



Appeal Decision

Site visit made on 13 November 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 21 November 2017

Appeal Ref: APP/H5390/D/17/3181967

31 Gowan Avenue, Hammersmith & Fulham, London SW6 6RH

- 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 F Hughes against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/01377/FUL, dated 1 April 2017, was refused by notice dated 26 May 2017.
 - The development proposed is the erection of a rear extension at second floor level, on top of existing back addition.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear extension at second floor level, on top of existing back addition at 31 Gowan Avenue, Hammersmith & Fulham, London SW6 6RH in accordance with the terms of the application, Ref 2017/01377/FUL, dated 1 April 2017, 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: 15-012-OS; 15-012-E01; 15-012-E02; 15-012-E03; 15-012-E04; 15-012-E05; 15-012-E06; 15-012-E07; 15-012-E08; 15-102-P01; 15-012-P02; 15-102-P03; 15-012-P04; 15-012-P05; 15-012-P06; 15-012-P07 and 15-012-P08.
 - 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.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the host property and the surrounding area; and
 - The living conditions of occupiers of 33 Gowan Avenue, with particular regard to outlook and daylight.

Reasons

Character and Appearance

3. The supporting text to Housing Policy 7 of the Council's Planning Guidance Supplementary Planning Document (SPD) describes a common form of layout

of residential dwellings within the Borough. I saw that the appeal property and those to either side of it, although broadly matching this common form and pattern of development, subtly differ from each other and from the common form of layout identified in the SPD.

4. Rear outriggers are paired together with recessed light-wells in the spaces between each pair. The outriggers are the rear of Nos. 31 and 33, although not paired, are broadly similar, albeit that both have been extended at ground floor in varying manners. The outrigger at the rear of No. 29, although similar to that at the appeal property in terms of its depth and width, has previously been extended at second floor. As a consequence, its eaves level sits above that of the main house, whilst the raised parapet wall of its lean-to roof rises significantly above that of the outrigger at No. 31.
5. The proposal to extend No. 31 would mirror the scale, form and appearance of that at No. 29. In this respect, it would restore a significant degree of balance to the paired outrigger at Nos. 29 and 31. Although of a larger scale than that at No. 33 (and its paired outrigger at No. 35), the proposal would not extend either the depth or the width of the existing outrigger at the appeal property. Whilst the eaves and parapet wall would extend above the eaves level of the main building, this would be in the context of an existing large box-dormer window on the rear roof slope at No. 33 and so the juxtaposition between extended outrigger and main building would not be as awkward as might otherwise be the case. I am also mindful that the submitted plans also show further roof level alterations and extensions at No. 31 for which planning permission already exists but on which work has not yet commenced.
6. Thus, there are elements of subservience about the proposed extension that would allow it to be broadly compliant with the aims of Core Strategy (CS) policy BE1 and Development Management Local Plan (DMLP) policy DM G3. More importantly, having regard to prevailing character of paired outriggers, the proposal would restore a sense of balance to the outrigger paired between Nos. 29 and 31, and reflect the larger proportions of outriggers elsewhere along the rear of the terrace further to the northeast.
7. I conclude therefore that the proposal would secure a high standard of design and quality that would be compatible with, and respond positively to, the character and appearance of the host property and those around it. Nor would it, in my judgement, be a discordant or incongruous feature at the rear of the terrace. The proposal would accord with the aims and provisions of CS policy BE1 and DMLP policy DM G3 and would secure one of the National Planning Policy Framework's (the Framework) core planning principles of always seeking to secure high quality design.
8. I understand that the extended outrigger at the rear of the adjoining property was previously granted planning permission in 2007¹. As such, I also understand that it was considered in a different development plan context to the current proposal. That may be so, and I have considered the current proposal on its own merits, but I must nonetheless also have regard to the context, character and built form that the proposal would sit within.
9. The Council also state that proposals to extend atop existing rear additions are normally limited to 50% of the rear addition, and have also referred to a

¹ 2007/00752/FUL

proposal elsewhere on Gowan Avenue² for a second floor extension that was refused on visual and neighbour amenity grounds. I have not, however, been referred to any policy or guidance basis for the 50% limit, nor have I been provided with the details of the proposal referred to by the Council and so I cannot be certain that it is directly comparable. I therefore give these matters limited weight as a consequence.

Living Conditions

10. In seeking to ensure that proposals ensure a high standard of design with no detrimental impact on living conditions of occupiers of neighbouring properties in line with DMLP policies DM A9 and DM G3, the Council draw on the content of SPD Housing policies 7 and 8. The former sets out general principles for rear extensions and the latter as a means to protect amenities of neighbouring occupiers, albeit with both referring to outlook as one of the factors related to amenity. Of these, SPD Housing policy 7(iii) seeks to ensure that the outlook from any rear window of a habitable room in the main part of a neighbouring building should not be significantly worsened as a result of a proposal to be built at a level higher than the level of the floor that the affect window is located on.
11. Whilst the proposal would add height to the existing rear outrigger, it would not reduce the angle of outlook from the rear of No. 33 in the manner shown in the SPD's Figure 3. At ground floor, the existing window at No. 33 is already heavily enclosed and hemmed in by the two storey outrigger and ground floor extension at that property, to the extent that the ground floor extension is located directly opposing this window at a very short distance. At first floor, the outlook is more open, across the roof of both the ground floor extension and the eaves of the two storey outrigger. In both cases, the light-well recess at No. 31 between the boundary and the outrigger would remain, whilst the outlook is in a south-easterly direction.
12. There is no dispute that the proposal would satisfy the other elements of SPD Housing policy 7, and SPD Housing policy 8. Nor has it been advanced that the proposal would cause overshadowing or a loss of daylight / sunlight to the rear of the neighbouring property, or result in overlooking or loss of privacy. The unusual arrangement of extensions at the rear of No. 33 would, in my judgement have a far greater impact upon the outlook from the ground and first floor windows at that property than would the proposed extension. Whilst the additional height of the extended outrigger would no doubt be noticeable, I do not consider that it would result in a significant worsening of the outlook from those windows at the rear of No. 33, which SPD Housing policy 7 seeks to resist.
13. Thus, as SPD Housing Policy 7(iii) allows the exercising of on-site judgement with regard to living conditions, I conclude that the proposal would not be in conflict with that element of the policy, or indeed with SPD Housing policies 7 or 8 more generally. The proposal would therefore secure the high standard of design and good neighbourliness, and avoid detrimental impact on living conditions, as sought by DMLP policies DM A9 or DM G3.

² 2016/02722/FUL

Conditions

14. I have considered the conditions requested by the Council in light of the Framework and the Planning Practice Guidance. I agree that conditions relating to a time limit and the approved plans are necessary in order to provide certainty, and a condition in relation to the use of matching materials is necessary in the interests of character and appearance. With regard to the plans condition I have included the existing plans reference numbers within the condition for completeness.

Conclusion

15. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR