

Appeal Decision

Site visits made on 13 and 14 September 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 13 October 2016

Appeal Ref: APP/H5390/W/16/3146528

47 Goldhawk Road, London W12 8QP

- 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 David Parry against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2015/03906/FUL, dated 13 August 2015, was refused by notice dated 4 January 2016.
 - The development proposed is rear extension at first and second floors.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the living conditions of future occupiers of the appeal property in terms of outlook and ii) the character and appearance of the area.

Reasons

Living conditions of future occupiers

3. The architects of the proposed office and residential scheme at No 45a Goldhawk Road to the rear of the appeal site, which was recently granted planning permission by the Council but is yet to be built, have objected to the proposal. Their objections include that the close proximity of the extension would prejudice the development of their site.
 4. The proposal would involve enlarging bedrooms situated at the rear of the respective first and second floor flats and which would be served by windows in the new rear elevation.
 5. It is undisputed by the parties that the extension windows would face towards land and buildings in the ownership of No 45a. I have not been provided with the approved drawings for No 45a to enable me to consider the relationships between the respective developments. However within the officer report to Committee the Council confirms that to overcome its concerns regarding privacy the imposition of a condition would be necessary requiring the windows in the proposed extension to be obscure glazed and fixed shut. This is not disputed by the appellant.
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6. I acknowledge that such a condition would overcome the problem of the adjacent site at No 45a being overlooked. However it would also result in a lack of clear visibility from the proposed rear facing bedroom windows and inability to open the windows to secure natural ventilation of the rooms. This in turn would result in a sense of enclosure that would feel oppressive for future occupants of the flats. It would cause significant and unacceptable harm to their living conditions taking into account that the bedrooms would form key habitable rooms within these small units.
7. I note that the Council has not raised an objection to the use of permanently closed obscure glazing in this case. However notwithstanding this, I have a statutory duty to consider the impact of the development even when no specific objection from the parties has been forthcoming.
8. I therefore conclude that the proposal would result in harm to the living conditions of future occupiers of the flats in the appeal property resulting from an increased sense of enclosure and harm to outlook. Accordingly the proposal would be in conflict with Policy DM A9 of the Hammersmith and Fulham (H&F) Development Management Local Plan 2013 (LP) and the National Planning Policy Framework insofar as they seek development to secure a good standard of amenity for existing and future occupants of buildings.

Character and Appearance

9. The appeal site forms part of a terrace of properties fronting a busy street which is typified by ground floor commercial premises. The back of the property is currently extended at ground level as far as the rear boundary. Beyond this the appeal site is tightly enclosed by large scale buildings in close proximity.
10. At present the rear of the appeal site is not in a prominent position with only limited visibility from adjacent and nearby private properties and no significant visibility from public viewpoints. Views of the site would be expected to become available to more people once the site at No 45a is redeveloped, albeit that this would continue to be from private premises.
11. The properties next to and further along from the appeal site at Nos 45b and 45 have not been similarly extended to the rear at ground level. However the presence of nearby large scale buildings, including Apex Court to the east and the very tall side wall No 49 to the west, combined with the lack of prominence of the site in relation to the public realm serves to dilute any strong sense of visual uniformity along this part of the street scene. The very tight degree of enclosure to the rear of the site also serves to significantly restrict the design context within which the rear of the appeal premises is perceived.
12. Furthermore, whilst adding two storeys, the proposal would be limited to around half the width of the existing extension. It would mark a significant reduction in scale when compared with the taller and wider extension that was found to be unacceptable by the appeal Inspector who considered the previous proposal for the site (Ref APP/H5390/W/15/3134712). Accordingly it would appear subservient to the main building.
13. Whilst the extension would be tall and incorporate a flat roof design, therefore at odds with the hipped roof over the main building, from the limited points where it would be seen this would be against the visual context of the tall side

wall of the property at No 49. This taller building would serve to visually absorb the relationship between the extension and the main building.

14. I conclude that the development would not result in harm to the character and appearance of the area. The proposal would therefore be in accordance with Policy BE1 of the H&F Core Strategy 2011 and Policy DM G3 of the LP which seek to secure a high quality of design including an acceptable form of development in relation to its surroundings.

Other Matters

15. A number of further objections to the proposal were raised. In terms of the adjacent property at No 45b the proposed extension would be set sufficiently away from the rear elevation windows in that property, not to harm outlook from or natural light entering the respective rooms there. The proposed rear facing windows in the extension would also avoid the rear yard of that property being directly overlooked.
16. I have not been provided with drawings concerning the redevelopment scheme at No 45a to the south. However it was apparent from my visit that outlook and light in relation to windows in that scheme that would face the site would be affected to a degree in any event by the existing tight relationships with adjacent buildings. I have not been provided with any evidence that would lead me to take a different view to the Council that the net impact of the proposal in this regard would not be grounds for refusing planning permission.

Conclusion

17. I have not found harm in terms of the effect of the development on the character and appearance of the area. However this is outweighed by the negative findings regarding impact on the living conditions of future occupiers of the appeal site flats. Having had regard to all other matters raised the appeal is therefore dismissed.

Roy Merrett

INSPECTOR