



Appeal Decision

Site visit made on 2 November 2017

by **D Guiver LLB(Hons) Solicitor**

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

Decision date: 28 November 2017

Appeal Ref: APP/H5390/D/17/3180549

18 Broomhouse Road, London SW6 3QX

- 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 Floyd Barnes against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/01408/FUL, dated 23 March 2017, was refused by notice dated 30 May 2017.
 - The development proposed is the erection of a part one-, part two-storey rear extension at ground and first floor level; excavation of the front and rear garden to form light-wells in connection with the enlargement of the existing basement including steps from basement level to garden level; installation of French doors and a Juliet balcony to replace the existing window in the rear roof slope; installation of a new roof-light in the front roof slope.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a part one-, part two-storey rear extension at ground and first floor level; excavation of the front and rear garden to form light-wells in connection with the enlargement of the existing basement including steps from basement level to garden level; installation of French doors and a Juliet balcony to replace the existing window in the rear roof slope; installation of a new roof-light in the front roof slope at 18 Broomhouse Road, London SW6 3QX in accordance with the terms of the application, Ref 2017/01408/FUL, dated 23 March 2017, subject to the conditions in the attached Schedule.

Procedural Matter

2. It is clear from the evidence before me that the Council granted planning permission in September 2016, Ref 2016/02964/FUL for development at the appeal site. The permission granted was for the erection of a ground and first floor extension to the rear and side of the appeal property, and the excavation of front and rear light-wells and the enlargement of the existing basement.
3. It is apparent that the proposal before me differs from the previously approved scheme predominantly in an alteration to the plans for the ground floor extension to the rear and side of the building. The proposal would result in the northern boundary wall at the rear of the property rising by a half a metre or so for a length of approximately 3.5 metres.
4. Having regard to the earlier grant of planning permission, and in the absence of any contrary indication from the Council, it would appear that there is no dispute

between the parties as to the acceptability of the other elements of the proposal. I shall therefore confine my detailed considerations to the proposed ground floor rear extension.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of the occupiers of No. 16 Broomhouse Road, with particular regard to a potential sense of enclosure and overbearing, and loss of outlook.

Reasons

6. The appeal site is a mid-terrace dwelling orientated approximately east to west and comprising a two-storey building with additional living space in the attic, a small front yard and relatively long rear garden. Broomhouse Road runs roughly north to south.
7. The existing northern rear boundary wall rises to a height of approximately 2.8 metres for a distance of four metres or so from the rear elevation of the building, before dropping to a height of approximately 1.8 metres for a further two metres or so. There is a curved glass roof rising a metre or so above the ground floor element of the existing rear return which appears to be an original feature as it is mirrored to the rear of the neighbouring property at 20 Broomhouse Road.
8. Planning permission has been granted for a number of alterations and extensions to the property including front and rear light-wells and an enlarged basement. Permission was also granted for a rear extension five metres or so wide at ground level and a little over three metres deep. At first floor level the permission is for an approximately one metre deep extension to the existing rear return.
9. The ground floor extension would be approximately 2.5 metres high and would have a flat roof roughly 3.75 metres wide from the southern boundary and an approximately 45° pitched element sloping down from the edge of the flat roof towards the northern boundary. The northern boundary wall would rise approximately half a metre higher than the bottom of the pitched element of this roof. The height of the proposed extension at ground-floor level would require the existing glass roof be removed.
10. After the initial four metres or so, the northern boundary wall permitted in the approved scheme would rise to a height of approximately 2.5 metres for a distance of approximately three metres.
11. The proposal subject to this appeal is largely a repeat of the approved scheme except that the ground-floor rear extension roof would extend across the whole width of the rear. This would require an extension to the northern boundary wall for a distance a little over three metres at the same height as the four-metre or so stretch that connects to the building's rear elevation. There is nothing in the evidence before me to suggest that the appellant would not implement the approved scheme in the event of refusal of this appeal.
12. The Council refused the application subject to this appeal on the ground that the proposed extension would have an overbearing impact leading to an increased sense of enclosure and loss of outlook to the adjoining occupiers at No. 16.
13. Housing Policy 7 of the London Borough of Hammersmith & Fulham Planning Guidance Supplementary Planning Document 2013 (the SPD) sets down a number of criteria that developments should comply with to ensure that a proposal does

not have an unacceptable impact on the outlook and sense of enclosure for the occupiers of neighbouring properties.

14. Criterion (iv) of the SPD provides that any extension at the side of a rear return should not exceed a height of two metres above the ground level measured from the adjoining property. The SPD is a material consideration to which I attach significant weight.
15. The proposal would increase the height of the boundary wall above the height already allowed for in the pre-existing permission for a distance of approximately three metres. Given that this would raise this section of wall to the same height as the existing four metre stretch projecting from the rear elevation of the building it would not have a significant additional enclosing effect on the outlook at No. 16.
16. Therefore, while the proposal would technically breach the requirements of the SPD the scheme would still comply with the overall design and amenity aims of Policies DM A9 and DM G3 of the London Borough of Hammersmith & Fulham Development Management Local Plan 2013 which together seek to ensure that proposals provide high standards of design that do not cause any unacceptable harm to the living conditions of the occupiers of neighbouring properties.

Conditions

17. The conditions set out in the accompanying schedule are based on those imposed by the Council on the approved proposal upon which the parties were invited to comment. No additional comments were received. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance.
18. In the interests of proper planning I have imposed the standard condition in respect of time limits. For certainty I have imposed a condition requiring compliance with the plans.
19. To protect the character and appearance of the area I have imposed conditions relating to the construction of the extension hereby permitted in materials to match those in the existing building, including timber frames for windows in and a metal grill over the front light-well. I have also imposed a condition in relation to flues and pipes on the front elevation of the building.
20. To protect the amenity of neighbours I have imposed conditions relating to obscure glazing and the use of any flat roof surface as an external amenity area. To also enable the Council to exercise proper planning control I have imposed a condition requiring the use of the building as a single dwelling. To ensure that surface water run-off is properly managed I have also imposed a condition relating to the implementation and retention of a sustainable drainage system.

Conclusion

21. For the reasons given above, and taking into account all other matters, I therefore conclude that the appeal should be allowed.

D Guiver

INSPECTOR

Schedule

- 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: 1238/200; 1238/201; 1238/202; 1238/203; 1238/204; 1238/205; 1238/206; 1238/207; 1238/208; and 1238/209.
- 3) The external surfaces of the extension hereby permitted shall be constructed in materials to match the existing building and any openings formed in the vertical external elevations of the extension shall be topped by a brick arch or a brick-faced lintel.
- 4) The windows in the front light-well hereby permitted shall be constructed with timber frames to match the windows in the front elevation.
- 5) The basement extension hereby permitted shall not be occupied until the metal grill shown on plan 1238/201 is installed over the front light-well flush with the surrounding ground level and thereafter the grill shall be retained at all times.
- 6) No plumbing, extraction flues or pipes shall be affixed to the front elevation of the premises other than the rainwater pipes shown on plan 1238/205
- 7) The extension hereby permitted shall not be occupied until the first-floor and second-floor windows to the northern side elevation and the first-floor window to the rear elevation of the existing building have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 8) The roof areas of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area or for the location of any water tank or other structure and no railings or other means of enclosure shall be erected on the roofs.
- 9) The premises shall be used for a single dwellinghouse and for no other purpose (including any other purpose in Class C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 10) No development shall take place until details of the implementation, adoption, maintenance and management of a sustainable drainage system shall have been submitted to and approved in writing by the local planning authority. Those details shall include:
 - i) a timetable for its implementation; and,
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.