

Appeal Decision

Site visit made on 28 March 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 20 April 2017

Appeal Ref: APP/H5390/W/16/3165305

82 Richford Street, Hammersmith & Fulham, London W6 7HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Robert Godwin against the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/00212/FUL is dated 18 January 2016.
 - The development proposed is the erection of a 2 and a half storey (plus roof space and basement), 3 bedroom dwelling house fronting onto and accessed from Richford Street.
-

Decision

1. The appeal is dismissed and planning permission for the erection of a 2 and a half storey (plus roof space and basement), 3 bedroom dwelling house fronting onto and accessed from Richford Street is refused.

Procedural Matter

2. The Council has advised that had it been in a position to determine the application, it would have refused planning permission for reasons relating to (1) the effect of the development on the character and appearance of Hammersmith Grove Conservation Area, (2) the effect on the living conditions of neighbouring residents with regard to outlook, sense of enclosure and light conditions, and (3) the size of the proposed basement.

Main Issues

3. The main issues in this case are:
 - The effect of the proposal on the character and appearance of Hammersmith Grove Conservation Area;
 - The effect of the proposal on the living conditions of neighbouring residents, with particular regard to outlook, sense of enclosure and light; and
 - Whether the basement would be acceptable in principle in the light of Local Plan Policies.

Reasons

Character and appearance of Hammersmith Grove Conservation Area

4. The appeal site lies within Hammersmith Grove Conservation Area and occupies a prominent location on Richford Street where it turns a corner. In this location there are clear and open views over the entirety of the site and towards the rear elevations of Hammersmith Grove Terraces. The area is characterised by a rich mix of residential Victorian terraces, mansions and semi-detached villas, the individual design characteristics of which vary. It is the groups of terraces, with their uniform appearance and form, which contribute to the harmonious appearance of the streets and are a defining characteristic of the Conservation Area.
5. The appeal site is currently an open yard area which has a neutral impact on the character and appearance of the Conservation Area. The proposed dwelling would have a contemporary design which creatively utilises the site to integrate the adjoining substation. However, its overall form and appearance would not sit comfortably within the street.
6. The proposed flank elevation would be particularly conspicuous from the corner of Richford Street. Resultant of its shallow pitch roof, spanning a deep gable, the flank elevation would present a horizontal grain to the street. Its dominant and solid mass would conflict sharply with the vertical scale and form of the flank elevations of existing properties on the corners of this street, and would introduce an incongruous and unattractive feature into the street scene.
7. When viewed in the context of the adjacent terrace which fronts onto Richford Street, it is the proposed roof form which primarily fails to successfully integrate the dwelling into the street. As I have described above, the character of the street is defined by groups of terraces which have a harmonious and uniform appearance. The uninterrupted ridgeline and roof profile of the terraces contribute significantly to the character of the area. In contrast, the roof of the proposed dwelling would not be cohesive. It would comprise both pitched and flat roof elements which detract from the overall composition of the dwelling. Moreover, its resultant appearance would conflict sharply with the simple and uncomplicated roof form of the neighbouring terrace, and this would be further highlighted by the proposed untraditional roofing material.
8. Consequently, although the proposed front façade of the dwelling would reflect some of the design characteristics and scale and proportions of the adjacent terrace, as a whole the dwelling would be a disparate element within the street scene. Furthermore, its flank elevation would present an uncharacteristic mass and dominant form onto a prominent corner of the street, which would further diminish the character and appearance of Hammersmith Grove Conservation Area.
9. I conclude that the proposed dwelling would cause significant harm to the character and appearance of Hammersmith Grove Conservation Area. It would cause less than substantial harm to the Conservation Area as a heritage asset. This harm is not outweighed by any public benefits. The proposal is therefore contrary to policies in the National Planning Policy Framework which seek to conserve and enhance the historic environment, and conflicts with Policy BE1 of the London Borough of Hammersmith & Fulham's Core Strategy (CS) and Policies G1 and G7 of London Borough of Hammersmith & Fulham's

Development Management Local Plan (Local Plan) which seek to ensure that new development protects, restores or enhances the quality, character, appearance and setting of the Borough's conservation areas and historic environment, including the scale, mass, form and grain of surrounding development.

Living conditions

10. No 188 Hammersmith Grove has a common rear boundary with the appeal site, and the rear facing windows of the basement flat at No 188A Hammersmith Grove are approximately 9 metres (m) from this boundary.
11. Evidence provided by the appellant, based on the Building Research Establishment (BRE) Report – Site Layout Planning for Daylight and Sunlight, a Guide for Good Practice,¹ suggests that the proposed dwelling would have a marginal impact on the amount of daylight available to this property. However, the floor level in the basement flat is some 1.6m beneath the ground level at the common boundary of the appeal site. Consequently, although there may not be a technical breach in guidance set out in Housing Policy 8 (i) of Hammersmith & Fulham's Planning Guidance Supplementary Planning Document, 2013 (SPD), in view of the position of the facing basement windows relative to the proposed dwelling, it would have a significant and overbearing impact on the outlook for the occupiers of 188A.
12. No 80 Richford Street has a small rear garden which is restricted in its depth. It is currently enclosed by a brick wall approximately 1.8m in height. The flank wall of the proposed dwelling would extend almost the full depth its common boundary with the rear garden of No 80, and although single storey at this point, the proposed privacy screen around the roof terrace would extend the flank wall to some 5m in height. In view of the restricted depth of the neighbouring garden, it seems clear to me that given the proximity and height of the proposed development, it would have a significant enclosing effect on the external amenity area currently enjoyed by No 80. Furthermore, in view of the position of the proposed dwelling, which would be due south of No 80, the proposal would cause significant shading over a large part of the garden area.
13. I conclude that the proposed development would have a harmful effect on the living conditions of neighbouring residents, with particular regard to outlook in respect of 188A Hammersmith Grove, and sense of enclosure and sunlight in respect of 80 Richford Street. I therefore find conflict with the development plan, and in particular with Policies DM G1 and DM A9 of the Local Plan, and the aims of the SPD, which seek to protect existing residential amenities and respect the principles of good neighbourliness.

Whether the basement would be acceptable in principle in the light of Local Plan Policies.

14. The Council has advised that they would have refused to grant planning permission for the development because the proposed basement would extend beyond the footprint of the dwelling and consequently fail to comply

¹ Drawing based on Powell Dobson planning drawing attached to HighDesign Consultants, response to the London Borough of Hammersmith & Fulham's Written Statement.

with Policy DM A8 of the Local Plan. However, this element of Policy DM 08 only relates to new basement accommodation in existing dwellings.

15. Policy DM A8 advises that all new or extended accommodation below street level should be designed to minimise the risk of flooding to the property and nearby properties from all sources of flooding. From the evidence provided in the Council's Written Statement, it is evident that the Council are satisfied that the submitted Flood Risk Assessment provides satisfactory measures for flood mitigation. In the absence of any evidence to demonstrate otherwise, I see no reason to disagree.
16. I therefore conclude that the basement would be acceptable in principle in the light of Local Plan Policies, and I find no conflict with the development plan in respect of Policy DM A8 of the Local Plan.

Conclusion

17. Although I have found that the basement accommodation would be acceptable in principle, I have found that the proposed development would have a harmful effect on the character and appearance of the Conservation Area, and on the living conditions of neighbouring residents. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

Elizabeth Pleasant

INSPECTOR