
Appeal Decision

Site visit made on 7 November 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 20th November 2017

Appeal Ref: APP/H5390/W/17/3180235

Garage adjacent 2a Harbledown Road, London SW6 5TP

- 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 Matthew Cox against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/00286/FUL, dated 4 January 2017, was refused by notice dated 23 March 2017.
 - The development proposed is demolition of the existing single storey garage and erection of a two storey plus basement single family dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description. I shall determine the appeal on this basis accordingly.

Main Issues

3. The main issues are the effect of the proposed development on
 - (i) the character and appearance of the area;
 - (ii) the living conditions of the future occupiers of the proposed dwelling with particular regard to standard of accommodation and private amenity space; and
 - (iii) the living conditions of the occupiers of the neighbouring flats at No. 21 Parsons Green Lane with particular regard to outlook and light.

Reasons

Character and appearance

4. The appeal site comprises of a single storey garage attached to the side of No. 2a Harbledown Road (No. 2a) a two storey end terraced property with a mansard roof extension. It is situated at the rear of a traditional terrace of two storey residential properties on Parsons Green Lane with small enclosed rear gardens and outbuildings.

5. The appeal site is located in a mature well-established high density residential area, typically characterised by terraced dwellings set back from the road. The properties are relatively evenly spaced, of comparable scale and form. Where garages and other structures exist between dwellings, these are very low, clearly subsidiary, and have little impact upon the sense of separation. No. 2a being situated on an end plot has even more expansive grounds, which add to the open character and appearance of the street scene.
6. The proposal would involve the demolition of the existing garage at no. 2a and the erection of a two storey one bedroom dwelling with basement. The proposal would setback in line with the adjoining terrace with a small enclosed walled area incorporating a bin store and a lightwell with a toughened glass panel over. The proposal would be constructed with a 65 degree mansard roof set down below the eave heights of the adjacent terrace of properties.
7. Although the front elevational treatment of the proposed dwelling would be comparable to the adjacent properties and the lightwell design would be acceptable, the two storey form of the dwelling, combined with the overall plot size, would be significantly different to those typically found in the area. Such positioning, on what would be an atypically narrow plot would result in a development that would appear visually cramped, compromise the sense of space and openness between the dwellings and interrupt the established pattern of development in the area.
8. These shortcomings would be exacerbated by the contrived design of the proposed mansard roof set against the built form of the adjacent terrace of properties and the proposal's prominent position, which would be visible from a number of public vantage points along Harbledown Road and Parsons Green Lane. As such, I consider the proposed development, by virtue of its scale, siting and design, would result in an incongruous and out-of-keeping addition that would adversely harm the character and appearance of the area.
9. I have considered the appellant's statement that the design of the proposed dwelling has been carefully considered in order to minimise any impacts on adjacent properties and the area and that the appeal scheme has been redesigned following the previously refused application at the appeal site in May 2016¹. Whilst these features together with the use of matching materials and fenestrations would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.
10. I have noted the other developments in the area drawn to my attention by the appellant. The two storey detached dwelling plus basement on the infill plot adjacent to No. 2 Biscay Road has different development characteristics to the appeal scheme. The other examples of infill developments and extensions in the area relate to different forms and scales of development on different streets with different locational characteristics. On the basis of the limited evidence provided I am not convinced that their circumstances are compellingly similar to the appeal proposal. I therefore accord them limited weight as precedents in this case.
11. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. It is not consistent with the design aims of Policy BE1 of the Hammersmith and Fulham Core Strategy

¹ 2016/00932/FUL

(2011) (CS) and Policy DM G1 of the Hammersmith and Fulham Development Management Local Plan (2013) (DMLP). These policies, amongst other things, seek to ensure that new developments are compatible with the scale and character of the existing development and respect the local context.

Living conditions of the future occupiers

12. The appellant's statement sets out that the proposed dwelling at 39 sqm would be in excess of the minimum gross internal floor area (GIA) of 37 sqm required for a one bed single storey dwelling (with shower room) for one person set out in the Government's Technical Housing Standards² and Policy 3.5 of the London Plan 2016 (LP). The appellant points out that the standards do allow some flexibility for single person dwellings of less than 37sqm where it is demonstrated to be of exemplary design, but does not provide a standard for a one bedroom (one person) two storey dwelling as proposed.
13. The Council have indicated that the proposal would constitute a one bedroomed two storey dwelling and as such would not meet the minimum GIA of 58sqm for a two storey 1 bedroomed 2 persons dwelling in accordance with LP Policy 3.5 and the Government's Technical Housing Standards. However, irrespective of the difference between the main parties over the GIA figures, based on the evidence before me, it is apparent that the proposed dwelling would not constitute a one bed single storey dwelling. Therefore, there would be a shortfall in the GIA and as such it would not achieve the minimum standards.
14. The proposed dwelling would be designed with new windows and door openings including a fixed and obscured window on the rear elevation and high level windows on the side elevation and rooflights. Whilst such design features would reduce the impact of the proposal on the adjacent properties, I consider the proposed design and layout would result in an unacceptable impact on the available light and outlook for the future occupants of the proposed dwelling. It would severely restrict the light and outlook particularly for the kitchen area and bathroom at basement level served solely via the front lightwell and to a more limited extent, the outlook and light available for the first floor bedroom served by a front French door and obscured window at the rear of the building.
15. I therefore consider that the proposal would result in a poor quality living environment and would not provide a satisfactory standard of accommodation for the future occupants of the proposed dwelling in this particular case.
16. Moreover, DMLP Policy DM A2 and Housing Policy 1 of the Planning Guidance Supplementary Planning Document 2013 (SPD) require all new dwellings to have access to an area of amenity space, appropriate to the type of housing proposed unless those standards are not justified by the particular circumstances on a site. The appellant has stated that, whilst the proposed dwelling would not benefit from private external amenity space, apart from the small enclosed curtilage at the front of the property and the small Juliette Balcony, it is nevertheless considered appropriate to the type of dwelling proposed and site would be in close proximity to a number of public open spaces.
17. However, the proposed development would not meet the minimum space standards for a two storey 1 bedroomed 2 persons dwelling and insufficient

² Department of Communities and Local Government (DCLG) Technical Housing Standards – Nationally described space standards (March 2015)

evidence has been provided to justify any exceptional circumstances in this case. The future occupants would need sufficient space within the dwelling to carry out leisure and household activities such as hanging out their washing if they wish, particularly during the summer months. In the absence of adequate private amenity space within the development, the nearest public open spaces would not be viable alternative options in this case.

18. I have considered the appellant's comments regarding the context provided in the National Planning Policy Framework (the Framework) for good design but I find that this proposal does not achieve the standards the Framework seeks. In light of the policies and guidance set out in the development plan and SPD, I consider that the private amenity space provided for the proposed dwelling would not be sufficient and as such would not result in a satisfactory living environment for the future occupants for the reasons set out above.
19. Consequently, I conclude that the proposal would result in harm to the living conditions of the future occupiers of the proposed dwelling with particular regard to standard of accommodation and private amenity space. The development would be contrary to overall amenity aims of CS Policy HS3, Policies DM A2 and A9, LP Policy 3.5, SPD Housing Policy 1 and the Government's Technical Housing Standards, which I consider are relevant in this case. These policies and guidance seek, amongst other things, to ensure that all housing developments provide a high quality residential environment, achieve minimum internal space standards and have access to an area of amenity space appropriate to the type of housing proposed.

Living conditions of the occupiers of the neighbouring properties

20. The proposal would be located adjacent to the rear of the adjoining flats at No. 21 Parsons Green Lane (No. 21) and set back from the nearest windows to the habitable rooms at the rear of the adjacent lower ground and upper ground flats. It would be separated by a small enclosed garden and car parking space at the rear of No. 21.
21. I have viewed the appeal site from the adjacent property and whilst I accept that there would be some impact from the proposal, given the design and overall height of the proposed dwelling, the separation distance between the properties and the orientation of the buildings, I consider that the proposal would not significantly reduce the amount of sunlight and daylight reaching the main habitable rooms at the rear of No. 21, nor dominate the views to cause an unacceptable sense of enclosure at the rear of No. 21.
22. I have noted the Council's comments that the proposed development would breach the 45 degree line from a point two metres above the adjoining ground level of the boundary of the appeal site where it abuts the rear boundary of No. 21. I note that this is contested by the appellant. However, irrespective of the difference between the main parties, the outlook at the rear of No. 21 is already toward the side boundary wall of the existing garage and the blank gable end of the adjacent property at No. 2a and the appeal site would be separated by the existing car parking space at the rear of No. 21. As such, I consider the relationship between the proposed dwelling and the adjacent flats would not be significantly different to the existing situation on the site and not warrant dismissal of the appeal on these grounds.

23. Consequently, I conclude that the proposal would not cause significant harm to the living conditions of the occupiers of the neighbouring flats at No. 21 with particular regard to outlook and light. Despite a technical breach of SPD Housing Policy H8 (i) guidance, given the site specific circumstances, I conclude that the proposal would be consistent with the overall amenity aims of DMLP Policies DM G1 and A9 and SPD Housing Policy H8 (i), which I consider are relevant in this case. These policies and guidance seek, amongst other things, to ensure development proposals protect the existing residential amenities of the neighbouring properties, respect the principles of good neighbourliness and that new buildings do not have an overbearing and dominating detrimental effect on adjoining residential properties.

Other matters

24. The appellant considers that the proposal forms a sustainable form of development. The appellant states that the proposal would be well connected to existing services and facilities and provide social and economic benefits through contributing to the supply and mix of housing in the area and would make efficient use of the land in a highly accessible location. However, while I note the appellant's view that the scheme's design and removal of the existing garage would amount to environmental benefits, I have found above that taken overall the development would harm the character and appearance of the area and the living conditions of the future occupiers of the proposed dwelling. This harm would conflict with the environmental dimension of sustainable development and, in my view, would be sufficient to outweigh the scheme's benefits when assessed against the policies in the development plan and the Framework as a whole. The proposal would not therefore amount to sustainable development in the terms of the Framework.
25. I have noted the support for the proposal from local residents on the basis of the benefits arising from the provision of an additional house that would be more attractive than the existing garage, more in keeping with the existing properties, improve the appearance of the street and the neighbourhood and tidy up the site. However, these matters are addressed above and there are other means of tidying up the site without the need to construct a dwelling on the site.
26. I have noted the objections raised by local residents to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

27. Notwithstanding my findings on the lack of harm to the living conditions of the occupiers of the neighbouring flats, this is significantly outweighed by the harm found to the character and appearance of the area and the living conditions of the future occupiers of the proposed dwelling. The proposal would conflict with the development plan and the Framework taken as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR