The Planning Inspectorate

Appeal Decision

Site visit made on 13 February 2017

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/H5390/W/16/3161932
Studio 2, Avonmore Place Studios, Kingsley House, Avonmore Place, London W14 8RY

- 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 DeneJesmond Enterprises Ltd against the decision of the Council of the London Borough of Hammersmith & Fulham.
- The application Ref 2016/03165/FUL, dated 11 July 2016, was refused by notice dated 29 September 2016.
- The development proposed is described as 'extension of two existing windows in the southern flank wall of Studio 2, Avonmore Place Studios'.

Decision

1. The appeal is allowed and planning permission is granted for extension of two existing windows in the southern flank wall at Studio 2, Avonmore Place Studios, Kingsley House, Avonmore Place, London W14 8RY in accordance with the terms of the application, Ref 2016/03165/FUL, dated 11 July 2016, subject to the following conditions:

    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: 2 AP/001/Rev A; 2 AP/002/Rev A; 2 AP/003/Rev A; 2/AP/004/Rev A and 2/AP/005/Rev B;

    3) Notwithstanding the details contained on the approved plans, development shall not commence until details of the type of obscured glazing and details of the opening lights are submitted to and approved in writing by the local planning authority. The windows shall be installed in accordance with the approved details and shall remain as such thereafter.

Procedural matters

2. Since this appeal was made, an earlier planning appeal[1] relating to the insertion of a window into the south facing elevation of the appeal property has been decided. I wrote to the parties seeking their views regarding this appeal decision which I have taken into account in this appeal.

3. An interested person has questioned the permitted use of the appeal building and whether the appeal is valid. However, it is not disputed that the appeal proposal requires planning permission and I have considered the appeal before

[1] PINS reference APP/H5390/W/16/3156411

me, regarding the enlargement of windows, on its merits. I have taken the site address from the appeal form as it is more complete to that in the application.

Main Issues

4. The main issues for the appeal are:

- Whether the proposed development would preserve or enhance the character or appearance of the Olympia and Avonmore Conservation Area and the effect of the proposed development on the setting of nearby Grade II listed buildings; and
- The effect of the enlarged windows on the living conditions of the occupiers of nearby dwellings on Addison Bridge Place with particular regard to privacy.

Reasons

Character or appearance

5. Kingsley House is included on the Council's list of Buildings of Merit and is located within the Olympia and Avonmore Conservation Area. In deciding this appeal I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act). The Conservation Area has a mixed character, including residential areas, schools and the Olympia Exhibition Centre. The appeal property, a brown brick building of an industrial appearance, adjoins the rear garden of 2 Addison Bridge Place.

6. It is proposed that two existing shallow arch topped windows with security bars are extended upwards to form larger windows. They would serve a room which is presently lit by the existing shallow windows and one larger window. I saw at my site visit that there are windows of a similar size and style with security bars visible on the same elevation of the building. I find therefore whilst the extended windows would be considerably larger than those they would replace, they would not be discordant additions to the host building and would have a neutral effect on both the host building and the character and appearance of the Conservation Area, thereby preserving it.

7. In accordance with the duty as set out in Section 66(1) of the 1990 Act, I have considered the effects of the proposed development upon the nearby listed buildings on Addison Bridge Place. Whilst the enlarged windows would be visible from the nearby listed buildings, I find that the proposed development would not give rise to harm to their significance.

8. The appeal proposal does not conflict therefore with Policy BE1 of the Hammersmith and Fulham Council Local Development Framework Core Strategy 2011 (CS) which is concerned with the built environment and design and includes that development respects local context and character. I also find no conflict with Policy DM G3 of the Hammersmith and Fulham Development Management Local Plan 2013 (DM) which is concerned with alterations and extensions, DM Policy DM G5 which is concerned with replacement windows and DM G7 which is concerned with heritage and conservation. I also find no conflict with Hammersmith and Fulham Planning Guidance Supplementary Planning Document 2013 (SPD) SPD Design Policy 21 which is concerned with

proposals affecting buildings of merit, SPD Design Policy 31 which is concerned with alterations to buildings, SPD Design Policy 61 which is concerned with design and SPD Design Policy 62 regarding designated heritage assets.

Living conditions

9. The proposed enlarged windows would be situated towards the rear of the garden of No 2. Given that the enlarged windows would be obscure glazed with only one small inwards openable panel at the top of each they would not give rise to any unacceptable overlooking or loss of privacy in respect of the neighbouring dwellings and gardens of 2 and 3 Addison Bridge Place.

10. During my site visit, I viewed the appeal site from the gardens of both Nos 2 and 3 and whilst I note that the gardens are enclosed and are regarded by their occupants as valued areas, I do not consider that the proposed windows would appear dominant, nor would they have an unacceptable effect upon the use of the garden areas, particularly as they would be situated well above the existing ground level. I also observed the obscure glazed windows situated in York House which is situated at the end of the gardens and the tree which provides some screening of these windows from the gardens. However, this does not lead me to a different conclusion.

11. I do not consider therefore that the appeal proposal would give rise to unneighbourly development and to conclude on this matter, the appeal proposal would not give rise to unacceptable harm to the living conditions of nearby residents on Addison Bridge Place. The appeal scheme does not therefore conflict with CS Policy BE1 or DM Policies DM G3 or DM Policy A9 which are concerned with detailed residential standards including protection of existing residential amenities.

Other matters

12. I have taken into consideration the comments regarding the access to enlarge the windows, regarding the listed garden boundary wall between Nos 2 and 3 and previous damage to it and regarding trees, but these matters do not lead me to a different conclusion. I have also had regard to the comments concerning potential further applications for windows to serve a basement room in the appeal property. Any such scheme should however be the subject of a planning application and would be considered on its own merits. The concerns expressed regarding the Council's handling of the planning application by interested persons are matters for local government accountability.

Conditions

13. I have attached conditions regarding timescale and specifying the approved plans to provide certainty. I have also attached a condition regarding the details of the obscure glazing to safeguard the living conditions of neighbours.

Conclusion

14. For the reasons given above and having considered all matters raised, I conclude that the appeal should be allowed.

Philip Lewis

INSPECTOR