
Appeal Decision

Site visit made on 21 September 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 4 October 2016

Appeal Ref: APP/H5390/W/16/3154743
68 Stamford Brook Road, London, W6 0XL

- 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 Mr Ivan Western against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/01720/FUL, dated 16 April 2016, was refused by notice dated 20 June 2016.
 - The development proposed is the demolition of existing garages and associated hard-standing. Demolition of section of wall between the site and the pavement. Construction of a single dwelling with associated landscaping and new boundary.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garages and associated hard-standing. Demolition of section of wall between the site and the pavement. Construction of a single dwelling with associated landscaping and new boundary at 68 Stamford Brook Road, London, W6 0XL in accordance with the terms of the application, Ref 2016/01720/FUL, dated 16 April 2016, subject to the condition in the attached Schedule.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The site is a block of garages to the rear of 68 and 70 Stamford Brook Road with access off Emlyn Road. It is surrounded by other residential development and lies within the Ravenscourt and Starch Green Conservation Area which contains many Victorian and Edwardian buildings.
 4. Emlyn Road is tree lined and in the vicinity of the site dwellings tend to be large semi-detached 3-storey villas with rendered two-storey bays, clay tiled hipped roofs, flat roofed front dormers, casement windows with transoms, balconies with metal railings, and tall chimney stacks with long clay pots. These dwellings reference the houses of the nearby Bedford Park Estate. There are also a couple of detached dwellings of a similar height and scale. However, a short distance further up the road there are rows of 1930s semi-detached houses so that overall, there is quite a contrast of designs in the vicinity.
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5. The proposed dwelling would reflect some of the features of the nearby dwellings such as dormers and a central projecting bay. The front door would also be under a canopy which would be reminiscent of some nearby front doors under balconies. As the proposed dwelling would be of a smaller scale and of a different era to the surrounding dwellings, I consider it appropriate to have a more simplified design. I appreciate that there would be a large expanse of roof on one side but this would not be unattractive and it would be partially screened by the large dwellings on Stamford Brook Road. I therefore consider that the dwelling is of an appropriate design and scale for its location.
6. The Council describes the site as a long gap forming an important relief between buildings. However, it is my assessment that the concrete sectional garages with their corrugated roofs and large concrete forecourt are a visual anomaly in the area and they do not make a positive contribution to the street-scene. Whilst the proposed dwelling would be taller than the garages, it would be more attractive and would offer the chance of some soft landscaping. Furthermore, a gap near the corner of the street would be maintained by the rear gardens of 68 and 70 Stamford Brook Road. I note the Council's concern that allowing this development would set a precedent for development of rear gardens. However, the site is not a garden.
7. I now turn to trees. There are trees subject to Tree Protection Orders to the front of the site. The Council's main concern relates to an elderly Ash tree at the entrance to the garages and a Lime tree in the front garden of the house next door, 2 Emlyn Road. The development would encroach into a small area of the root protection area (RPA) of the Lime Tree and about half of the RPA of the Ash Tree.
8. However, almost all of this encroachment would be taken up by the proposed drive. Currently, this area is covered by impermeable concrete hard surfacing which severely limits moisture and oxygen to the roots resulting in poor growing conditions for the trees. This concrete would be replaced by a permeable surface which would be much better for the trees and a no-dig system is proposed to avoid damage to the roots during construction. I am therefore satisfied that the dwelling would not pose an unacceptable risk to the health of the trees.
9. I note the Council's concern that the proposed dwelling might lead to pressure to prune the trees but only a small amount of the Lime tree overhangs the site and although the Ash tree is growing within the appeal site, it is common, in Emlyn Road for trees to be close to the front of dwellings. Therefore, in this location, some shading by trees should not be unexpected by future occupiers. Furthermore, I do not consider that the Ash tree would unacceptably shade the house.
10. For the above reasons, I conclude that the proposed development would preserve the character and appearance of the conservation area. Therefore I find no conflict with Policy BE1 of the London Borough Hammersmith and Fulham Core Strategy, 2011; or Policies DM E4, DM G1 and DM G7 of the London Borough of Hammersmith and Fulham Development Management Local Plan. Neither do I find conflict with SPD Sustainability Policy 14 of the Planning Guidance Supplementary Planning Document, 2013. In combination, these policies seek to ensure that development creates a high quality environment

respecting local context, protecting conservation areas, retaining existing trees and protecting biodiversity.

Other Matters

11. I have had regard to representations made by interested parties. I note concerns regarding noise during the construction period but this would be of a temporary nature and is not a reason to prevent development. I have no technical evidence that the development of the site would cause any harm to ecology. The dwelling would be located far enough from any other dwelling so as to avoid an unacceptable loss of light and the window positions and design would ensure the protection of neighbours' privacy. I have no evidence that any displaced parking from the garages would create highway problems.

Conditions

12. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary, in the interest of precision, to define the plans with which the scheme should accord. A condition concerning external materials is required in the interests of the character and appearance of the area. Conditions in respect of glazing and construction are necessary in the interest of the living conditions of neighbours. A condition is necessary to ensure satisfactory access and parking; a condition requiring cycle spaces is necessary in the interest of sustainable transport choices; a condition is imposed to ensure the satisfactory drainage of the site; a condition is necessary to ensure the protection of trees. I have imposed a condition in relation to landscaping and boundary treatment because although the description of development includes these matters, I have few details before me.
13. I have not imposed a condition in relation to piling as I do not consider it to be necessary. I have not imposed a condition in relation to parking permits as the development would provide off-street parking and I have insufficient evidence to convince me that such conditions are necessary to protect the living conditions of neighbours. I have not imposed a condition requiring a biodiversity survey as I have no convincing evidence that such a survey is necessary. I have not imposed a condition prohibiting refuse storage on the street as there is sufficient space within the site to store bins and therefore it is not necessary to impose such a condition and in any event, it would be difficult to enforce. I have no detailed flood risk measures before me that I can impose as a condition. I have no evidence that further details are required in respect of designing out crime. I have no evidence that the site might be contaminated and therefore conditions relating to contamination would also fail the test of necessity.

Conclusion

14. For the above reasons the appeal is allowed subject to the conditions below.

Siobhan Watson

INSPECTOR

Schedule

- 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: P 01; P4000 Rev D; P4001; P4002 Rev B; P4003 Rev D; P4004 Rev E.
- 3) No works of construction of the building hereby approved shall take place until samples of all external facing and roofing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during construction;
 - v) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) means of enclosure and boundary treatments, including details of the extent of demolition of the boundary wall.
 - ii) hard surfacing materials;
 - iii) refuse and cycle storage units,
 - iv) renewable energy installations where relevant;
 - v) an implementation programme.The landscaping works shall be carried out in accordance with the approved details before the dwelling is first occupied in accordance with the agreed implementation programme.
- 6) The dwelling hereby permitted shall not be occupied until works for the disposal of sewage and surface water shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 7) The dwelling hereby permitted shall not be occupied until two secure cycle parking spaces have been provided in the location shown on the approved plans. They shall be permanently retained thereafter.
- 8) The development hereby permitted shall be carried out in full accordance with the measures and special precautions detailed in the submitted

Arboricultural Impact Assessment and Method Statement by Alderwood Consulting Ltd. (DC1609AIA dated 6 April 2016) and Tree Protection Plan (including Drawing No.AC1). The works hereby approved shall be carried out in full accordance with British Standard BS5837:2012.

- 9) The development shall not be occupied until the windows at first and second floor level on the rear and side elevations of the dwelling hereby approved are non-opening up to 1.7m above floor level and obscure glazed up to 1.7m above floor level. They shall be permanently maintained in this form. Details of the obscure glazing used shall have been previously submitted to and approved in writing by the local planning authority.
- 10) The dwelling shall not be occupied until the vehicular access and car parking area has been provided in accordance with the approved plans. The parking areas shall remain available for parking thereafter. The surface of all hardstandings within the root protection area of any tree shall be constructed strictly in accordance with the details contained within Section 4 of the Arboricultural Impact Assessment dated 6 April 2016.