
Appeal Decision

Site visit made on 7 August 2017

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

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

Decision date: 31 August 2017

Appeal Ref: APP/H5390/W/17/3173917
69 Harwood Road, London SW6 4QL

- 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 Clive Loo against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/00085/FUL, dated 10 January 2017, was refused by notice dated 8 March 2017.
 - The development proposed is a rear extension to an upper ground floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension to an upper ground floor flat at 69 Harwood Road, London SW6 4QL in accordance with the terms of the application, Ref 2017/00085/FUL, dated 10 January 2017, subject to the conditions set out in the Schedule to this decision.

Preliminary and Procedural Matter

2. The appellant has submitted a set of revised plans with this appeal. This corrects a discrepancy in relation to the depth of the proposed rear extension. At the time of the planning application the submitted floor plans illustrated a depth of 3.5 metres whereas the submitted elevations indicated a depth of 3 metres. The revised plans confirm the depth of the proposed extension to be 3 metres. Having regard to the principles established in case law, I consider this to be a correction rather than an amendment to the scheme and consequently no prejudice would arise to consultees and neighbours by accepting the revised plans as part of my decision making on this appeal.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the host property and surrounding area; and
 - the living conditions of the occupiers of nearby properties, with particular reference to outlook, daylight and sunlight.

Reasons

Character and Appearance

4. The appeal property is located within the Moore Park Conservation Area (MPCA) which is characterised by three storey terraced properties with semi-

basements. In the immediate locality of the site these are mainly constructed of London stock brick. The significance of the buildings is derived from their substantial scale and traditional design with a strong terrace frontage. Harwood Road links Fulham Road and New Kings Road. The appeal property is part of a wider residential area within the MPCA.

5. No 69 is a mid-terrace property which has been sub-divided into a number of self-contained flats. The appeal relates to a rear extension to a one bedroomed upper ground floor flat. The host property has been substantially altered and extended previously by the addition of a mansard style roof; a full height rear extension; and a large rear extension to the lower ground floor/basement to Flat 69A which I saw to be under construction at the time of my site visit. I saw that in the immediate surroundings of No 69 the rear elevations of a considerable proportion of buildings within the terrace have been altered to a substantial degree. As a result the original rhythm and harmony of the rear elevation of the terrace has been significantly eroded.
6. The appeal proposal is for a single storey rear extension to the upper ground floor flat. It would extend the full width of the previous rear addition and have a depth of some 3 metres with a flat roof. It would be just under 2.3 metres high above the existing party wall parapet with No 71 and would sit above the rear extension to the lower ground floor/basement Flat 69A.
7. The rear elevation of No 69 and surrounding properties are not visible from the public realm. From my site visit it was apparent that views of the wider terrace are limited, such that each property is only seen in the context of its immediate neighbours. Consequently any alterations or extensions only have a limited impact on the host property and immediate adjoining neighbours, not on the wider surrounding area.
8. The proposed extension would be modest in scale and subservient to the host property. The appearance in terms of materials, form and style, would be similar to other rear extensions in this terrace. Due to these factors, the proposed extension would not look incongruous or discordant in relation to the surrounding area and would not appear dominant in relation to the host building or its immediate neighbours. The existing rear elevation has already lost much of its original architectural character. I find that the proposed extension would not result in additional harm to the current varied architectural style of the terrace's rear elevation.
9. Accordingly, the appeal proposal would cause no material harm to the character and appearance of the host property or the surrounding area. For these reasons, it would not conflict with 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 not conflict with Policy DM G3 of the Hammersmith and Fulham Development Management Local Plan (2013) (DMLP) 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. As the site lies within the MPCA I have had regard to the statutory duty set out in s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Whilst the Council's reason for refusal does not refer to the impact of the proposal on the character and appearance of the MPCA, it cites Policy DM G7 of

the DMLP and Policies 31 and 34 of the Planning Guidance Supplementary Planning Document (SPD) which deal with heritage and conservation matters. The Council has provided no cogent evidence in terms of the impact of the appeal proposal on the character and appearance of the MPCA to warrant the application of these policies in the reason for refusal. The rear elevation of No 69 is not visible from the public realm and does not make any particular contribution to the MPCA. Consequently I find that there would be a neutral effect on the character and appearance of the MPCA.

Living conditions

11. The Council's concern in relation to the impact on the living conditions of the occupiers of No 71 is focused on the effect of the proposal on the window located at lower ground floor level in the property.
12. The rear facing lower ground floor/basement level window of No 71 is already wholly enclosed by the substantial party wall between the two properties. As part of the approved lower ground floor/basement extension at Flat 69A presently under construction, the parapet on the boundary with No 71 is being re-built and will extend approximately 1.1 metres above the top of the window of No 71.
13. The appeal proposal would increase the height of the parapet wall by almost 2.3 metres. As a result, there would be some loss of outlook from the lower ground floor window of No 71 looking upwards. However, I do not find that this would be materially different to the current situation.
14. The proposed extension would be built directly above part of one of the two large roof lights in the lower ground floor/basement flat extension to Flat 69A presently under construction. Whilst the Council has raised no concerns in relation to the effect of these works on the living conditions of the occupiers of the Flat 69A, the occupier has. Having viewed the position from inside Flat 69A I saw that the appeal proposal would result in a loss of some daylight and sunlight into the lower ground floor. However, it would not be sufficiently serious to justify dismissal of the appeal.
15. The owner of the Upper Flats has raised additional concerns regarding the impact on No 69 Upper Maisonette and No 67 basement. The position of the Upper Maisonette would enable views from the rear windows down onto the rooftop of the proposed extension. However I do not find that this would be materially different to the present outlook onto the larger permitted extension to Flat 69A. The presence of the existing lower ground floor extension to the basement level flat at No 67, located to the north of No 69, would reduce any adverse effect of the proposal on the occupiers' living conditions. Due to the location of the proposed extension to the north of No 71 there would be no substantive reduction in sunlight or daylight reaching the property.
16. Accordingly, the appeal proposal would not unacceptably harm the living conditions of the occupiers of nearby properties. It would not conflict with Policy DM A9 of the DMLP which seeks, amongst other things, to ensure that proposed extensions do not have a detrimental impact on the outlook from windows or daylight and sunlight to rooms in adjoining properties.

Other matters

17. The occupier of Flat 69A is concerned about the effect of the development on the 'augmentation' of the structure. However, this is a matter between the relevant parties and has no bearing on the planning merits of the proposal.

Conditions

18. The Council has not suggested any conditions in the event that the appeal succeeds. In addition to the standard time limit on the commencement of development (condition 1), it is necessary to list the relevant plans (condition 2) as it provides certainty. Conditions are also necessary to ensure the use of acceptable materials (conditions 3 and 4) in order to preserve the appearance of the host property.

Conclusion

19. For all of the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed and planning permission should be granted subject to conditions.

Rachael A Bust

INSPECTOR

Schedule of Conditions (4 in total)

- 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 approved plans:
818_69HR_P201 Revision A (ground floor plan - option 1 proposal);
818_69HR_P202 Revision A (section A-A proposal);
818_69HR_P203 Revision A (section B-B proposal);
818_69HR_P204 Revision A (front elevation proposal);
818_69HR_P205 Revision A (rear elevation proposal);
818_69HR_X000 (block and location plans).
- 3) The external walls of the extension hereby permitted shall be constructed and finished to match those of the existing building in terms of colour, texture, bonding and pointing.
- 4) The window to the extension hereby permitted shall be of timber frame construction and permanently retained as such thereafter.

End of Schedule