

Appeal Decisions

Site visit made on 17 January 2017

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 27 February 2017

Appeal A: APP/H5390/D/16/3163507 61 Richmond Way, London W14 0AS

- 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 Mrs Doyle against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application ref: 2016/03001/FUL, dated 30 June 2016 was refused by notice dated 28 September 2016.
 - The development proposed is described as "Demolition of existing side and front two storey glazed bays and extension to provide an additional floor, ground/first floor side and front single storey entrance lobby extensions. New railings and fence to the front boundary and minor alterations to windows to rear".
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Appeal B: APP/ H5390/D/16/3163509 61 Richmond Way, London W14 0AS

- 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 Mrs Doyle against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application ref: 2016/03002/FUL, dated 30 June 2016, was refused by notice dated 15 September 2015.
 - The development proposed is described as "Demolition of existing front and side two storey glass bays and construction of an additional floor, three storey front bay extension and two storey side extension".
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Decisions

1. **Appeal A:** *The appeal is allowed and planning permission is granted for "Demolition of existing side and front two storey glazed bays and extension to provide an additional floor, ground/first floor side and front single storey entrance lobby extensions. New railings and fence to the front boundary and minor alterations to windows to rear" at 61 Richmond Way, London W14 0AS, in accordance with the terms of the application, ref: ref: 2016/03001/FUL, dated 30 June 2016, subject to the conditions listed at the end of this decision.*
 2. **Appeal B:** *The appeal is allowed and planning permission is granted for "Demolition of existing front and side two storey glass bays and construction of an additional floor, three storey front bay extension and two storey side extension" at 61 Richmond Way, London W14 0AS, in accordance with the terms of the application, ref: 2016/03002/FUL, dated 30 June 2016, subject to the conditions listed at the end of this decision.*
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Preliminary Matters

3. The appeal proposals follow a previous scheme for which planning permission was refused in an appeal¹ which was made because the planning application in that case was not determined in the prescribed timescale. That previous scheme included two additional floors of accommodation (with the upper floor in the roofspace) and a significantly taller side extension than either of those proposed in the current schemes².
4. Appeal schemes A and B are two alternative schemes to alter and extend no. 61 which is a detached building in the Lakeside/Sinclair/Blythe Road Conservation Area (CA). The submitted plans indicate that both schemes include some additional features such as new or reconfigured windows, and these are mentioned in the Council's more detailed development descriptions. I have determined the appeals on the basis that the schemes include all the extensions and alterations shown on the submitted plans.
5. The Council's first two refusal reasons, relating to the proposed additional floor, are the same in both appeals. The third refusal reason is concerned, in each case, with the proposed front extension (single storey in the Appeal A scheme and three storey in the Appeal B scheme). I have assessed the two schemes together, distinguishing between them as necessary.

Reasons

6. The **first main issue** is the effect of the proposals on the character and appearance of the surrounding area, in the Lakeside/Sinclair/Blythe Road CA (which is a designated heritage asset).
7. It appears there is no published character appraisal for this CA but it is readily apparent that the many long terraces of buildings are key elements of its character. Many, including those close to the appeal site in the parallel streets of Addison Gardens and Bolingbroke Road, are substantial and tall buildings with many and varied external features and detailing. The regular spacing of the terraces and rows of gardens between them add to the relative formality of the street layout (mentioned in the 2016 appeal decision). All these features contribute to the CA's character and appearance and, in illustrating aspects of the locality's history, to its significance as a heritage asset.
8. No. 61 is on the eastern side of the short section of Richmond Way which runs at an angle between Addison Gardens and Bolingbroke Road. Unlike the substantial buildings on the western side of Richmond Way, which turn the corner from Addison Gardens, no. 61 is a single, small-scale detached dwelling on a very small and restricted plot. Thus it bears little if any relation either to the pattern of development around it or, more significantly, to the scale, style, form and detailing of surrounding buildings. Rather its existing squat, flat-roofed form and unusual glazed projections appear somewhat incongruous in the street scene, to the extent that its impact on the CA's character and appearance is less than positive.

¹ Appeal ref: APP/H5390/W/15/3138827, decision dated 2 June 2016

² The outline of the previous scheme is indicated on the submitted plans in both the current schemes, and various differences in the dimensions of the dismissed and current schemes are noted in the submitted Design and Access Statements, but detailed plans of the dismissed scheme have not been provided

9. In this context the appeal proposals, in both schemes, would simplify the building's form notwithstanding the increase in height and the extensions replacing the glazed features to the front and south side. Both schemes would result in a much more proportionate and harmonious design than the existing one. That applies especially to the principal elevation to the street in which the proposed front extension, whether single or three storey, would be an integral component of the design. I find that to be the case irrespective of whether or not the Government proceeds with proposals to introduce permitted development rights to extend upwards.
10. I have borne in mind the concerns, in the 2016 Inspector's decision, about the increased height and bulk of the extensions proposed in that scheme in relation to the importance of the spaces and gaps between streets and buildings. In the current schemes however the proposed height of the main building would be substantially less. The extended building would remain below eaves level of the adjacent corner building to the north (no. 59 Addison Gardens) and visually subservient to it and to Addison Park Mansions opposite. Moreover, in views along the street, the building's clean lines, simpler forms and light-coloured render would not compete with the more elaborate older buildings. Thus I find that the building as proposed to be extended in these current schemes would not appear cramped or congested in the street scene, even though it occupies a plot of restricted size.
11. The proposed front extensions (and the larger side extensions to which the Council does not object) would be of greater volume and more solid than the existing glazed projections. However in the context of the overall scale and proportions of the building as proposed, and bearing in mind the shallow depth of the front extensions, I find no substance to the Council's assertion that even the single storey projection would appear unduly bulky, overbearing and intrusive in the street scene.
12. I therefore conclude that neither scheme would have a harmful impact in terms of the character and appearance of the surrounding area. Both schemes would be an improvement in visual terms, preserving and even slightly improving the CA's character and appearance without detriment to its significance as a heritage asset. Thus there would be no conflict in this respect with the development plan³, with the *National Planning Policy Framework* or with the Council's Planning Guidance Supplementary Planning Document (SPD) (2013).
13. The **second main issue** is the effect of the proposals on living conditions at neighbouring properties, mainly in terms of outlook and dominance.
14. Again it is significant that only one additional floor (with a flat roof) is proposed in these schemes, compared with a proposal of markedly greater overall height in the previous scheme. In addition, although the gardens of the Bolingbroke Road properties to the south-east are relatively short, the offset position of the building at no. 61 is such that the outlook from those properties would not be directly onto a large expanse of side or rear wall. It would instead be onto the corner of the building and/or obliquely along its side or rear wall. Such a situation is not envisaged in SPD Housing Policies 7 and 8 and, in any event, it is acknowledged in the SPD that on-site judgement will be a determining factor in assessing impact on existing amenity at neighbouring properties.

³ Most notably Policies 7.6 and 7.8 of The London Plan (2016); Policy BE1 of the Council's Core Strategy (CS) (2011); Policies DM A9, DM G7 and DM G3 of the Development Management Local Plan (DMLP) (2013)

15. I have had regard also to the windows and other design features which would break up and articulate, in particular, the building's south and east elevations; the light-coloured render which would reflect light; the likely screening effects of the protected sycamore tree immediately adjacent to the building's south elevation (bearing in mind its heavily pruned state at the time of my visit). All these factors combined with the particular orientation and position of no. 61 relative to neighbouring properties lead me to conclude that neither scheme would unacceptably reduce outlook or appear so dominant as to cause material harm to living conditions in neighbouring properties in Bolingbroke Road.
16. Nor, given typical relationships across streets in the appeal site locality, would one additional floor at no. 61 unacceptably dominate the outlook from flats in Addison Park Mansions on the opposite side of Richmond Way, or cause any material loss of privacy. It would have little if any impact in terms of privacy and overlooking at the rear, with dummy windows in the additional floor. Impacts on daylight and sunlight to neighbouring properties would be less significant than those assessed by the 2016 Inspector in relation to a scheme for a taller building and found to be not material.
17. On this issue therefore I conclude that neither appeal scheme would have impacts of such significance that material harm would be caused to living conditions at neighbouring properties. There would therefore be no conflict in this respect with DMLP Policies DM A9 or DM G3 or with the SPD.
18. **Other matters and conclusions:** With regard to the protected sycamore tree close to the dwelling's southern side elevation it is acknowledged in the Council officers' report and by the appellant that adequate measures to protect it could be secured by condition. I have had regard to all other matters raised but have found nothing sufficient to alter or outweigh my conclusions on the two main issues. It follows that overall I conclude both schemes would accord with the development plan, both appeals should succeed and planning permissions should be granted subject to conditions.
19. **Conditions:** In each case a condition specifying the approved plans is needed for the avoidance of doubt and in the interests of proper planning. Conditions relating to external materials, finishes and features, including at roof level, are reasonable and necessary in the interests of visual amenity in this CA location, and/or to protect residential amenity in neighbouring properties. In Appeal B that includes a condition requiring obscure glazing of the large panel in the south elevation of the side extension. In both cases and as already mentioned, measures to protect a tree that contributes to visual amenity are reasonable and necessary. I shall however amend, simplify and/or consolidate some of the Council's suggested conditions in the interests of precision and clarity.
20. Therefore, in **Appeal A: planning permission is granted subject to the following conditions:**
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. 691/A3/100 A (location plan); 691/A3/101 A (block plan); 691/A2/320 G; 691/A2/321 E; 691/A2/374; 691/A3/375-378 inclusive; 691/A3/350; 691/A3/360 A; 691/A3/361-364 inclusive.

- 3) No development shall take place until details of measures for the protection during the construction period of the sycamore tree within the site curtilage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved measures.
 - 4) The materials and finishes to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 5) The flat roofs of the extensions hereby permitted shall not be used as a roof terrace or other form of open amenity space. No railings or other means of enclosure shall be erected on the roofs and nor shall any water tanks, planters or other structures be erected on them.
 - 6) No plumbing, extract flues or pipes other than rainwater pipes shall be fixed to the front elevation of the building.
21. In **Appeal B: planning permission is granted subject to the following conditions:**
- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. 691/A3/100 A (location plan); 691/A3/101 A (block plan); 691/A2/320 F; 691/A2/321 D; 691/A2/324; 691/A3/325 A; 691/A3/326 A; 691/A3/327 A; 691/A3/328 A; 691/A3/300 A; 691/A3/310 J; 691/A3/311 H; 691/A3/312 H; 691/A3/313 H; 691/A3/315 A.
 - 3) No development shall take place until details of measures for the protection during the construction period of the sycamore tree within the site curtilage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved measures.
 - 4) The materials and finishes to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 5) Notwithstanding the provisions of conditions 2 and 4 above, no development shall take place until details and a sample of obscure glass for the glazed panel on the south elevation of the side extension hereby permitted has been submitted to and approved in writing by the local planning authority. The panel shall be fitted with obscure glazing in accordance with the approved details and sample and shall be retained in that condition thereafter.
 - 6) The flat roofs of the extensions hereby permitted shall not be used as a roof terrace or other form of open amenity space. No railings or other means of enclosure shall be erected on the roofs and nor shall any water tanks, planters or other structures be erected on them.
 - 7) No plumbing, extract flues or pipes other than rainwater pipes shall be fixed to the front elevation of the building.

Jane Miles

INSPECTOR