
Appeal Decision

Site visit made on 14 February 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 1 March 2017

Appeal Ref: APP/H5390/W/16/3163975
14 Richmond Way, London W12 8LY

- 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 Navin Shah (Pasil Investments Limited) against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2106/03608/FUL, dated 8 August 2016, was refused by notice dated 4 October 2016.
 - The development proposed is described as rear roof enlargement and rear roof extension at first floor half landing.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear extension at second floor level, on top of the existing back addition; erection of a new dormer window to replace the existing windows in the rear roof slope at 14 Richmond Way, London W12 8LY in accordance with the terms of the application, Ref 2016/03608/FUL, dated 8 August 2016, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Mr Navin Shah (Pasil Investments Limited) against the Council of the London Borough of Hammersmith & Fulham. This application is the subject of a separate Decision.

Procedural Matters

3. The Council change the description of application Ref 2016/03608/FUL from that contained on the application form to 'the erection of a rear extension at second floor level, on top of the existing back addition; erection of a new dormer window to replace the existing windows in the rear roof slope.' Whilst I note the appellants concern that this change of description was undertaken without prior discussion, it is a more accurate description of the development proposed which I have consequently used in the determination of this appeal. I do not consider that any prejudiced is caused by the change to the description of the development.
 4. I have also dealt with an appeal at the adjoining property at No 12 Richmond Way (Ref APP/H5390/W/16/3163973). Whilst the design of the external development proposed in that appeal is the same as in this case, that proposal also included the conversion of the dwelling house into self-contained flats.
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Consequently, I cannot deal with these cases as linked appeals and the appeal at No 12 is subject to a separate decision.

5. At the time of my site visit the external elements of the proposed development were almost complete. I have no evidence to suggest that the construction work has been otherwise undertaken than in accordance with the submitted plans. I have therefore determined this appeal on the basis of the plans submitted with the application.

Main Issues

6. The main issues are:

- The effect of the proposed development on the character and appearance of the surrounding area.
- The effect of the proposed development on the living conditions of the occupants of No 16 Richmond Way with particular regard to outlook and light.

Reasons

Character and appearance

7. The appeal property is a two storey, mid-terrace dwelling with basement located on Richmond Way which is a residential street comprising of similar properties. The rear of properties on the western side of the street have small rear gardens that abut a narrow open service area of the West 12 Shopping Centre with the substantial blank eastern elevation of the shopping centre beyond. As such, the rear of the property is relatively enclosed and is not directly visible from public views, although southerly views of the rear of the terrace block as a whole are attainable in a slight gap on Bush Green between a former public house and the end terrace at No 2.
8. The proposed development would involve the erection of a flat roof extension at second floor level on top of an existing first floor extension. One of the existing rear dormer windows in the rear roof slope is proposed to be replaced with a smaller window to accommodate the position of the extension.
9. Several properties in the vicinity have had similar rear extensions to those proposed in this appeal. In particular, the adjoining property at No 16 has an identical extension and No 10, appears also very similar in having the same depth as the appeal proposal but is slightly lower in height.
10. I appreciate that many of the existing roof extensions may have been carried out under permitted development rights and so the Council was not able to assess the merits of them against prevailing planning policies. Nevertheless, no matter how they were granted planning permission, they are there and as such set the visual context for considering this appeal scheme.
11. Although the proposed extension occupies less than half of the width of the original rear elevation, in combination with the other previously extended elements to the property it cannot be considered as being subservient to the original building. However, neither is the extension at No 16 and there is little visual difference in the extension also at No 10.

12. I consider that the proposed extension, in having very similar design, scale, massing and materials to those in the immediate vicinity would ensure that this part of the terraced block has a degree of symmetry and consistency in the form of the rear extensions. The proposed extension would therefore be entirely compatible with the character of existing development.
13. In this case, I have taken into account the enclosed nature of the site, the limitation in public view and the existence of very similarly sized rear extensions in close proximity to the appeal property. These factors are material considerations which, in combination, are of sufficient weight to suggest that the design, scale and mass of the proposed rear extension would not cause any unacceptable harm to the character and appearance of the area.
14. In addition, given the presence of existing rear extensions at Nos 10 and 16 the proposed extension would, to some extent, redress some of the imbalance to this terrace block that results from the presence of the large existing rear extensions close by. Given the locational, design factors and the existence of similar extensions on the same terrace block, in this case I consider that the appeal proposal constitutes the circumstance where an extension that would not be subservient to the existing building would be acceptable.
15. Taking the above matters into consideration, I conclude that the proposal would not have an adverse effect on the character and appearance of the area. It would not therefore conflict with Policy BE1 of the London Borough of Hammersmith & Fulham Core Strategy 2011 or Policy DM G3 of the Development Management Local Plan 2013 (DMLP). These policies, amongst other things, require that extensions should be compatible with the scale and character of existing development and their setting and protect the character of the area.

Living conditions

16. The proposed extension would result in the reduction of some light being received at the rear first floor bedroom window at No 16. Light to this window is already compromised by the existing first floor rear extension at the appeal property and the first and second floor extensions at No 16 itself. The sloping roof of the existing first floor extension at the appeal property already extends to the eaves level above the first floor bedroom window in the original rear elevation of No 16. The proposed extension would not project beyond that of the existing first floor extension.
17. I agree with the appellant that there is an expectation that the planning system should operate with a degree of consistency irrespective as to whether development has been undertaken as a consequence of a planning permission or as permitted development. In the same way that the proposed extension would have some effect on light and outlook at No 16, the existing extensions at Nos 16 and 10 result in very similar impacts on the rear first floor windows of No 18 and No 12.
18. In this case, owing to the presence of the existing first floor extension of the appeal property, I consider that the proposed extension would not materially add to a reduction in light received at the bedroom window at No 16, or indeed any other windows at that property. In addition, as the proposed extension would be positioned above the height of the eaves of the original rear elevation

at No 16 it would not be readily visible in views from the rear bedroom window and as such would not appear as being overbearing.

19. The outlook from the rear first floor bedroom window at No 16 is already compromised by the existing first and second floor extensions at that property and the first floor extension at the appeal property. The proposed extension, in being at the second floor level, would interrupt some views of the sky but not significantly affect direct outlook from the first floor bedroom window.
20. Whilst I note the Council's concern that the proposed extension would result in a sense of enclosure for the occupants of No 16, I do not consider that the appeal proposal would cause this to be significantly greater than that which already occurs as a consequence of the existing first floor extension at the appeal property and the first and second floor extensions at No 16. Moreover, there would be very little difference, if any, in the sense of enclosure at No 16 as a consequence of the proposed extension beyond that which already occurs to Nos 12 and 18 as a result of the similar permitted extensions at Nos 10 and 16 respectively.
21. Although the proposed development would result in some loss of light and outlook to No 16, taking the above factors into account, I do not consider that this would be of an extent to warrant the dismissal of this appeal. Consequently, there would be no conflict with Policies DM A9 and DM G3 of the DMLP. These policies, amongst other things, require that extensions should display good neighbourliness that does not have a detrimental impact on light and outlook to adjacent properties.

Conditions

22. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the Government's Planning Practice Guidance. As a result, I have amended some of them for clarity and eliminated one for the reasons set out below.
23. I have attached conditions limiting the life of the planning permission and I have specified the approved plans in the interests of certainty. In the interests of protecting the character and appearance of the area I agree that conditions are necessary to prevent the installation of external fittings on the front elevation of the property, materials to be used, height of party walls and the prevention of water tanks and other structures from being erected on the roof of the rear extension.
24. Although the Council has suggested a condition requiring that the window frames are made of timber the appeal property is not located within a Conservation Area and I have no evidence to suggest that there may be other planning controls applicable to the appeal property that may require the use of timber. Consequently, I consider that the Council's suggested condition is unreasonable and unnecessary.
25. In the interests of protecting the living conditions of the occupiers of nearby properties for noise and disturbance I agree that a condition is required to prevent the roof of the extension from being used as a roof terrace.

Conclusion

26. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

CONDITION SCHEDULE

- 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: J3162-D-OS Location Plan; J3162-D-000 Site Plan; J3162-D-200 Existing Plans, Elevations & Sections; J3162-D-201 Proposed Plans; J3162-D-202 Proposed Elevations & Sections.
- 3) No plumbing, extract flues or pipes, other than rainwater pipes, shall be fixed on the front elevation of the building.
- 4) The party walls to the extensions hereby approved shall be constructed in London Stock brick to match the existing brickwork.
- 5) The rear elevation of the rear roof extension and the side and rear elevations of the extension to the roof of the back addition hereby approved shall be clad in dark grey or black slates/artificial slates.
- 6) No water tanks, water tank enclosures or other structures shall be erected upon the roofs of the extensions hereby permitted.
- 7) The party walls of the extensions hereby approved shall not project more than 250 millimetres above or beyond the external faces of the main roof structure.
- 8) The flat roofs of the extensions hereby approved shall not be used as roof terraces or any other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs of the extensions hereby approved in connection with their use as roof terraces or other forms of open amenity space. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to the application property to form access onto these roofs.