place of worship. I have therefore dealt with the appeal on the basis of a proposed extension to a dwelling.

### **Main Issue**

7. The main issue is the effect of the proposed development on the character and appearance of the host property and the area.

### **Reasons**

#### *Character and appearance*

8. Nos 51 to 61 (odds) form three semi-detached pairs, which are located between older, more ornate, two storey terraces on the northern side of Egerton Road. Whilst these pairs are broadly similar in terms of their style, simple design and materials, they are not uniform in height as Nos 59 and 61 have recently had a second floor extension. Opposite this group, on elevated land, is a large school building, and I also observed nearby flats and a synagogue. I therefore agree with my colleague who dealt with the PA scheme that the area's character is partly derived from the diverse building heights and built form.
9. As depicted on the annotated drawing at page 3 of the Grounds of Appeal ('GoA'), the proposal would entail a relatively modest increase in the host property's mass compared to the PA scheme together with the approved side extension. Whilst it would fill the gap above the approved side extension, having regard to the comparative images at pages 4 and 6 of the GoA, that would result in a more cohesive built form, which would better reflect the proportions and appearance of Nos 59 and 61.
10. Whilst, as a result of this proposal, there would be a step down in height to the adjacent two storey building at No 55, that house is set in slightly from the side boundary, and the proposal would not bring No 53 any closer to it compared to the approved side extension.
11. As the proposed side extension would not be set down at ridge level compared to the original building or to the PA scheme, and it would not be set back from the host's front face, the proposal would not comply with the advice in the Hackney Residential Extensions and Alterations Supplementary Planning Document (2009) that side extensions should appear subordinate to the main building.

12. However, for the above reasons, and in the context of the diverse and evolving character of the Egerton Road streetscene, the proposal would not appear out-of-place or incongruous, and I therefore attribute only limited weight to the conflict with that advice.
13. As the proposal would not harm the character and appearance of the host property or the area, it would not conflict with Policies D3 and D4 of The London Plan (2021), or with Policies LP1 and LP17 of the Hackney Local Plan 2033 (2020). Amongst other things, and in general terms, these require good design, which responds to local character, context and distinctiveness, and which is compatible with the existing townscape.

#### *Other matters*

14. As a result of the proposal, No 53 would be taller than its neighbours at No 51 and No 55. However, it would not be taller than the PA scheme; and it would not be significantly larger compared to the PA scheme combined with the approved side extension, nor would it project further to the front or the rear. Consequently, the proposal would not cause significant overshadowing of the neighbouring properties, or cause the occupiers to suffer a harmful loss of privacy.
15. Finally, I have no substantive evidence that the proposal would result in damage to property, and that matter, along with party wall agreements, would ordinarily be covered under separate legal rights and legislation.

#### **Conditions and Conclusion**

16. I have considered suggested conditions against the tests at paragraph 57 of the National Planning Policy Framework (2024) ('Framework'), including its stance that conditions should be kept to a minimum. As well as the standard time limit, in the interests of certainty, I have imposed a condition requiring that the development be carried out in accordance with the approved plans. In the interests of good design, and to protect the character and appearance of the host property and the area, a condition is also necessary requiring that the proposal be faced with matching materials.
17. The Council has suggested further conditions requiring at least one swift nesting brick or box, and at least one sustainable drainage system. However, whilst I have considered the broad explanation for those requirements in the officer delegated report, I have not been provided with relevant development plan policies; and the PA scheme was not subject to such conditions.
18. For these reasons, having regard to the Framework and the Planning Practice Guidance<sup>3</sup>, I am not persuaded that those suggested conditions are necessary, and that without them planning permission should be refused. I have not therefore imposed them.
19. For these reasons, and having regard to all other matters raised, including representations by interested parties, the appeal is allowed.

*Chris Couper*

INSPECTOR

---

<sup>3</sup> ID: 21a-001-20140306