
Appeal Decision

Site visit made on 3 January 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 17 January 2017

Appeal Ref: APP/H5390/W/16/3160754
Flat C, 26 Lilyville Road, London SW6 5DW

- 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 James Brumwell against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/03289/FUL, dated 18 July 2016, was refused by notice dated 20 September 2016.
 - The development proposed is the erection of a rear extension at second floor level, on top of the existing back addition; installation of 2 No. flat roof windows in main flat roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - (i) the character and appearance of the area; and
 - (ii) the living conditions of occupiers of the neighbouring property at 28 Lilyville Road, with particular regard to outlook and sense of enclosure.

Reasons

Character and appearance

3. The appeal site is a 3-storey property, which forms part of the wider terrace of 35 properties situated on the western side of Lilyville Road. The property consists of 3 self-contained apartments, with the appeal property being located in Flat C on the second floor.
4. I am mindful of the fact that the site has been the subject of previous refusals for planning permission¹ and also that an application for a similar scheme was withdrawn prior to determination². As such, I am aware that the appellant has aimed to address the reasons for refusal in the proposal before me.
5. I acknowledge the proposed use of sympathetic materials and also that the height of the extension would remain below the eaves of the host property. In addition, given the modest scale and appropriate design of the proposed roof

¹ Council references 2016/00411/FUL and 2016/03289/FUL

² Council reference 2016/01478/FUL

lights in the main roof, I find these would represent an appropriate addition to the existing property.

6. However, I do not consider that the proposed flat roof would be significantly less dominant than the existing rear pitched roof. In addition, I find that the proposed design of the rear extension would give rise to an obtrusive feature, in terms of both the host property and the surrounding locality. Furthermore, the loss of the pitch and introduction of the rear extension would also undermine the architectural integrity of the neighbouring properties at No 28 and 24.
7. From my observations made during my site visit, as with many terraced properties, the rear of the host property would be overlooked and would be visible to those properties facing the appeal site located on Radipole Road. Furthermore, it was evident that some properties within the terrace on Lilyville Road had undergone alterations, including the replacement of part of the pitched roof with a flat roof. Alterations to the rear of properties on the Radipole Road terrace were also evident.
8. However, I have limited information relating to the particular circumstances of these developments. Furthermore, rather than providing justification for the development in question, if anything, the presence of these examples point to a need for such proposals to be carefully controlled if the character and appearance of the locality is to continue to be safeguarded.
9. I consider that the proposal would fail to appear as a subordinate enlargement of the property. Instead I consider it would represent an incongruous form of development which would materially erode the overall balance of the wider terrace.
10. I also note from the Council's submitted evidence that planning permission was granted for the erection of a rear extension at second floor level over part of the existing back addition and installation of 2 roof lights above the main flat roof at roof level³. However, I have no information about this scheme and therefore I have attached limited weight to this decision.
11. I therefore find that the proposed development would cause harm to the character and appearance of the host dwelling, the wider terrace and the surrounding area. The proposal would therefore fail to meet the requirements of Policy BE1 of the London Borough of Hammersmith and Fulham Core Strategy 2011 (the CS) and Policy DM G3 of the London Borough of Hammersmith and Fulham Development Management Local Plan 2013 (the LP). When taken together these policies seek, amongst other things, to ensure new development is of a high quality design which contributes positively in recognising and respecting distinctive local character.

Living conditions

12. Despite complying with Housing Policy 7 (i) and (ii) of the London Borough of Hammersmith and Fulham Planning Guidance Supplementary Planning Document 2013 (the SPD), the Council has raised concern with criterion (iii) of this policy in respect of loss of outlook and a sense of enclosure to the neighbouring occupants of No 28.

³ Council reference 2016/04311/FUL

13. I have found that the replacement of the existing pitch with a flat roof would not represent a significantly less dominant feature than already in existence. As such, I do not find that the existing outlook experienced by the neighbouring occupiers would be significantly altered.
14. Furthermore, given the reduction in depth of the appeal proposal following previous planning refusals and following pre-application discussions, I do not consider that an oppressive sense of enclosure would be experienced by the occupants of No 28 either from within the property or when utilising their outdoor amenity space.
15. I note the concern raised in relation to the proposed Juliet balcony. The proposed balcony would not be located directly above the existing window on the first floor rear elevation of the appeal property. As such, I do not consider that the proposed balcony would result in an increased level of overlooking of neighbouring properties.
16. I also acknowledge the concern in terms of the use of the flat roof as a roof terrace and the potential increase in noise and disturbance for neighbouring occupants. If I were to allow the appeal, I consider it would be reasonable and necessary to impose a condition preventing the use of the flat roof as amenity space, in the interests of residential amenity.
17. As such, I therefore conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of the neighbouring property at No 28, with particular regard to outlook and sense of enclosure. Accordingly, I find that the proposal complies with Policy BE1 of the CS, Policies DM A9 and DM G3 of the LP and Housing Policy 7(iii) of the SPD with respect to their requirements to ensure that new development protects the living conditions of the occupiers of neighbouring residential properties.

Conclusion

18. I have found that the proposal would not have an unacceptably harmful effect on the living conditions of the occupiers at 28 Lilyville Road. However, the harm to the character and appearance of the surrounding area is decisive.
19. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR