

Appeal Decision

Site visit made on 23 March 2017

by **R J Maile BSc FRICS**

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

Decision date: 18 April 2017

Appeal Ref: APP/H5390/D/17/3168731
57 Quarrendon Street, London, SW6 3ST.

- 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 Humfrey Fisher against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application ref: 2016/04951/FUL, dated 27 October 2016, was refused by notice dated 4 January 2017.
 - The development proposed is: "Excavation of basement under enlarged footprint of house, including front and rear lightwells. Internal alteration, demolition of existing side and rear glazed conservatory and construction of side and rear single storey extension to back addition at ground floor level. Front and rear mansard at second floor level and rear pod to back addition at second floor level including alterations to rear fenestration including excavation under front path and excavation of rear gymnasium under garden with 0.5 metres of top soil covering over gymnasium."
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Decision

1. The appeal is allowed and planning permission is granted for excavation of basement under enlarged footprint of house, including front and rear lightwells. Internal alteration, demolition of existing side and rear glazed conservatory and construction of side and rear single storey extension to back addition at ground floor level. Front and rear mansard at second floor level and rear pod to back addition at second floor level including alterations to rear fenestration including excavation under front path and excavation of rear gymnasium under garden with 0.5 metres of top soil covering over gymnasium at 57 Quarrendon Street, London, SW6 3ST, in accordance with the terms of the application ref: 2016/04951/FUL, dated 27 October 2016, subject to the conditions set out in Annex A to this decision.

Main Issues

2. The main issues in this case are:
 - a) The effect of excavating the entire rear garden to create additional basement accommodation upon the character and appearance of the host building and that of the surrounding area.
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- b) Whether the proposal would set a precedent with regard to the cumulative impact of similar proposals upon the character of the area and biodiversity.

Reasons

a) Effect upon character and appearance.

3. 57 Quarrendon Street is a terraced house, being arranged over two floors and part basement. It is located within an area of similar dwellings that form part of the Studdridge Street Conservation Area.
4. Material to my decision is the recent grant of full planning permission, subject to conditions, for an identical development to that now proposed with the exception of the works to extend the basement beneath the entire rear garden area (ref: 2016/04904/FUL dated 4 January 2017). I have been provided with a copy of that planning permission and of the approved drawings. At the time of my site visit it had been implemented and builders were working on site.
5. In terms of the scheme before me the front and rear lightwells would remain in the same location and be of the same size and proportions as those of the approved scheme.
6. The dwelling has a very short rear garden, which is entirely hard surfaced. It is of little amenity value at present and the potential for landscaping will enhance the setting of the property. Moreover, given that the basement extension now proposed would be entirely below ground level and that such accommodation is a feature of no. 57 as originally constructed, I have concluded that this small-scale addition to the basement area some 2.5m in depth would not be harmful to the character or appearance of the host building.
7. I have considered the proposal by reference to its effect upon the Studdridge Street Conservation Area, which is a designated heritage asset as described at Chapter 12 of the Framework¹. However, given that the extended basement would be wholly below ground and enhance the accommodation on offer at the property, I am satisfied that development as proposed would have no adverse impact upon the heritage asset, whilst securing the optimum viable use of the property (see paragraph 134 of the Framework).
8. In arriving at my conclusions on the first main issue I have had regard to the statutory duty imposed upon me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the policies referred to in the Council's refusal notice. These include Policies DM A8, DM A9, DM G3 and DM G7 of the Local Plan², Policy BE1 of the Core Strategy³ and of the Council's Planning Guidance SPD⁴ including Housing Policy 9 and Design Policies 12 and 13.
9. I have carefully considered the comments in the Officer's Report in respect of non-compliance with various of these policies. However, given the very limited scope of the basement extension and the information provided to me by virtue

¹ The National Planning Policy Framework.

² London Borough of Hammersmith & Fulham Development Management Policies Local Plan (adopted July 2013).

³ London Borough of Hammersmith & Fulham Local Development Framework: Core Strategy (adopted October 2011).

⁴ London Borough of Hammersmith & Fulham Planning Guidance Supplementary Planning Document (adopted July 2013).

of the Flood Risk Assessment Report dated 27 October 2016, I am satisfied that the works would have no adverse effects upon drainage or groundwater flows.

10. For all of these reasons I have found upon the first main issue that the works to excavate the entire rear garden to create additional basement accommodation would not be harmful to the character and appearance of the host building or that of the surrounding area. As such, development as proposed would accord with both national and Development Plan policy as referred to above.

b) Precedent

11. I acknowledge that the extent and location of basement extensions should be carefully controlled. Nevertheless, the basement extension now proposed is of modest proportions and would be provided beneath what is currently a hard-surfaced garden. The provision of a planted area in place of the existing yard also sets the proposal apart from other potential basement extensions. This would allow for the infiltration of rainwater to the soft planted area.
12. I have determined the scheme before me upon its individual merits. In doing so, I have concluded that the grant of planning permission in this case would not offend the issues identified in Local Plan Policy DM A8, which specifically relates to basement accommodation and lightwells, nor would it prevent the Council from refusing planning applications for extensions to other basements which would conflict with that or any other of the relevant policies of the Development Plan.
13. Accordingly, I have found upon the second main issue that development as proposed would not set a precedent with regard to the cumulative impact of similar proposals upon the character of the area and biodiversity.

Conditions

14. I have considered the 17 conditions put forward by the Council against the tests of the Framework and advice provided by the Government's Planning Practice Guidance issued on 6 March 2014. I find all to be reasonable and necessary in the circumstances of this case, although I have amended their wording where required.
15. My reasons for the conditions are:
16. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Conditions 2, 3, 4, 5, 6, 9, 14, 15 and 16 are necessary in order to ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area.
17. Conditions 7 and 11 are designed to safeguard the privacy and amenities of neighbouring occupiers. As to Condition 8, this will ensure that the extended basement is not occupied as a separate self-contained flat without the prior approval in writing of the Local Planning Authority. Any such proposal would need to be assessed by reference to the relevant policies of the Development Plan.

18. Condition 10 is necessary in order to prevent the installation of structures that would be detrimental to the appearance of the building. Conditions 12 and 13 require the use of water efficient appliances in the interests of sustainability, together with the provision of satisfactory arrangements for the storage and disposal of surface water from the site to minimise the risks of flooding to the development and its occupants.
19. Condition 17, which requires the development to be carried out in accordance with the approved plans, provides certainty.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR

Schedule of Conditions

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) The side and rear slopes of the roof extension and the rear addition at second floor level hereby permitted shall be clad in grey/black slates or artificial slates to match the colour and appearance of the existing roof.
- 4) Where openings are to be formed in the external faces of the development the parts of the structure above such openings shall be supported by brick arches or brick-faced lintels.
- 5) The raised party walls to the roof extension and the extensions to the rear at ground and second floor levels shall be constructed in London stock brickwork to match the colour, texture and pointing of the existing brickwork.
- 6) The party/flank walls of the rear extension at second floor level shall not project more than 250 millimetres above or beyond the external faces of the main roof structure.
- 7) The flat roofs of the extensions hereby permitted shall at no time be used as roof terraces or as any other form of open amenity area. No plants or other chattels shall be placed on or within those areas in connection with such use and no railings or other means of enclosure shall be erected around them; nor shall any alterations be carried out to the rear elevation of the property, including the rear roof extension, in order to form access onto those areas.
- 8) The basement floorspace shall not exceed the dimensions indicated on the approved plans, nor shall it be occupied other than for purposes ancillary to the residential use of 57 Quarrendon Street. In particular, the extended basement shall not at any time be occupied as a self-contained flat separate and distinct from the use of 57 Quarrendon Street as a single residential unit without the prior approval in writing of the Local Planning Authority.
- 9) The dimensions of the front lightwell at basement and ground floor levels shall not exceed those indicated on the approved drawings.
- 10) No water tanks, water tank enclosures or other structures shall be erected on the roofs of the extensions hereby permitted.
- 11) The development hereby permitted shall not be occupied until the window in the side elevation of the extension at second floor level serving the new Bedroom 3 has been fitted with obscured glazing; and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the window is installed and, once installed, the obscured glazing shall thereafter be retained.

- 12) The development hereby permitted shall be carried out in accordance with the details contained within the Flood Risk Assessment Report prepared by Ashley Fox Associates dated 27 October 2016. All flood prevention and mitigation measures shall be provided in accordance with the approved details before the basement accommodation is first occupied.
- 13) No development shall take place until full details of the installation of water efficient appliances to help minimise water use have been submitted to and approved in writing by the Local Planning Authority; and those appliances shall be provided in accordance with the approved details prior to the first occupation of extended basement hereby permitted.
- 14) The new windows and doors to the front elevation at basement and roof level and to the rear extension at second floor level shall be of timber frame construction.
- 15) No part of the extended basement hereby permitted shall be occupied until the planting beds to the front and rear of the property indicated on Drawing nos. AF 05 Rev B and AF 09 Rev B have been provided in accordance with a scheme of soft landscaping, details of which shall first have been submitted to and approved in writing by the Local Planning Authority. The planting beds so provided shall thereafter be retained and no material alterations to their size, design or appearance shall be made without the prior approval in writing of the Local Planning Authority.
- 16) The glazed balustrade to the rear extension at first floor level shall be fixed no more than 200mm from the rear elevation and thereafter permanently retained; and the French doors to the Juliet balcony shall open inward only.
- 17) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no.

-	Location Plan – scale 1:1250.
AF 02 Rev B:	Ground and First Floor Plans as existing - scale 1:50.
AF 03 Rev B:	Section AA, Basement and Roof as existing – scale 1:50.
AF 05 Rev B:	Elevations as Existing – scale 1:50.
AF 05 Rev B:	Basement and Ground Floor as proposed – scale 1:50.
AF 06 Rev C:	First and Second Floors as proposed – scale 1:50.
AF 07 Rev D:	Basement Plan and Section AA as proposed – scale 1:50.
AF 08 Rev B:	Elevations and Partial Section BB as proposed – scale 1:50.
AF 09 Rev B:	Section BB as proposed – scale 1:50.