
Appeal Decision

Site visit made on 29 March 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 24th April 2017

Appeal Ref: APP/H5390/D/17/3168361

48 Lysia Street, London SW6 6NG

- 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 James Koritsas, Cayman Build Ltd against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/04215/FUL, dated 26 September 2016, was refused by notice dated 24 November 2016.
 - The development proposed is loft conversion to form habitable space, first floor rear extension, ground floor rear and side extension. Excavation of basement to form habitable space including front and rear lightwells.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear roof extension; erection of rear extensions at ground, first and second floor level at 48 Lysia Street, London SW6 6NG in accordance with the terms of the application, Ref 2016/04215/FUL, dated 26 September 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 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 development hereby permitted shall be carried out in accordance with the following plans: SO-740-01, SO-740-02, SO-740-03, SO-740-04, SO-740-05 Rev B, SO-740-06 Rev B, SO-740-07 Rev B and SO-740-08 Rev B.

Procedural Matters

2. The proposal was amended following submission to the Council but prior to its determination. These changes, shown on revised plans, are relatively minor in nature and I am satisfied that all relevant parties would not be prejudiced by my consideration of them. I have therefore determined the appeal on that basis.
 3. The description in the banner heading above is taken from the application form. Section E of the appeal form provides a revised description which matches that of the Council's decision notice and appears to have been accepted by the appellant. It is a more accurate description of the appeal proposal and I have therefore determined the appeal on that basis.
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4. At the time of my site visit, building works were ongoing at the appeal site. Whether those works accorded with the appeal proposal was not evident from my observations. To that end, I have considered the appeal on the basis of the proposal contained in the plans which were before the Council.
5. The original application was submitted in the name of James Koritsas, Cayman Build Ltd. The appeal was submitted in the name of Mr Paul Phillips. Written confirmation has been provided that the appeal can proceed in the name of James Koritsas, Cayman Build Ltd and I have therefore dealt with the appeal on that basis

Main Issue

6. The main issue is whether the proposal would preserve or enhance the character or appearance of the Crabtree Conservation Area.

Reasons

7. The appeal site is located within the Crabtree Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (the Framework).
8. The CA is predominately characterised by a tightly knit, rectilinear street pattern of Victorian and Edwardian residential properties. Generally, development consists of continuous rows of two-storey terraced housing which, whilst similar in character, are of varying detail from street to street. There is some uniformity to the rear of terraces, with several properties containing pairs of two-storey outriggers. Nevertheless, there is little visibility of private garden areas from within the public realm, particularly on mid-terraced properties.
9. The appeal property is a two-storey, mid-terraced dwelling. With bay windows at ground and first floor, its uniformity with the remainder of the terrace and intricate detailing make a positive contribution to the significance of the CA. It is proposed to erect an extension at first floor level to the rear of the existing outrigger. The extension would project around 1m from the rear of the existing outrigger and thereafter would be angled at 75° away from the shared boundary with 46 Lysia Street. The Council considers that the first floor extension would thus appear incongruous, visually discordant and awkward and would unbalance the pair of outriggers with the adjoining property.
10. However, there is an existing imbalance between the two properties as the outrigger of No 50 extends beyond the rear of the appeal property. The first floor extension would increase the outrigger to the same depth of the adjoining outrigger of No 50. It would also have a similar roof pitch to No 50 and would utilise materials which match those of the existing and surrounding dwellings. As a result, the proposal would improve the sense of balance and uniformity between the two properties rather than detract from it.
11. Moreover, I was able to see from my site visit that several properties along this part of Lysia Street have been extended to the rear and that there is less uniformity in the appearance of rear outriggers than is perhaps found elsewhere in the CA. Furthermore, whilst it would be visible from within neighbouring properties and surrounding private gardens, the extension would

not be widely visible within the public realm. The chamfer on the extension would not, therefore, in my view result in an extension which would appear visually discordant or incongruous.

12. The Council has raised no concerns in respect of the effect of the proposed mansard roof extension or the ground floor and second floor extensions on the CA. On the evidence before me, I have no reason to disagree.
13. I conclude, therefore, that the proposals would preserve the character and appearance of the Crabtree Conservation Area. The proposal would accord with Policy BE1 of the 'Hammersmith and Fulham Local Development Framework Core Strategy 201' which states that development should protect and enhance the character, appearance and setting of conservation areas.
14. It would also accord with Policies DMG3 and DMG7 of the 'Hammersmith and Fulham Development Management Local Plan 2013' which state that extensions to existing buildings should be compatible and integrate with the scale and character of existing development, their neighbours and their setting, and should protect the borough's historic environment.
15. It would also comply with paragraph 131 of the Framework which states that great weight should be given to the conservation of a designated heritage asset. There would also be consistency with Design Policy 31 of the 'Hammersmith and Fulham Planning Guidance Supplementary planning Document 2013' (SPD) which states that extensions and alterations should be appropriate to the architectural character of the building, should not have a significant effect on the character of the conservation and the building line and that the pattern of development must be protected. Finally, the proposal would accord with Design Policy 34 of the SPD which states that the design and materials of rear extensions should be in keeping with the architectural character of the existing property and conservation area and should integrate successfully with the building concerned.

Other Matters

16. I note the concerns of the occupiers of No 46 in relation to the effect of the first floor extension on their living conditions with particular regard to light. However, the first floor extension would be angled away from the adjacent property. The Council indicates that the angle of reduced visibility for the ground floor window at No 46 would not be more than 15%, in line with SPD Housing Policy 7. I have no reason to disagree. As such, I am satisfied the proposal would not have a harmful effect on the living conditions of neighbours with particular regard to light.
17. There is no substantive evidence before me that existing trees in the rear garden of the appeal property would be harmed by the proposal. I therefore afford such concerns limited weight.
18. Concerns have been raised relating to the party wall with No 46 being used as part of the extension. However, any legal rights which may exist in that respect are a separate matter. As such, they are not a planning consideration to which I can afford any more than little weight.

Conditions

19. In addition to the standard time limit, a condition relating to matching materials is necessary to preserve the character and appearance of the CA. A condition relating to the approved plans is also necessary to provide certainty.

Conclusion

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

Jason Whitfield

INSPECTOR