



Appeal Decision

Site visit made on 26 September 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 05 October 2017

Appeal Ref: APP/H5390/D/17/3179426
25 Niton Street, London SW6 6NH

- 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 and Mrs Paul Day against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/01658/FUL, dated 21 April 2017, was refused by notice dated 19 June 2017.
 - The development proposed is the excavation of the front and rear garden to form light wells in conjunction with the creation of a new basement and the erection of an external staircase from the basement to the ground floor at the rear of the property.
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Decision

1. The appeal is allowed and planning permission is granted for the excavation of the front and rear garden to form light wells in conjunction with the creation of a new basement and the erection of an external staircase from the basement to the ground floor at the rear of the property at 25 Niton Street, London SW6 6NH, in accordance with the terms of the application Ref 2017/01658/FUL, dated 21 April 2017, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are (i) whether or not the proposal would preserve or enhance the character or appearance of the Crabtree Conservation Area and (ii) the effect of the development upon bio-diversity.

Reasons

Conservation Area

3. The Crabtree Conservation Area (CA) is characterised by mainly traditional two storey terraced dwellings many of which have imposing two storey and decorative front bays. Niton Street shares these characteristics and also includes a number of mature highway trees. The front gardens include small boundary walls, hedges and bushes thereby adding positively to the verdant character of the area. There is a consistency of materials and design prevailing in Niton Street and this adds to what is a very pleasant environment.
4. It is proposed to form light wells in the front and rear garden areas. Such development has essentially already been approved by the Council in terms of planning permission Ref No 2016/05576/FUL, albeit that the proposed rear light well differs very slightly from that already approved. I am satisfied that

the design and position of such development (including the rear external staircase) would not cause harm to the character and appearance of the host property, the terrace or the CA. Indeed, this part of the proposal would have a neutral impact upon the character and appearance of the CA. As the basement would amount to subterranean development, it would not be noticeable to passers-by. The formation of a basement beyond the footprint of the existing building would not in itself cause harm the CA.

5. For the reasons outlined above, I conclude that the proposal would accord with the design and conservation aims of Policies DM G3 and DM G7 of the LP; Design Policies 12, 13, 31 and 35 Hammersmith and Fulham Planning Guidance Supplementary Planning Document 2013 (SPD) and the National Planning Policy Framework (the Framework)

Bio-diversity

6. It is proposed to form a basement which would extend beyond the footprint of the existing house. Policy DM A8 of the Hammersmith and Fulham Development Management Local Plan 2013 (LP) permits basement accommodation and light wells under the footprint of existing dwellings where three factors are met. The objective behind the presumption against extending beyond the footprint of the building, as detailed in the reasoned justification to the policy, is to prevent any cumulative adverse impact upon drainage and cumulative impact upon groundwater flows in the area increasing the likelihood of flooding existing basements in the area.
7. In this case, it is proposed that the front and rear basements would be essentially confined to areas which contain existing hard landscaping. It is reasonable to conclude that such existing areas offer limited surface water permeability and furthermore these areas are not soft landscaped. In this regard, and taking into account the evidence that is before me, I do not consider that the proposal would have a significantly adverse impact upon drainage or groundwater flows in the area.
8. In view of the fact that the subject areas are hard surfaced, the proposal would not result in a material loss of existing soft landscaping. In this regard, the proposal would not conflict with the aim of the Design Policy 13 of the SPD which seeks to generally resist basement accommodation beyond the footprint of properties where it would result in the loss of soft landscaping or the potential for soft landscaping. The proposal would not result in the loss of a significant amount of soft landscaping and most of the rear garden area would continue to be grassed. Furthermore, in the event that planning permission was refused, I do not consider that it would be very likely that the appellant would remove existing hard surfaced areas in favour of new soft landscaping.
9. Taking into account the above, coupled with the fact that a very large part of the existing rear garden area would be retained in its current soft landscaped form, I conclude that the proposal would not have a significantly adverse impact upon matters of bio-diversity. Furthermore, and notwithstanding the conflict with the first criteria of Policy DM A8 of the LP where there is a general presumption against extending basements beyond the footprint of the building, I have no evidence to indicate that the proposal would conflict with the overall aim of such a policy which relates to ensuring suitable drainage and groundwater flows.

10. For the reasons outlined above, I conclude that the proposal would accord with the bio-diversity, flooding and drainage aims of Policies DM A8 of the LP; Housing Policy 9 of the SPD and the Framework.

Other Matters

11. I have considered this planning application on its individual planning merits. In allowing the proposal, it does not mean that all future basement proposals in the area would automatically be approved. Any future basement planning application in the area would also need to be considered on its individual planning merits.

Planning Conditions

12. The conditions set out in the accompanying schedule are based on those suggested by the Council.
13. Planning permission is granted subject to the standard three year time limit condition. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect. In the interests of the character and appearance of the area, it is necessary to impose a materials planning condition.

Conclusion

14. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 01 - Location Plan and Block Plan; Drawing No 107 – Proposed Front Elevation; Drawing 101 – Proposed Basement Floor Plan; Drawing No 102 Proposed Ground Floor Plan; Drawing No 103 Proposed First Floor Plan; Drawing No 104 – Proposed Second Floor Plan; Drawing No 108 – Proposed Elevations; Drawing No 109 – Proposed Elevations; Drawing No 105 – Proposed Roof Plan and Drawing No 106- Proposed Section AA.
- 3) 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.