

Appeal Decision

Site visit made on 28 November 2016

by Mr J P Sargent BA(Hons) MA MRTPI

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

Decision date: 15 December 2016

Appeal Ref: APP/H5390/D/16/3161068

58 Bishops Road, London SW6 7AH

- 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 Ms Emily Olds Brown against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/03518/FUL, dated 26 July 2016, was refused by notice dated 28 September 2016.
 - The development proposed is the formation of front and rear lightwells in connection with the excavation of a basement.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of front and rear lightwells in connection with the excavation of a basement at 58 Bishops Road, London SW6 7AH in accordance with the terms of the application, Ref 2016/03518/FUL, dated 26 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Unless otherwise amended under the conditions below, the development shall be in accordance with the approved drawings numbered 119/11B, 119/12B and 119/13B.
 - 3) The materials to be used in the construction of the external surfaces of the works hereby permitted shall match those used in the existing building.
 - 4) The openings on the front elevation at basement level shall at all times be of a timber framed construction to match the existing windows above.
 - 5) No part of the extended basement shall be occupied or used until the proposed metal grille has been installed over the front lightwell, and the grille shall be permanently retained in place. At no time shall railings or any other vertical feature be constructed around the lightwell.

Main Issue

2. The main issue is whether the works preserve the character or appearance of the Central Fulham Conservation Area.

Reasons

3. The Central Fulham Conservation Area comprises a densely developed area of terraced residential properties that are in relatively small curtilages and
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probably date from the 19th Century. There is a notable uniformity in the style of the dwellings as they seem to have been constructed at a similar time, and that forms part of the overall character of the conservation area and contributes to its significance. No 58 stands in a long tall terrace, and is of a sympathetic appearance to the rest of the properties in the row. It has a small yard to the front and a short garden at the rear. Mindful of this arrangement, and given its age and style, it therefore complements the significance of the conservation area.

4. In March 2016 planning permission was granted (the 2016 permission) for the excavation of the front garden and part of the rear garden to form lightwells in connection with the creation of a basement. With the exception of the lightwells the works subject of that 2016 permission were entirely beneath the building, and at the time of my visit they were well advanced. The proposal now before me comprises the works subject of the 2016 permission, but it also includes extending the basement further beyond the front and rear elevations of the building.
5. There are no grounds to object to the works under the house and the lightwells at the front and back as they already have planning permission. Furthermore, in its reason for refusal the Council has raised no objection to the front extension, which would be beneath the path to the front door and I have no basis to find otherwise.
6. At the back of the building the 2016 permission included a glazed lightwell that was to run the full width of the plot behind the dwelling's conservatory, and this lightwell was to be over the rearmost part of the basement.
7. The current scheme is seeking permission to enlarge the basement so it extends some 1.5m further rearwards beyond the footprint of the building. The position of the rear lightwell would remain unchanged, and as no new lightwell is proposed Policies 14 and 17 in the *Planning Guidance Supplementary Planning Document* concerning design (SPD Design) are not applicable. However, the works could be considered to conflict with SPD Design Policy 13 that says such development will generally be resisted, while Policy DM A8 in the Council's *Development Management Local Plan* (DMLP) says basements will be approved if, among other things, they do not extend beyond the building's footprint.
8. I am unaware as to whether other properties in the row have rearward basements that are similar to what is now before me. Even if they do not though, what is proposed would be entirely underground and the hard-surfacing above would not be materially different to what was present before. Therefore, in visual terms enlarging the house in this way would not have an adverse effect on the surroundings and so I have no basis to consider the resultant property would appear discordant. As such, while the works would project beyond the building's current footprint that would not be harmful.
9. There has been a concern that the presence of this rearward basement enlargement would discourage planting in the garden in the future. However, the back garden is already nearly all hard-surfaced and I have no reason to consider that if I dismissed this appeal the situation would change to any material extent. In any event, given the size of the garden it is unlikely that significant trees or similar would be introduced. However, putting those points

aside the Appellant has expressed a willingness to increase the amount of soft landscaping in the back garden as part of this scheme.

10. Accordingly I conclude that the works would not be out of keeping with the pattern of development in the locality and so would not fail to preserve the character or appearance of the Central Fulham Conservation Area and would not harm its significance as a designated heritage asset. Therefore, in this regard they would not conflict with Policy BE1 in the *London Borough of Hammersmith and Fulham Core Strategy*, Policies DM G3, DM G7 and DM E4 in the DMLP, Policy 9 in the *Planning Guidance Supplementary Planning Document* concerning housing, SPD Design Policy 31 and the *National Planning Policy Framework* while the circumstances of the case mean any conflict with SPD Design Policy 13 or DMLP Policy DM A8 would not justify resisting the scheme.

Other matters

11. The Council's policies relating to basement extensions also raise concerns about the effect on drainage and bio-diversity as a result of the creation of impervious surfaces and the loss of opportunity for planting. However, I have no evidence to show the works would harm the passage of water through the ground. Furthermore with regard to planting and water percolation into the soil, as stated above the scheme would not worsen the existing situation. Therefore, this matter is not a reason to resist the proposal.

Conditions

12. The development should commence within 3 years and any external elevations should be finished in matching materials. The window to the front extension should also be of a timber frame that matches the rest of the house while the front lightwell should be fitted with a metal grille rather than railings before the works are first occupied, so as to safeguard the appearance of the area.
13. For the avoidance of doubt the development should be in accordance with the approved plans, but given this there is no reason to impose further conditions constraining the extent of the works or the lightwells. A condition was suggested requiring the basement to be occupied solely in connection with the dwelling and preventing it becoming housing in multiple occupation. However, while that would be materially different to the building's use as a dwelling, I have no grounds to see why such a change would be reasonably related to the development before me. Moreover, while the Appellant is proposing to introduce more soft landscaping into the rear garden, given the existing state of that area I consider there is no justification to require such works to be undertaken to make the scheme acceptable in planning terms.

Conclusions

14. For the reasons given the appeal should be allowed.

J P Sargent

INSPECTOR