



Appeal Decision

Site visit made on 16 September 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2025

Appeal Ref: APP/E5900/W/25/3368684

1 English Street, Tower Hamlets, London E3 4TA

- 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 Pamela Tironi against the decision of the Council of the London Borough of Tower Hamlets.
- The application Ref is PA/25/00745.
- The development proposed is upwards extension to form additional storeys for the existing dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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) (GPDO), planning permission is granted for the enlargement of an existing dwellinghouse of two or more storeys, consisting of the construction of up to two additional storeys immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.
3. Paragraph AA.3(3)(a) advises that the local authority may refuse the application where, in its opinion, the proposed development does not comply with any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2 of the GPDO. Paragraph AA.1(d) states that development is not permitted by Class AA if the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise.
4. Prior approval was granted in 2023 for the construction of an additional storey¹, and I saw on my site visit that construction of the additional storey was underway. I have sought the appellant's comments on this.

Main Issue

5. The Council refused prior approval on the basis that the additional storeys would harm the external appearance of the dwellinghouse, including the terrace of which it is a part and the setting of a listed building. The Council further considered that

¹ LPA reference PA/22/02496/NC

the proposed dormer window did not constitute a storey as defined in paragraph AA.4(2) of the GPDO.

6. Because works to add an additional storey to the building have commenced, the proposal must be assessed against the limitation in paragraph AA.1(d) of the GPDO. It follows that the main issue in this appeal is whether the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO.

Reasons

7. In order to benefit from the provisions of Class AA, the proposed development must comply with paragraph AA.1(d), which states that development is not permitted if the dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse. In this case, prior approval has previously been granted under Class AA to add an additional storey to the dwellinghouse, and that approval is in the process of being implemented.
8. The appellant has explained that the proposed development is an alternative to the approved scheme and that it is not intended to implement both schemes. As the works to implement the approved scheme have not yet been completed, the appellant argues that the existing dwelling has not yet been extended by one or more storeys, and consequently there is no conflict with paragraph AA.1(d) of the GPDO.
9. However, there is no dispute that an additional storey has been added to the original dwellinghouse, irrespective of whether or not the works have been completed. I therefore find the proposal would not accord with paragraph AA.1(d) of the GPDO.
10. Consequently, the conflict I have found with paragraph AA.1(d) of the GPDO leads me to conclude the proposed development would not be granted planning permission by Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO. As such, regardless of the other matters raised by the Council and the appellant, I cannot grant Prior Approval for the proposal.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

J Heppell

INSPECTOR