The Planning Inspectorate

Appeal Decision

Site visit made on 4 October 2016

by Emma Tinsley-Evans BSoc.Sc MA MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/H5390/W/16/3153912
98 Northend Road, London W14 9EX

- 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 W Younis against the decision of the Council of the London Borough of Hammersmith & Fulham.
- The application Ref 2016/01984/FUL, dated 11 March 2016, was refused by notice dated 4 July 2016.
- The development proposed is change of use of part of the lower ground floor and upper ground floor from restaurant (Class A5) into a one bedroom self-contained flat (Class C3); erection of rear extensions at lower ground, upper ground, first and second floor level; formation of roof terraces at upper ground and first floor level, installation of new doors to replace the existing window at lower ground floor level, installation of a new window to replace the existing at upper ground, first and second floor level to the rear elevation; relocation of the extract duct at the rear of the building.

Decision

1. The appeal is allowed and planning permission is granted for change of use of part of the lower ground floor and upper ground floor from restaurant (Class A5) into a one bedroom self-contained flat (Class C3); erection of rear extensions at lower ground, upper ground, first and second floor level; formation of roof terraces at upper ground and first floor level, installation of new doors to replace the existing window at lower ground floor level, installation of a new window to replace the existing at upper ground, first and second floor level to the rear elevation; relocation of the extract duct at the rear of the building at 98 Northend Road, London W14 9EX in accordance with the terms of the application, Ref 2016/01984/FUL, dated 11 March 2016, subject to the conditions set out in the schedule attached to this decision.

Preliminary Matters

2. The description of development differs between that given on the planning application form and the Council's decision notice. The appellant has also used the Council's description of development on the appeal form and in other submissions. For the avoidance of doubt, this is the description of the development in the header above and accurately describes the proposal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the future occupants of 'Apartment 1' with regard to outlook and light.

Reasons

4. The appeal site is a mixed use property comprising a vacant A5 use on the ground floor and residential use at first and second floor. It is located in a commercial area and is surrounded by existing built development. To the north and west, the appeal site is bounded by the two storey rear extensions of 96 North End Road and 4 Castletown Road respectively. The 4 storey rear elevation of 4 Castletown Road wraps around the site to the south.

5. The presence of the surrounding development at the rear dominates the site at lower ground floor level in particular, which results in quite an oppressive and enclosing feel. However, at ground floor level and above, this sense of enclosure is relieved as the surrounding built development becomes less imposing and there are more open views between and beyond the immediate roofscape.

6. Apartment 1 would be a new residential unit located at the rear of the building, spanning the lower ground, ground and first floors. A bedroom would be accommodated at lower ground floor level and would include a small lightwell / courtyard area. Whilst I acknowledge that the outlook from this bedroom would restricted by the walls of the lightwell, the bedroom would include 2 large openings which would look out into the lightwell / courtyard and provide light to the bedroom.

7. At ground floor level, double height glazing up to the first floor is proposed. This large window would serve the main living / dining / kitchen area of apartment 1 and would be angled away from the blank wall of the neighbouring property in Castletown Road. A further opening allowing access to a terrace area would also be included on the ground floor.

8. The outlook from these windows would be towards the church at the rear of the appeal site and beyond. At this level, the surrounding buildings become less prominent and views in-between and above the adjacent built development would be available. Moreover, the large double height window, together with the additional opening providing access to the terrace would, to my mind, provide an acceptable level of light to the ground floor of apartment 1.

9. In addition, the proposal includes 2 windows that would serve the stairway between the ground and first floors of the apartment. These windows would be an elongated design allowing light from the proposed lightwell to enter the property at ground floor level and above. Whilst the outlook from these windows would be towards the blank elevation of the neighbouring property, this would be an area of the apartment that future occupants would pass through, rather than spend time in. I therefore consider that the outlook from these windows is not as critical as it would be if they served a habitable room.

10. The large double storey height window extending up from the ground floor, together with the windows serving the stairs would also allow light into the proposed study on the first floor. The outlook from this double height window would also be towards the church and being situated at first floor level, there would be even more open views beyond and across the roofs of the surrounding buildings.

11. Given the urban, built-up location of the appeal site, I do not consider that the outlook from apartment 1 would be unacceptable or unduly oppressive for future occupants. Moreover, whilst apartment 1 would be single aspect, it would be westerly facing and the proposed use of double height and large

window and door openings would maximise the amount of light coming into the apartment.

12. I note that the appeal property is in the Barons Court Conservation Area. Paragraph 132 of the Framework makes clear that great weight should be given to the conservation of designated heritage assets and I have a statutory duty, under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

13. Being located to the rear of the building, the appeal proposal would not be seen from the street. The materials, design and scale of the proposal would be in keeping with the host property and given the scale of the surrounding development, the character and appearance of the Baron's Court Conservation Area would continue to be preserved.

14. In conclusion, whilst I acknowledge that the outlook from the bedroom on the lower ground floor is limited, on balance, from the evidence before me, I consider that overall the proposed development would not have a harmful effect on the living conditions of the future occupants of apartment 1 with regard to outlook and light.

15. I find no conflict with Policy H3 of the Council's Core Strategy 2011 (CS) which requires housing development to provide a high quality residential environment and be well designed. The proposal would also accord with Policies DM A2 and DM A9 of the Council's Development Management Local Plan 2013 (DMLP) which requires all new housing to be of a high quality design that meets the needs of future occupants, amongst other things.

Conditions

16. I have had regard to the conditions suggested by the Council and the appellant's comments. Having considered them against the tests in the National Planning Policy Framework and advice in the Planning Practice Guidance (PPG), I have amended or combined some conditions in the interests of clarity and to avoid duplication.

17. In addition to the standard time limit condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary to provide certainty.

18. A condition relating to the use of external materials is also necessary to ensure the satisfactory appearance of the development. I do not consider that a separate condition specifying the type of brick to be used in the development, as suggested by the Council, is therefore necessary. However, whilst the Council suggest a condition requiring the new openings to be of a powder coated aluminium frame, no colour is specified. I consider it necessary to impose a condition requiring such details to be submitted and approved to ensure the satisfactory appearance of the development. Similarly, for the same reason, it is also reasonable to impose a condition requiring details of the brickwork support above the new openings in the external faces of the building/extension to be agreed by the Council.

19. No off-street parking has been proposed for the development. Given the need to prevent increased on-street parking stress in the area and considering that the site is situated within a PTAL 6 location with excellent public transport

accessibility, it is reasonable to impose conditions requiring the new residential unit to be car-permit free. In order to ensure that this can be appropriately managed, it is also necessary to impose a condition requiring details of the full postal address of the new unit to be submitted to the Council prior to the occupation of the development.

20. Whilst the Council suggest a condition requiring details of 1 secure cycle parking space to be submitted and approved, I am mindful that details of such a space are already provided on plan 1330 GA 103D. As the development is required to be carried out in accordance with the approved plans, I do not consider that this condition is necessary.

21. In order to ensure that satisfactory arrangements are made for the storage of refuse and recycling, it is reasonable to impose a condition requiring the details of such arrangements to be submitted.

22. Given that the site is located in an area of flood risk, it is necessary to ensure that development is carried out in accordance with the approved Flood Risk Assessment. A condition is required to secure this. Furthermore, in accordance with the requirements of Policy DM H3 of the Council's DMLP to reduce water use and the risk of flooding, it is reasonable to impose a condition requiring the submission and approval of details of the water efficient appliances to be installed.

Conclusion

23. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Emma Tinsley-Evans

INSPECTOR

SCHEDULE OF CONDITIONS:

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: Site Location Plan; 1330/ELE/102A; 1330/GA/101; 1330/GA/102; 1330/GA/103D; 1330/GA/104B; 1330/SEC/101; 1330/SEC/102A; 1330/SEC/103A; 1330/SK/101; 1330/SK/102; 1330/SK/107.

3) The permitted alterations and extensions to the elevations of the existing building shall be carried out in the same materials as the existing elevation to which the alterations or extensions relate.

4) The new openings in the development hereby approved shall be of a powder coated aluminium frame construction. The new openings hereby approved shall not be installed until details of the colour of the powder coated aluminium have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and be permanently retained in that form.

5) Details of the brickwork support above the new openings hereby approved shall be submitted to and approved in writing prior to installation. The works shall be carried out in accordance with the approved details.

6) No occupier of the new residential unit hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued, it shall be surrendered to the Council within 7 days of written demand.

7) The new residential unit hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to ensure that all occupiers, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the Council and to ensure that occupiers are informed, prior to occupation, of such restriction. The new residential unit shall not be occupied otherwise than in accordance with the approved scheme unless written agreement is issued by the Council.

8) The new residential unit hereby permitted shall not be occupied until the Council has been notified in writing (and has acknowledged such notification) of the full postal address of the unit. Such notification shall be to the Council's Head of Development Management and shall quote the planning application number specified in this decision letter.

9) The development hereby approved shall not be occupied until full details of refuse storage, including provision for the storage of recyclable materials, have been submitted to and approved in writing by the Local Planning Authority and provided on site in accordance with the approved details. The refuse and recycling facilities shall thereafter be permanently retained for such use.

10) The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment dated 17 February 2015.

11) Details of the installation of water efficient appliances to help minimise water use and foulwater flows shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details prior to the occupation of the development hereby permitted and thereafter retained and maintained in accordance with the approved details.