

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: 17 January 2017

Appeal Ref: APP/H5390/D/16/3162986

13 Batson Street, London W12 9PU

- 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 D Lynagh against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2016/03733/FUL, dated 17 August 2016, was refused by notice dated 19 October 2016.
 - The development proposed is described as retrospective application to alterations to roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning permission was previously granted under Ref 2014/04005/FUL for the erection of a rear roof extension and the erection of a single storey rear extension to the side of the existing back addition. At the same time a Certificate of Lawful Development (the Certificate), Ref 2014/04004/CLP, was granted for the erection of a rear roof extension and erection of a rear extension at second floor level, on top of the existing back addition.
3. The development permitted by the previous planning permission and the Certificate has largely been implemented but modifications to the scheme have led to the need to obtain approval for changes beyond the scope of the earlier decisions. These seek to retain the rear roof extension and the extension on top of the back addition.

Main Issues

4. The main issues are:
 - the effect of the extension on the character and appearance of the host property and surrounding area; and
 - the effect of the development on the living conditions of neighbouring occupiers with particular reference to outlook, privacy and visual impact.
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Reasons

Character and Appearance

5. The appeal property was built as a mid-terrace two storey dwelling on the south side of Batson Road. Prior to the implementation of the current scheme the property incorporated a two storey projection from the main terrace building adjoining the western boundary and extending across the majority of the rear elevation. A number of neighbouring properties to the east have dormer extensions to their main roofs.
6. The original parapet wall to the western boundary sat below the height of the ridge line of the main roof. Consequently the rear addition and its parapet would have appeared as subservient to the main terrace building. With the construction of the raised parapet on the western and southern elevations to a height which exceeds the ridge line of the terrace building the additional storey has become a dominant feature and the rear addition is no longer subservient to the main building.
7. The effect of the additional height is further pronounced by the fact that the adjoining property to the west, 15 Batson Street, has a lower ridge line than the appeal property and does not have a prominent rear addition. Consequently when viewed from Percy Street and Batson Street the proposed extension appears bulky and over dominant. In addition, I consider that even with the trees in leaf the development would be highly visible from a number of public vantage points.
8. The use of brick for the southern elevation at second floor level matches the existing materials. However, this means that there is a lack of distinction between the original two storey addition and the new element. I find that the use of roof tiles to match the original roof on the southern as well as the eastern elevations would have helped to reduce the visual effect of the additional bulk rather than making it more prominent in the street scene as the appellant argued. The extension on top of the back addition extends to the full depth on the southern elevation and, notwithstanding the fallback position described by the appellant, the lack of a setback from the rear elevation together with the height of the new development dominates the original building. I find that the dominance of the development is a reflection of the height, materials and projection to the rear elevation.
9. I therefore find that by virtue of its size, bulk, siting and materials the development is visually intrusive and contrary to Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy, 2011 (the Core Strategy) which seeks to ensure that all development is of a high quality that respects its townscape context. I do not find that the development is compatible with the scale and character of the existing development, the neighbouring properties or the setting of the development. In addition the development is not subservient to the original building and has not been integrated into the architectural design of the existing building. It is therefore contrary to Policy DM G3 of the Development Management Local Plan, 2013 (DMLP) which seeks to ensure a high standard of design in all alterations and extensions. The proposal would also be contrary to the advice of the National Planning Policy Framework in respect of good design as it fails to respond to local character.

10. The Council has made reference in its first reason for refusal to Policies 31 and 32 of the Planning Guidance Supplementary Planning Document (SPD), 2013. However, both of these policies make reference to the effect of development on the character of a conservation area. I understand that the appeal property is not within a conservation area and therefore such policies are not applicable in this case.

Living Conditions

11. The height of the proposed rear extension and its proximity to the rear boundary would result in an increased sense of enclosure. However, taking account of the fallback position I consider that the effect on neighbouring occupiers would not be overbearing. Consequently I find that the development is not contrary to Policy DM A9 of the DMLP which requires development to respect the principles of good neighbourliness and to ensure that there is no detrimental impact on openness between properties. Similarly, I find that the proposal accords with the guidance in Housing Policy 7 of the SPD which seeks to ensure that development does not have an overbearing effect resulting in an increased sense of enclosure on the enjoyment of neighbouring properties.
12. The distance between the new high level window and the neighbouring property to the rear marginally increases the likelihood of overlooking and a loss of privacy. However, taking account of the fallback position and the fact that the rear addition has a window at first floor level I do not see the need for a planning condition to address the potential issues of overlooking and loss of privacy, were I to have allowed the appeal. I therefore find that the development would not cause material harm to the living conditions of neighbouring occupiers in respect of privacy and therefore would not be contrary to Policy DM A9 of the DMLP and Housing Policy 8 of the SPD which aim to protect the amenities of neighbouring occupiers.

Conclusion

13. I have found the development not to be detrimental to the living conditions of neighbouring occupiers in respect of outlook, privacy and visual impact. However I have found that the development has a detrimental impact on the character and appearance of the host property and the surrounding area. For these reasons, the appeal is dismissed.

Kevin Gleeson

INSPECTOR