

Appeal Decision

Site visit made on 13 December 2016

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 12 January 2017

Appeal Ref: APP/H5390/D/16/3163033

27 Waldo Road, London NW10 6AU

- 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 Idris Moudi against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2016/03850/FUL dated 24 August 2016, was refused by notice dated 21 October 2016.
 - The development proposed is described as a single storey side infill extension; change of windows to timber frame; change to fenestration to existing rear addition at first floor level; brick walls around rear garden.
-

Decision

1. The appeal is allowed and planning permission granted for a single storey side infill extension; change of windows to timber frame; change to fenestration to existing rear addition at first floor level; brick walls around rear garden at 27 Waldo Road, London NW10 6AU in accordance with the terms of the application, Ref 2016/03850/FUL dated 24 August 2016 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: 110 Rev A, 111 Rev A, 112 Rev A, 113 Rev A, 210 Rev A, 211 Rev A, 212 Rev B, 213 Rev A and 214 Rev A.
 - 3) The proposed ground floor extension hereby approved shall be constructed in brickwork to match the colour, texture and bonding of the existing building.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions of the occupiers of 25 Waldo Road with particular reference to outlook.

Reasons

3. The proposed single storey extension would infill the side return area between the flank wall of the two storey rear projection to the host property and the boundary with 25 Waldo Road. No 25 Waldo Road also has a rear projection which mirrors that of the appeal property. The proposal would not project any further than the rear addition and would be subservient to the original building.
-

- The proposal would have a height of approximately 2.5 metres and would have a flat roof with rooflights.
4. The height of the proposed extension would be greater than the existing fence. It would also be in excess of the guidance of 2 metres specified in Criteria (iv) of Housing Policy 7 of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document (SPD), 2013. The SPD guidance relates to the height at the boundary with the adjoining property where an extension infills the side of a back addition.
 5. A ground floor window in the rear elevation of 25 Waldo Road is located immediately adjacent to that property's own rear projection and is therefore some distance from the boundary. The outlook from the rear window would not be substantially affected by the increase in height on the boundary because the view down the garden is already framed by the rear projections of nos. 25 and 27 Waldo Road.
 6. I have also had regard to the fact that the proposed extension would have a flat roof rather than a sloping roof. The SPD permits a maximum angle of slope not exceeding 45 degrees as part of an extension of 2 metres high on the boundary. The increased height at the boundary would in part be justified by the flat roof design with the height adjoining the rear addition being considerably lower than that permitted by the guidance.
 7. The side windows in the rear projection of 25 Waldo Road which are directly opposite the appeal property appear to serve a non-habitable room and a room which has another window in the rear elevation. On this basis, and taking account of the distance to the boundary and the height of the proposed extension, the outlook from these windows would not be materially adversely affected. I also note that the Council has not identified harm to outlook in respect of these windows. Consequently I find that the proposal would not result in an increased sense of enclosure or an overbearing impact and would not be unacceptably harmful for occupiers of 25 Waldo Road.
 8. I find that the proposed development would not conflict with Policy DM A9 of the London Borough of Hammersmith and Fulham Development Management Local Plan (DMLP), 2013 which seeks to ensure that residential extensions do not adversely affect the living conditions of neighbouring occupiers including in terms of outlook from windows in adjoining properties. There would also be no conflict with Policy DM G3 of the DMLP which requires a high quality of design in all extensions taking into account good neighbourliness amongst other things. The justification to Policy DM A9 states that the standards are often subject to on-site judgement and a departure from the standard set out in the SPD is justified in this case for the reasons given. Additionally I find the principle of the National Planning Policy Framework in respect of ensuring a good standard of amenity for all occupants would be met.
 9. I have also had regard to the fallback position which the appellant has outlined. If the appeal scheme were not erected then a taller but shorter infill scheme could be constructed which would potentially have a greater impact on the outlook from the rear facing window of 25 Waldo Road and the likelihood is that such a fallback would be built.

Conditions

10. I have had regard to the conditions suggested by the Council in the light of the Framework and Planning Practice Guidance. In addition to the standard implementation condition I have imposed a condition specifying the relevant drawings as this provides certainty. A condition relating to materials is also necessary to ensure the appearance of the development is satisfactory.
11. The Council suggested a condition to specify the height of the proposed development on the boundary which should not be exceeded. However, the condition requiring development to be carried out in accordance with the relevant drawings would control the height and therefore the additional condition proposed by the Council is unnecessary.
12. The Council also suggested a condition relating to the new windows in the side elevation at first floor level in order to ensure a satisfactory impact on the amenities of neighbouring occupiers in terms of overlooking and loss of privacy. However, as the area and positioning of the new windows would not be materially different from the existing windows such a condition would be unreasonable.

Conclusion

13. For the reasons set out above, and having taken into account all other matters raised the appeal is allowed.

Kevin Gleeson

INSPECTOR