
Appeal Decision

Site visit made on 3 April 2017

by Kenneth Stone BSc Hons DipTP MRTPI

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

Decision date: 28 April 2017

Appeal Ref: APP/H5390/W/17/3168604
57 Sherbrooke Road, London SW6 7QJ.

- 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 Linden Dover against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/04560/FUL, dated 17 October 2016, was refused by notice dated 8 December 2016.
 - The development proposed is described as 'the introduction of a rear terrace of 5.8 square metres enclosed by a 1.7m obscure screen at first floor level'.
-

Decision

1. The appeal is allowed and planning permission is granted for 'the erection of a rear roof extension involving an increase in the ridge height by 300mm; erection of a single storey rear extension, to the side and rear of the existing back addition; excavation of the front and rear garden to form lightwells in connection with the enlargement of the existing basement; conversion of the dwelling house into 3 x two bedroom self-contained flats; associated external alterations and formation of a roof terrace at first floor level to the rear elevation' at 57 Sherbrooke Road, London SW6 7QJ in accordance with the terms of the application, Ref 2016/04560/FUL, dated 17 October 2016, subject to the conditions contained in the schedule at the end of this decision.

Procedural and background matters

2. Planning permission has previously been granted for extensions alterations and conversion of the building into three flats, local authority reference 2016/1702/FUL. These works were on-going at the time of my visit but had not yet been completed and the new units not yet occupied. In effect the permission had not yet been fully implemented. The present proposals seek permission for various additional elements to those being undertaken under the present extant permission and have been submitted in the form of a new application. The additional elements include the introduction of a terrace at first floor level for flat three; the re-configuration of flat three and the installation of an additional roof light.
 3. The description of development in the banner heading above is that taken from the application form, which is what the applicant sought permission for. However, the Council, in its decision notice, has described the proposed development in the context of the originally permitted development, as amended, as the original permission has not yet been fully implemented. I
-

agree that this is the appropriate way to deal with the description of development and have therefore adopted that approach in the description of development I have used in my formal decision above.

4. As there is an extant permission which grants consent for much of the development proposed and these are matters that are already accepted by the Council these parts of the development are acceptable. The other alterations with regard to the internal re-configuration of flat three and the additional roof light are not matters that the Council objected to and I see no reason to disagree with its conclusions on those matters. The effect therefore is that I am only considering the matter of the first floor balcony and screening in this appeal.
5. Given that the site lies with the Central Fulham Conservation Area I have had regard to my statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

6. The main issues in this appeal are therefore the effect of the proposed development on:
 - the character and appearance of the surrounding area, including the Central Fulham Conservation Area; and
 - the living conditions of the adjoining neighbours, having regard to noise and disturbance.

Reasons

Character and appearance

7. The property the subject of the appeal is an end of terrace two storey house located at the Junction of Sherbrooke Road and Varna Road. It is presently undergoing significant works the subject of a previous approval, as referred to above. The property lies within the Central Fulham Conservation Area, which is characterised by properties of a similar design and age laid out in a regular pattern of back to back terraces on parallel roads. To the rear of this property the adjoining terraces front Letterstone Road.
8. The proposed terrace and screen would be located at first floor level in the return created by the rear main wall of the property and the flank wall of an extension on the adjoining property. The proposed screen would be seen against the back drop of the adjoining extension and against the main rear wall of the existing property. The dimensions of the screens would not project beyond the depth of the adjoining extension nor beyond the side wall of the existing property. Albeit at a high level, the area is a relatively discrete and unobtrusive location and the screens would not stand out as intrusive features.
9. Within the wider street the location for the screens and terrace is somewhat set back from the side walls and main building line of the surrounding properties. This has the result that the screens and terrace would not be visible in longer views along Varna Road back towards the site or from the front of the site. In closer views on Varna Road opposite the site the screens would be visible however they would be viewed in the context of other additions to surrounding buildings and in this regard would not detract from the overall character and

appearance of the conservation area. In particular there are other terraces visible in the immediate vicinity on 27 Letterstone Road and 59 Sherbrooke Road opposite.

10. Whilst the proposed materials are modern, in the context of the white rendered and painted facades of the property and the nature of the surrounding development the obscure glazed appearance would blend reasonably well with the elevations and would not appear as a strident or obtrusive feature.
11. Given that the other alterations and works to the property have previously been approved or are not the subject of objection by the Council I conclude that the proposed development would not harm the character and appearance of the surrounding area, including the conservation area, the character and appearance of which would therefore be preserved. Consequently it would not conflict with policies BE 1 of the Core Strategy 2011 or Policies DM G3 and DM G7 of the Development Management Local Plan 2013 or Design Policies 31 and 34 of the Supplementary Planning Document 2013 (SPD) which collectively seek high quality development which reflects the design and character of the existing property and area.

Living conditions

12. The proposals identify a terrace area of around 5.8 square meters that would be enclosed by privacy screens, 1.7m in height, on the two open sides. This would successfully remove any potential overlooking and loss of privacy for the occupiers of the adjoining properties.
13. The small footprint of the terrace would allow for the occupants to sit out and enjoy some outdoor amenity space and in that regard would add to the amenities of the flat. However, given the small area that would be enclosed I do not agree with the Council that this would enable large numbers of people to congregate in this area. The size and enclosure of the area would contain the numbers of people that could access the area and in the normal event there would be limited space for people to have a small table and chairs further limiting the numbers that could be accommodated.
14. I noted on my site visit that 27 Letterstone Road had a first floor balcony area that was not so well enclosed as that proposed and that this was in a similar relationship with surrounding properties and was of a similar size. I also noted a larger balcony area at 59 Sherbrooke Road. I do not know the circumstances of these but they add to the general activity and character of the area.
15. The Council refer to overbearing impact in the Officer report however the reason for refusal refers only to noise and disturbance. Whilst there maybe a technical breach of the 45 degree angle referred to in the SPD this requires an on-site assessment to consider the effect on the adjoining neighbours. Given the extensions and alterations to 29 Letterstone Road and the other adjoining properties and the location and set back of the screens in the context of the other extensions for the property I am of the view the screens would not result in a harmful overbearing effect on the surrounding properties.
16. For the reasons given above I conclude that the proposed development would not result in material harm to the living conditions of the occupiers of the adjoining properties, with particular regard to noise and disturbance. Consequently it would not conflict with policies DM A9, DM G3 and DM H9 of

the Development Management Local Plan 2013 or Policy 8 of the Supplementary Planning Document 2013 which collectively seek to ensure that the living conditions of the occupiers of surrounding properties are protected.

Overall conclusions and conditions

17. Overall I conclude that the proposed development is acceptable and would not result in material harm and would preserve the character and appearance of the conservation area. The proposal would therefore meet the social economic and environmental roles of sustainable development.
18. The Council have provided a list of conditions which include many related to the original development. However, as that proposal has not yet been completed it is reasonable to attach those conditions again. Given that works are ongoing at the site and in order to avoid conflict in the decision I have adjusted references to matters to be agreed prior to commencement, albeit that the statutory time limit is required as the developer could continue with the original consent and not implement this permission.
19. An approved plans condition is required to ensure clarity. Conditions on materials, including specific details, and specific details of the design are required in the interests of the appearance of the development given its location in a conservation area, these include conditions 3, 4, 5, 6, 7, 13, 14 and 15.
20. Condition 8 is required in the interests of the appearance of the development and the amenities of the occupiers of surrounding properties. Condition 9 is required in the interest of the street scene and the appearance of the development. Condition 10 is required to support sustainable transport objectives.
21. Condition 11 is required to avoid nuisance from smells and in the interest of the street scene in the conservation area. Condition 12 is required to reduce the stress on on-street parking availability and support sustainable modes of travel. Conditions 16, 17 and 18 are required in order to safeguard future occupiers of the development from flood risk and to manage surface water run-off.
22. Condition 19 is required in the interest of the living conditions of the future occupiers of the development. Condition 20 is required in order to protect the living conditions of the occupiers of the development and the surrounding properties. Condition 21 is required in the interests of the appearance of the development and to protect the living conditions of occupants of surrounding properties.
23. For the reasons given above I conclude that the appeal should be allowed.

Kenneth Stone

INSPECTOR

Schedule of conditions for Appeal Reference: APP/H5390/W/17/3168604

- 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 003, 004, 005, 006, 007A and 008; and the height of the ridge shall be raised by no more than 300mm as indicated on drawing No. 008.
- 3) Any alterations to the elevations of the existing building shall be carried out in the same materials as the existing elevation to which the alterations relate.
- 4) The party walls of the rear roof extension hereby approved shall not project more than 250 millimetres above or beyond the external faces of the main roof structures.
- 5) The rear roof extension hereby approved shall be clad in slates or artificial slates.
- 6) The party walls of the rear roof extension hereby approved shall be constructed with stock brick to match the existing building.
- 7) All new openings hereby approved shall be of a timber construction and painted white.
- 8) The extent of the roof terrace shall not exceed that indicated on the approved drawings, and the roof terrace shall not be subsequently enlarged prior to the submission and approval in writing of a further planning application. The roof of the remainder of the extension hereby approved shall not be used as a terrace or other amenity space. No alterations shall be carried out; nor planters or other chattels placed in connection with its use as a roof terrace or other form of open amenity space. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to the rear elevation of the application property to form access onto these roofs.
- 9) No water tanks, water tank enclosures or other structures shall be erected upon the flat roof of the extension hereby permitted.
- 10) The residential units hereby permitted shall not be occupied until details of 6 secure cycle parking spaces to be provided in connection with the proposed residential dwellings have been submitted to and approved in writing by the Council, and such details as are approved shall be implemented prior to the occupation or use of the flats and permanently retained thereafter for such use.
- 11) Any refuse/recycling generated by the residential unit hereby approved shall be stored in the refuse store forming part of the details approved and shall not be stored on the pavement or street.
- 12) All three flats hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the local planning authority to ensure that all occupiers, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the council and to ensure that occupiers are informed, prior to occupation, of such restriction. The flats shall not be occupied otherwise than in accordance with the approved scheme unless prior

written agreement is issued by the Council. No occupier of the three flats hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued it shall be surrendered to the Council within seven days of written demand.

- 13) No plumbing, extract flues or pipes, other than rainwater pipes, may be fixed on the front elevation of the building.
- 14) The dimensions of the lightwell at ground floor level hereby approved shall not exceed those shown on drawing ref: 003.
- 15) No part of the extended basement shall be occupied or used until the proposed metal grille is installed over the front lightwell flush with the surrounding ground area and thereafter the grille shall be permanently retained in place. At no time shall railings or any other vertical element be constructed around the lightwell hereby permitted.
- 16) The development shall be implemented in accordance with the recommended flood mitigation measures as proposed in the submitted Flood Risk Assessment, unless otherwise agreed in writing by the local planning authority. The recommended mitigation measures shall be permanently retained thereafter.
- 17) The development hereby permitted shall not be occupied until a drainage strategy detailing any on and/or off site drainage works has been submitted to, and approved in writing by, the local planning authority in consultation with the sewerage undertaker. No foul or surface water from the site shall be discharged into the public system until the drainage works referred to in the strategy as approved have been completed.
- 18) The development hereby permitted shall not be occupied until details of installing water efficient appliances to help minimise water use and foulwater flows in the new unit have been submitted to and approved in writing by the council. The approved measures shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.
- 19) Prior to first occupation of the development, details of the implementation of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 10dB above the Building Regulations value, for the floor/ceiling structures separating different types of rooms/ uses in adjoining dwellings, namely between the ground and first floor flats including the roof terrace structure shall be provided. The details shall thereafter be permanently retained.
- 20) The conversion hereby approved shall only be used as a residential unit falling within Class C3 of the Town & Country Planning (Use Classes) Order 1987 (as amended). The resulting converted property shall not be used as housing in multiple occupation falling within Class C4 of the Town & Country Planning (Use Classes) Order 1987 (as amended).
- 21) The development hereby permitted shall not be occupied until details and samples of the obscured glazed screen as measured from the floor level of the terrace to be used in connection with the roof terrace have been submitted to and approved in writing by the Council. The use of the roof

of the back addition as a terrace shall not commence until the glazing, as approved has been installed and it shall be permanently retained as such thereafter.

END