



Appeal Decision

Site visit made on 11 July 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/H5390/W/17/3173777

13 Tadmor Street, London W12 8AH

- 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 Stephen Murray against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/05002/FUL, dated 11 November 2016, was refused by notice dated 7 February 2017
 - The development proposed is erection of a small rear conservatory at upper ground floor level in obscured glass.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a small rear conservatory at upper ground floor level at No 13 Tadmor Street, London W12 8AH, in accordance with the terms of the application, Ref 2016/05002/FUL, dated 11 November 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 development hereby permitted shall be carried out in accordance with the following approved plans: 200, 201, 210, 221, 231, 231 REV A, 301, 310, 321.
 - 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 extension hereby permitted shall not be occupied until the walls on the side elevations facing No 15 Tadmor Street and No 11 Tadmor Street have been fitted with obscured glazing, and no part of those walls shall have a window which shall be capable of being opened. Details and samples of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the extension is commenced and once installed the obscured glazing shall be retained thereafter.

Procedural Matter

2. On the application form the description of development proposed is: '*erect a small rear conservatory at upper ground floor level in obscured glass.*' Since not all of the proposed conservatory is proposed to be in obscured glass, I have

amended the description of development in my decision for clarity and certainty.

Main Issue

3. The main issue is the effect of the proposed conservatory on the living conditions of No 15 Tadmor Street and other adjacent properties with particular regard to privacy, outlook and daylight.

Reasons

4. Tadmor Street is a short street of terraced properties close to the Westfield Shopping Centre. The street lies within the Shepherds Bush Conservation Area. The appeal property is a mid-terraced house which has been converted into three flats. These are on the lower ground floor, the upper ground floor and the upper floors.
5. The adjacent property, Sherrington Villa, No 15 Tadmor Street, is identified as a 'building of local merit' within the Shepherds Bush Conservation Area Character Profile Supplementary Planning Guidance 1997 (the CACP). This property has a glazed conservatory on the rear on the same level as the proposed development, although it is set closer to the main building. That conservatory is glazed on three sides and roof.
6. The proposed development is to erect a glazed conservatory on part of the roof of the existing lower ground floor flat rear extension and provide access to it from the upper ground floor kitchen.
7. The proposed conservatory will extend out beyond the building line, at upper ground level, of the existing conservatory at No 15 Tadmor Street and will be visible from within it. The appellant has recognised that the proposal could impact upon privacy due to overlooking as a result of the proximity and juxtaposition of the two conservatories, and therefore proposes that the sides of the proposed conservatory should be obscurely glazed.
8. The Council considers that the use of obscured glazing on the flanks of the proposed conservatory would impact adversely on daylight to rooms of adjoining properties and lead to an increased sense of enclosure and loss of outlook to No 15 Tadmor Street. However any impact on light would be extremely minimal given that the proposed conservatory would be at the same height, and the existing conservatory is glazed on three sides and on its roof and therefore well provided for by daylight.
9. Although in front of its building line, the proposed conservatory would lie to the side of the existing conservatory. I therefore consider that it would not, either clear glazed or obscurely glazed, have an unacceptable impact on outlook for the occupiers of No 15 Tadmor Street. I also consider that the proposal would not lead to a sense of enclosure to the occupiers for the reasons set out above and because of the open views down the garden, and towards No 17 Tadmor Street.
10. Given that there is an existing protruding wall on the roof of the lower ground floor extension, the proposed conservatory would not have a harmful impact on light, outlook, privacy or sense of enclosure on 11 Tadmor Street or other neighbouring properties.

11. Given the use of non-opening obscured glazing on the sides of the proposed conservatory, I find that the proposal would not cause harm to the living conditions of the occupiers of 15 Tadmor Street or any other neighbouring properties. The use and the nature of the obscured glazing can be controlled by condition.
12. I therefore conclude that the proposed development would not be harmful to the living conditions of the occupiers of adjacent properties having regard to privacy, daylight, outlook and enclosure and would accord with Policies DM A9 and DM G3 of the Hammersmith and Fulham Development Management Local Plan 2013 which set out detailed requirements for residential design and extensions respectively.
13. The Council has accepted that the proposed development meets the requirements of Housing Policy 7 and criteria (i) (iii) and (iv) of Housing Policy 8 of the LB Hammersmith and Fulham Planning Guidance Supplementary Planning Document July 2013 which set out standards for residential extensions. Criteria (ii) of Housing Policy 8 which sets out a 60 degree rule to protect amenity and overlooking would be met through the use of non-opening obscured glazing in the side windows secured by condition.

Other Matters

14. The appeal site lies within the Shepherds Bush Conservation Area. The significance of this part of the Conservation Area is due to its historical contribution to the growth of the area and is characterised by the late 19th century terraces including those on Tadmor Street. No 15 Tadmor Street is a building of local merit and referred to in the CACP as being one of the largest and grandest on the street. Having regard to the statutory test in s72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that the proposed development would preserve the character and appearance of the Conservation Area as it is small scale, has a lightweight impact being glazed, is not visible from the street and would not harm the appearance of No 15 Tadmor Street.

Conditions

15. I have considered the conditions suggested by the Council having regard to the advice within the Planning Practice Guidance and the National Planning Policy Framework. In addition to the standard time condition relating to implementation there is a need, in the interests of clarity and certainty, for a condition setting out the plans to which the development relates. It is also necessary for a condition relating to matching materials for alterations to the existing elevation, in the interests of character and appearance.
16. It is not necessary to impose a condition requiring a lightweight construction as it is set out on the plans that the structure of the proposed conservatory would be of aluminium. For the reasons set out above it is also necessary to impose a condition requiring the use of non-opening obscured glazing in the flank walls of the proposed conservatory.

Conclusion

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

Mike Worden

INSPECTOR