
Appeal Decision

Site visit made on 2 March 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 5 April 2017

Appeal Ref: APP/H5390/W/16/3163937

67-69 Aspenlea Road, Hammersmith and Fulham, London W6 8LH

- 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 Morgans Dairy Ltd against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2015/05807/FUL, dated 10 December 2015, was refused by notice dated 6 July 2016.
 - The development proposed is the demolition of existing building and erection of a new building to house two 1 bedroom flats and four 2 bedroom flats including the erection of roof terraces to the second floor.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There remains a lack of commonality in the description of development as it is referred to by the appellant and the Council. To this end, I have sought the views of both parties on the most accurate way to describe the development to which the appeal relates. I received no objections to the wording I have used above so have proceeded on this basis.

Main Issues

3. There are three main issues, they are:
 - The effect of the proposed development on the living conditions of both future and existing occupiers;
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether or not the proposed development would make adequate provision for a means of escape and refuse storage and collection.

Reasons

Living Conditions

4. The proposed development would arrange the six self-contained flats over five floors, including a basement level. Flats 1 and 2 would occupy the basement and ground floor, flats 3 and 4 on the first floor and flats 5 and 6 on the second
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- and third floors. Both bedrooms for flats 1 and 2 would be in the basement below the kitchen/dining/living space. They would have access to an area of external space situated in a light well accessed through the bedrooms. Flats 3 and 4 would have no external space and a balcony would be provided for flats 5 and 6 on the second floor.
5. The proposed light well between the two bedrooms in flats 1 and 2 would offer some light into the windows that serve them. However, it would be significantly constrained by both the proximity of blank vertical walls and the fact that it would be effectively 'built over' by the overhanging first floor. This would limit the light that would be entering the well from above to an unacceptable level.
 6. I acknowledge that accommodation in respect of flats 1 and 2 would be split over two floors and there would be adequate light into the ground floor element. However, this does not overcome my concerns that the basement level would be found wanting in this respect. With particular regard to the bedrooms. Flats 1 and 2 would not therefore provide suitable living conditions for future occupants.
 7. The Council state that the density of the proposed development is above the relevant range for the number of habitable rooms per hectare as set out by table 3.2 of the London Plan. They advance that it is this that would be a contributory factor to the poor living conditions for future occupiers. Whilst I have found harm in this respect, this is more concerned with the layout of the proposed units, flats 1 and 2 specifically and the arrangement of the bedrooms.
 8. The London Plan further states that higher density provision for smaller households should be focussed on areas with good PTAL¹ ratings. The proposed development would provide for smaller two bedroom units and it has a PTAL rating of 5. Furthermore, the appeal site is within a short walking distance of a range of services on Fulham Palace Road that would meet the day to day needs of residents. It is for these reasons that I do not find that harm would arise out of the density of the proposed development.
 9. The aforementioned light wells would provide for some accessible albeit limited external space for flats 1 and 2. Flats 3 and 4 would have no access to outdoor space of their own and there would be a stretch of balcony accessible by flats 5 and 6. There would be no communal outdoor space provided. I note the proximity of public open space to the appeal site and agree with the appellant that the expectation for private outdoor space is different to single occupancy dwellings in larger plots.
 10. Housing Policy 1 of the Planning Guidance SPD² sets out the amenity space requirements for new dwellings. The emphasis of the policy is on such being appropriate to the type of housing being provided. The proposed development would provide six two bedroom flats and would not therefore be aimed at family living. With the above factors and the aims of this policy in mind, I consider that the provision for accessible outdoor space would be acceptable.
 11. The proposed building would be taller and of greater bulk and mass than the existing, but no closer to the rear elevations of properties that front Greyhound

¹ Public Transport Accessibility Level

² Hammersmith and Fulham Planning Guidance Supplementary Planning Document 2013

Road to the south of the appeal site. I acknowledge that rooms serving living spaces in the aforementioned properties would face the proposed development.

12. The roof slope of the proposed building would be angled away from the rear elevations and as such any effect that the increase in height of built form would create would be mitigated to the point that no overbearing or loss of light would occur. In effect, a generous separation distance between the proposed building and the properties that face Greyhound Road would be maintained. I do not therefore consider that the proposed development would be unneighbourly or in any way exacerbate any existing sense of enclosure. As such no adverse effects on the living conditions of existing occupiers would occur.
13. Whilst the proposed development would not be harmful in these respects, this is not sufficient to outweigh its shortcomings in the manner I have set them out above, with specific regard to the matter of light. Overall therefore, and in respect of this particular issue, the proposed development would fail to accord with Policy H3 of the Core Strategy³, Policies, DM A2, DM A9 and DM G1 of the Local Plan⁴ and Housing Policy 1 of the Planning Guidance SPD. These Policies, amongst other things and along with one of the core principles of the Framework⁵, seek to ensure a high quality residential environment, high standards of design and provision of appropriate amenity space as well as a good standard of amenity more generally for existing and future occupiers of land and buildings.
14. I note the Council's reference to Policies DM A1 and DM A4 of the Local Plan but these appear to be more relevant to housing supply objectives and the accessibility of housing for disabled users respectively. I am therefore of the view that they are not directly relevant to this main issue. Reference is also made to Housing Policy 8 of the Planning Guidance SPD, Policies 3.4 and 3.5 of the London Plan but I have not been provided with copies as part of the evidence. This does not however change my conclusions above.

Character and Appearance

15. The appeal site comprises a pair of buildings currently in part residential and part commercial use. The frontage to the residential elements faces Aspenlea Road, the commercial element which appears to be storage for a dairy business faces to the rear on Lurgan Avenue. They show a number of quality design elements such as recessed windows with ornate surrounds, decorative banding at first floor and eaves level and a parapet style roof. The even rhythm to the fenestration is one of a number of other characteristics that they share with the traditional back to back style terraced housing of the wider area. Whilst they do have some charm in this respect, they have clearly been altered noticeably, to the front and rear and as such, when taken as a whole, their architectural value is limited to the extent that their loss would not harm the character and appearance of the area.
16. The proposed building would be a marked contrast to local architectural styles but deliberately so. It would be an example of a modern approach using bold shapes and contrasting materials but it should not be resisted purely on these grounds. Particularly in light of the assertions of paragraph 60 of the

³ Hammersmith and Fulham Local Development Framework Core Strategy 2011

⁴ Hammersmith and Fulham Local Plan Development Management Policies 2013

⁵ The National Planning Policy Framework 2012

Framework. It would be larger in scale than the existing but compact in its overall spread and thus contained within the site. It would be no taller at its highest point than the abutting building to the north.

17. The proposed building would be by no means the largest or tallest in the street scene or wider area given the close proximity of a multi storey block of flats and the complex of buildings associated with the hospital.
18. For these reasons, I do not consider that the proposed development would be harmful to the character and appearance of the area. As such, there would be no conflict with Policy BE1 of the Core Strategy or Policy DM G1 of the Local Plan. These Policies, amongst other things and along with section 7 of the Framework, seek to ensure that new development is of a high quality and contextually appropriate design and appearance that respects character and townscape.

Means of Escape and Refuse Storage and Collection

19. I note from the evidence before me that flats 1 and 2 would have a fire protected route via the stairs between the basement and the ground floor in the event of the need for emergency evacuation. These stairs would appear to give direct access to the street. In addition, the appellant would be willing to provide a secondary means of escape in the form of a fixed ladder which could potentially link the bedrooms with street level via the light wells.
20. Whilst the primary means of escape seems like a logical solution, I see no reason why the provision of the secondary means could not be addressed by either a suitably worded planning condition or indeed the building regulations regime.
21. The Council have concerns over the storage and collection of waste in the interests of both the living conditions of future occupiers and the safe use of the highway if it were to be stored on the street. Such details would need to be established to ensure the appropriate functioning of the proposed development.
22. To prevent the storage of refuse on the street (at least until the prescribed collection time) there appears to be sufficient space within communal areas to provide a suitable location when considering the scale and layout of the proposed development. Whilst this is not marked clearly on the plans that have been submitted, I am satisfied that a suitable scheme for the storage and collection of refuse could be secured by a suitably worded planning condition.
23. For these reasons, I consider that the proposed development would not give rise to any adverse effects on either highway safety, the safety of future residents or their living conditions. I am of the view that adequate provision for an appropriate means of escape and storage and collection of refuse can be made. As such, I see no conflict with Policy CC3 of the Core Strategy, Policies DM H5 and DM A8 of the Local Plan and Sustainability Policy 3 of the Planning Guidance SPD. These Policies seek to ensure, amongst other things, adequate and sustainable waste storage and management as well as adequate means of escape from self-contained basement accommodation.

Other Matters

24. The proposed development would provide for six new residential units of an acceptable gross floor area. They would contribute towards the Council's supply of housing sites. Whilst I have not been provided with any details of the exact nature of the Council's supply, the provision of new housing is nonetheless positive. However, neither this nor the fact that the appeal site is within easy reach of local services are sufficient to justify the appeal in light of my findings above.

Conclusion

25. The proposed development would be acceptable in principle terms. It would not be harmful in respect of its design, it would be able to provide adequate means of escape and storage for refuse and it would cause no adverse effects to the living conditions of existing occupiers. Nevertheless it would have an adverse effect on the living conditions of future occupiers in the manner I have set out above. It is for this reason, and having regard to all other matters raised including those by third parties, that the appeal is dismissed.

John Morrison

INSPECTOR