
Appeal Decision

Site visit made on 15 September 2016

by Daniel Hartley MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 September 2016

Appeal Ref: APP/H5390/D/16/3156820
129 Hurlingham Road, London SW6 3NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hugo Kirby against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/01776/FUL, registered on 20 April 2016, was refused by notice dated 15 June 2016.
 - The development proposed is the excavation of the basement including front, rear and side light wells and a side extension at ground floor and first floor levels including raising of a boundary wall to road at ground floor level.
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Decision

1. The appeal is dismissed in so far as it relates to a side extension at ground floor and first floor levels including raising of a boundary wall to road at ground floor level, and planning permission is granted for the excavation of the basement including front, rear and side light wells at 129 Hurlingham Road, London SW6 3NJ in accordance with the terms of the application Ref 2016/01776/FUL, registered on 20 April 2016, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P-01, P-02, P-03, P-04 and P-05.
 - 3) Any alterations to the elevations of the existing building shall be carried out in the same materials as the existing elevation to which the alterations relate.
 - 4) The basement floorspace shall not exceed the dimensions hereby approved and shall only be used in connection with, and ancillary to, the use of the remainder of the application property as a residential unit. The basement accommodation shall not be occupied as a self-contained flat that is separate and distinct from the use of the remainder of the application property as a single residential unit.
 - 5) The new openings in the front elevation at basement level hereby approved shall be of materials to match the existing windows above.

- 6) No part of the extended basement shall be occupied or used until the proposed grille is installed over the approved front lightwell, and the grille shall be permanently retained in place. At no time shall railings or any other vertical element be constructed around the lightwell.

Procedural Matter

2. The declaration date on the planning application form has been redacted. I have therefore referred to the Council's registration date in the banner heading above.

Main Issues

3. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Hurlingham Conservation Area.

Reasons

Site and proposal

4. The appeal property is a three storey end of terrace dwelling positioned on a corner plot at the junction of Hurlingham Road with Ranelagh Avenue. It is located within the Hurlingham Conservation Area (CA) and the locality is predominantly residential in character.
5. It is proposed to erect a two storey flat roofed extension to the side of the dwelling. The ground floor of this extension would abut the boundary with the pavement on Ranelagh Avenue and the first floor of the extension would be set in from the ground floor development on all sides. It is also proposed to excavate under the footprint of the building to form front, rear and side lightwells in connection with the creation of a new basements coupled with associated external alterations. This latter development already has the benefit of planning permission (planning permission Ref Nos 2015/05415/FUL and 2016/01775/FUL).

Conservation Area

6. This part of the CA is characterised by rows of mainly terraced houses which have projecting bay windows and tall window openings. Many of the properties are three storey and include attractive front facades with decorative features and balconies. In general terms, the front of the properties have a "villa" appearance and the window proportions emphasise the verticality of the buildings. In contrast to the above, the gable elevations of most of the end of terrace properties are flatter and have a more simple design: some have no windows and some have just a few. Overall, these collective characteristics give this part of the Hurlingham Conservation Area (CA) its distinctive character.
7. The Council has already approved most of the development to which this appeal relates (at the time of my site visit it appeared that these works had commenced). The Council raise no objection to the excavation under the footprint of the building to form front, rear and side light wells in connection with the creation of a new basement and the associated external alterations. I have no reason to disagree with this view and in this regard the proposal accords with relevant local and national planning policies. Furthermore, I am satisfied that this development would preserve the character and appearance of the CA.

8. In respect of planning permission Nos 2015/05415/FUL and 2016/01775/FUL the Council has also already approved the proposed ground floor side extension. However, the appeal proposal includes a first floor extension over the ground floor extension: the primary area of dispute relates to the proposed side extension when considered as a whole.
9. As part of my site visit, I was able to walk the CA and to consider the pattern of development within the immediate locality. Whilst not all of the dwellings in the area are exactly the same in terms of materials and design, most of the dwellings on the corner plots have high and imposing gable elevations. In design terms they are generally much simpler and flatter than the front facades of the terraced dwellings: in this regard there is a degree of design symmetry amongst each of gable elevations of the corner plots. The appeal property shares these characteristics as does the gable elevation of No 131 which is the other corner property at the junction of Hurlingham Road and Ranelagh Avenue. In the main, this pattern of development is repeated at the entrances of a number of other streets in the locality including Dolby Road, Napier Avenue, Grimston Road and Foskett Road.
10. Taking into account the above, I consider that owing to the design, scale and position of the proposed first floor side extension it would unacceptably detract from the character and appearance of No 129 Hurlingham Road and the wider street-scene. I acknowledge that the appellant has gone to some effort to ensure that the window proportions/design reflects the appearance of the existing dwelling. However, in terms of the scale and massing of the first floor side extension it would unacceptably compete with the more grand front elevation of the terrace. Furthermore, it would significantly detract from the obvious pattern of development in the locality which is one of simple and unfussy gable elevations at the entrances to main streets. Whilst the first floor would be set in from ground floor extension, as a whole the side extension would be very close to the pavement on Ranelagh Avenue. I consider that as a whole the development would have a dominating impact when viewed by passers by, unacceptably detracting from the sense of space which is currently afforded to the side of the appeal property.
11. For the above reasons, I conclude that the side extension would not appear subservient in scale to No 129 Hurlingham Road and that by virtue of the position, scale and massing of the first floor side extension it would not preserve the character or appearance of the CA. In the context of Paragraphs 133 and 134 of the National Planning Policy Framework (the Framework), I conclude that the harm to the significance of the CA is less than substantial; but I do not consider that there are any identified public benefits sufficient to outweigh that harm. I therefore conclude that the side extension would not accord with the design and conservation aims of Policy BE1 of the Hammersmith and Fulham Core Strategy 2011; Policies DM G3 and DM G7 of the Hammersmith and Fulham Development Management Local Plan 2013; Supplementary Planning Document 2013 Design Policy 31 and the Framework. I do not consider that Supplementary Planning Document 2013 Design Policy 34 is particularly relevant as it relates to rear extensions.

Conditions

12. The conditions set out in the accompanying schedule are based on the relevant conditions suggested by the Council. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity,

and in order to comply with advice in the Planning Practice Guidance. I have not imposed the Council's suggested condition which states "*the form and dimensions of the front light well, at basement and ground floor level, shall not exceed those shown on the approved drawings*" as this is not a necessary condition.

13. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with approved plans. This is for the avoidance of doubt and in the interests of proper planning.
14. In the interests of the character and appearance of the CA, it is necessary to impose planning conditions relating to materials and including the imposition of a grille over the front light well. In the interests of the living conditions of the occupiers of neighbouring residential properties, a planning condition is necessary which ensures that use of the basement is ancillary to the primary use of the property as a single dwelling house.

Other Matters

15. I note the comments made by the appellant that "*whilst the flank walls of end of terrace properties in many cases present plain, flat and monolithic elevations, devoid of interest*" in some cases the entrance to the end of terrace properties is located on the flank elevation. However, the existence of some entrances on some flank elevations does not lead me to conclude any differently in terms of the defining characteristics of the locality. In other words the more simple and flat gable elevations to most of the corner plot dwellings, when compared to the grander front elevations, add positively to the character and appearance of the CA.
16. None of the other matters raised outweigh my conclusions on the main issues.

Conclusion

17. The appeal proposal includes a number of different elements. The proposed excavation under the footprint of the building to form a basement and including front, rear and side light wells would be acceptable and would comply with relevant planning policies. This development is clearly severable from the remainder of the scheme, as it is physically and functionally independent. Therefore, I shall issue a split decision in this case, and allow the excavation of the basement including front, rear and side light wells.
18. In respect of the side extension at ground floor and first floor levels including the raising of a boundary wall to road at ground floor level, I have concluded that this would have a significantly detrimental impact upon the character and appearance of the CA. This is severable from the aforementioned acceptable development. Therefore, I dismiss the appeal in respect of the side extension at ground floor and first floor levels including the raising of a boundary wall to road at ground floor level.

Daniel Hartley

INSPECTOR