
Appeal Decision

Site visit made on 8 August 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 21 August 2017

Appeal Ref: APP/H5390/D/17/3177667

13 Edgarley Terrace, London SW6 6QE

- 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 Mrs Kristina Lewis against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/00378/FUL, dated 31 January 2017, was refused by notice dated 10 April 2017.
 - The development proposed is the demolition of existing single storey rear utility room; single storey side infill extension with monopitch extension on first floor; removal of chimney on existing back addition; and introduction of velux windows on front roof elevation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the host property, No 13 Edgarley Terrace and the surrounding area; and
 - the living conditions of the occupiers of Nos 91, 93 and 95 Gowan Avenue, with regard to overlooking and privacy.

Reasons

Character and Appearance

3. Edgarley Terrace is an attractive terrace of Victorian period properties. The appeal property, No 13, is located approximately half way along the northern side of the continuous terrace. The original back additions along the terrace are arranged in pairs which is a distinctive feature of the rear elevations. Nos 11 and 13 form a symmetrical pair of dwellings and both largely retained their original front and rear external appearance.
4. The proposed ground floor rear extension would be an L-shape. It would replace an existing small single storey lean-to utility room. It would extend across the entire rear elevation and infill the existing void between the rear back additions of No 13 and No 15. It would not extend further into the garden than the lean-to utility room that it would replace.

5. Although the proposed ground floor rear extension would fill in the space adjacent to the boundary with No 15, the form, scale and massing would largely mirror the approved development of No 15. It would be in keeping with the existing pattern of development and remain subservient to the host dwelling. I find that the ground floor rear extension would not harm the character and appearance of the host dwelling and the surrounding area.
6. Views along the rear elevation of Edgarley Terrace are possible from the public realm on Kimbell Gardens. In addition, given the limited planting in the rear gardens and the closeness of the properties, views of the rear of Edgarley Terrace are possible from the properties on Gowan Avenue.
7. The proposed first floor extension would extend the existing back addition by 1.5 metres. This would result in a loss of symmetry with No 11. I find that this unbalancing of the pair of back additions would constitute a discordant extension which would be out of character with the style of the Victorian terrace and would harm the appearance of the host property. It would also introduce a new form of roof slope on the back addition which would be further out of keeping with the traditional rhythm of the terrace. The proposed windows and roof lights on the first floor extension would also not reflect the traditional proportions of windows within the host property. Cumulatively this would result in a first floor rear extension which would harm the character and appearance of the host dwelling and the surrounding area.
8. The installation of the 3 rooflights to the front elevation is considered by the Council to be a modest alteration which would not harm the character and appearance of No 13. I see no reason to disagree.
9. I conclude that the proposed ground floor rear extension in isolation would be acceptable. However, the overall proposal including the proposed first floor extension would have a harmful effect on the character and appearance of the host property, No 13 Edgarley Terrace and the surrounding area. It would conflict with the development plan, in particular Policy BE1 of the Hammersmith and Fulham Core Strategy (2011) (CS), which seeks, amongst other things to ensure that new development respects local context and character. It would also conflict with Policy DM G3 of the Hammersmith and Fulham Development Management Local Plan (2013) (LP), which seeks, amongst other things, to ensure that extensions are compatible with the scale and character of existing development and successfully integrate into the architectural design of the existing building.
10. The appellant has referred to other examples of approved rear extensions, including Nos 24, 26 and 28 Edgarley Terrace. I have not been provided with sufficient information on these developments to determine whether they demonstrate similar characteristics to this appeal. In any event I note that they were approved under a different policy context and these 3 properties have a different context sitting in a distinct group of only 4 properties on the opposite side of Edgarley Terrace. Whilst these properties are visible in the public realm from Firth Gardens, they are read visually as an isolated group of 2 pairs of dwellings and not in the context of an overall terrace unlike the appeal proposal.
11. Reference has also been made to a 2016 approved rear extension at No 1 Edgarley Terrace. I have not been provided with sufficient information on this approval to assess why the Council concluded that it was acceptable. I saw on

my site visit that No 1 has a design as a single end dwelling and does not form half of a pair of properties with symmetrical back additions. As such, it is not sufficiently similar in design to the appeal property to make any direct comparisons.

Living conditions

12. The proposed ground floor rear extension would include glazed bi-fold doors. The rear garden of No 13 is enclosed by a close boarded timber fence of approximately 2 metres in height. As a result no harm would arise to the living conditions of the occupiers of Nos 91, 93 and 95 Gowan Avenue, which are located to the rear, with regard to overlooking and privacy, from the ground floor rear extension.
13. The existing rear elevation of the back addition contains a large single window. The proposed first floor rear extension would incorporate 2 smaller windows some 1.5 metres closer to the rear windows of the properties on Gowan Avenue. The distance between the facing windows on the rear elevations of the appeal property and Nos 91, 93 and 95 Gowan Avenue is approximately 10 metres. This is already well below the 18 metres between facing windows suggested in SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document (PGSPD). The proposed first floor extension would increase the overlooking resulting in an unacceptable impact on privacy.
14. Consequently, harm would arise to the living conditions of the occupiers of Nos 91, 93 and 95 Gowan Avenue, with regard to overlooking and privacy, from the first floor extension. Accordingly, it would conflict with Policy DM A9, which seeks, amongst other things, to ensure that new development does not have a detrimental impact on the privacy enjoyed by neighbours in adjoining properties. There would also be conflict with criterion (ii) of the SPD Housing Policy 8 of the PGSPD which seeks, amongst other things, to ensure that new windows will be positioned so that the distance to any residential windows is not less than 18 metres.

Conclusion

15. The appeal proposal would harm the character and appearance of the host property, No 13 Edgarley Terrace and the surrounding area and the living conditions of the occupiers of Nos 91, 93 and 95 Gowan Avenue, with regard to overlooking and privacy, from the proposed first floor rear extension. This outweighs my findings in relation to the proposed ground floor rear extension and the proposed 3 front rooflights. Consequently on balance the overall scheme would be unacceptable and the appeal is dismissed.

Rachael A Bust

INSPECTOR