



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: 7 December 2017

Appeal Ref: APP/H5390/W/17/3180289

94 & 96 Fitzneal Street, Hammersmith & Fulham, London W12 0BB

- 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 Will Sankey against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/03034/FUL, dated 4 July 2016, was refused by notice dated 23 June 2017.
 - The development proposed is the construction of basement extensions and excavation of new lightwells at the rear gardens, and replacement single storey rear extension to no. 96 and installation of new sliding folding doors to no. 94.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of basement extensions and excavation of new lightwells at the rear gardens, and replacement single storey rear extension to no. 96 and installation of new sliding folding doors to no. 94 at 94 & 96 Fitzneal Street, Hammersmith & Fulham, London W12 0BB in accordance with the terms of the application, Ref 2016/03034/FUL, dated 4 July 2016, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Old Oak and Wormholt Conservation Area.

Reasons

3. The appeal property lies towards the middle of a long terraced block of two storey houses within the Old Oak Estate. The Old Oak and Wormholt estates were built in the early twentieth century as part of a movement towards higher standards in public housing and I am advised that the quality of the area's streetscapes were a factor behind the designation of the Old Oak and Wormholt Conservation Area.
4. I saw during my visit to the site that the character and appearance of the streetscapes are indeed a pleasantly defining character of Fitzneal Street and the surrounding streets. The landscaped roadside buffer strips and hedges that enclose the small front courtyards give Fitzneal Street and surrounding streets a soft, verdant appearance in the style of garden suburbs whilst the consistency of scale and detailing of fenestration creates an area of unified character that together make a significant contribution to the area's character and appearance.

5. The basements would not be visible from the front, nor would they be visible at the rear where a wooded and steeply sloping embankment separates the rear gardens from the westbound platform at East Acton station. Although there is a strong degree of consistency along the Fitzneal Street street-frontage, I saw that there is greater variation between the properties at the rear with most having been extended at ground floor in varying forms
6. The proposed basement extensions would be positioned directly under the existing ground floor footprint of Nos. 94 and 96. Light and ventilation to the rear-most room of each basement would be taken via a lightwell positioned either side of the dividing line between the two properties. The lightwell excavation would measure approximately 2 metres in projection from the rear of the house and in excess of 5 metres in width. The submitted sectional drawings suggest that they would extend to a depth of 3 metres, broadly the same as the excavated basement depth, with a dividing wall between each such that the lightwell associated with No 94 would be larger than that at No 96.
7. The rear lightwells are described as excessive by the Council, but I have not been directed towards any guidelines or policies that seek to proscribe what may, or may not, be considered to be excessive. Although the excavated lightwells would be deep incursions into the otherwise level gardens typical of the appeal site and neighbouring properties, in both instances a galvanised metal grid would ensure that these voids are not left uncovered or unduly exposed. Furthermore, the layouts of the ground floors above necessitates that access would be possible over and across the covered voids, thereby avoiding the more visually intrusive, uncovered vertical sides of the voids, that would otherwise emphasise depth.
8. From my observations of the appeal properties and, from there, of neighbouring properties, I do not consider the proposal to be harmful to the character or appearance of the host properties or to the surrounding area. The lightwell voids would be a discrete addition at the rear of the terrace where views would be restricted. Nonetheless, the rears of the appeal properties are visible from directly adjoining neighbouring properties and from the elevated station platform to the rear. However, even from these vantage points, intervening vegetation and domestic paraphernalia would render the lightwells, and particularly the side walls of their voids, unobtrusive features at the rear of, and within the rear gardens, of a typically domestic residential terrace.
9. The proposal would not alter the number of bedrooms within what are already 3 bedroomed properties and which could, reasonably, be described as capable of family occupation. Nor would the proposal materially harm or alter the nature and character of the rear garden areas of either property, where paved patio areas lie immediately at the rear of the existing ground floor build outs. I see no reason therefore why or how the proposed basement extension would harmfully alter the character or nature of occupation of the appeal properties such that the proposal would cause harm to the character of the properties in question or to the surrounding area.
10. I note that the Council do not object to the proposed replacement rear extension at No. 96 or to the insertion of folding doors at the rear of No. 94. I see no reason to reach a different conclusion and I am satisfied that these elements of the proposal would not cause harm to the character or appearance

of the host property. Thus, I conclude that the proposal would avoid harm to the character and appearance of the host properties and the surrounding area. It would, as a consequence, have a neutral effect on the character or appearance of the Old Oak and Wormholt Conservation Area. Thus, I find that there would be no conflict with policies DM A8, DM G3 or DM G7 of the Development Management Local Plan (DMLP), or Design Policy 31 of the Planning Guidance Supplementary Planning Document (SPD) which, amongst other things, seek to ensure that there is a high standard of design in all forms of alterations and extensions, including basement proposals. In reaching this conclusion I am guided by the statutory requirements set out by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and by the provisions of DMP policy DM G7.

Other Matters

11. The proposed lightwells would occupy areas at the rears of both properties that are currently occupied by paved patio areas. The design of the proposed lightwells would enable access across and use of the areas above them. Given the nature of the existing patio areas I do not consider that the proposal would materially reduce the landscaped area of the garden, or otherwise prejudice the Council's desire, expressed in the form of DMLP policy DM E4, of greening the borough.
12. I have considered the Council's argument that the grant of planning permission would set a precedent for other similar developments. However, given that I have concluded that the proposal before me would be acceptable and that each and every proposal is considered on its own merits, I can see no reason why it should necessarily lead to harmful developments on other sites in the area.

Conditions

13. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance. Where necessary, I have amended them setting out the reasons for so doing below.
14. I agree that a time limit condition is necessary in order to provide certainty. A condition setting out the approved plans is also necessary in order to provide certainty but I have adopted a different format and wording to the version suggested by the Council. In addition, it is not clear to me what the Council are referring to with regard to the height of the ridge line with regard to their suggested approved plans condition, hence my adoption of alternative wording.
15. I agree that a materials condition is necessary in the interests of character and appearance. Although I have adopted a slightly different wording to that suggested by the Council I am satisfied that it would achieve the same result and neither party would be prejudiced by its imposition.
16. Conditions requiring a sustainable drainage plan and a detailed construction management and logistics plan are necessary given the subterranean nature of the proposed development and the restricted nature of the access to the property and the space about it. The Council have suggested separate conditions relating to construction management and construction logistics but I am satisfied that the matters set out therein can be adequately dealt with within a single condition, albeit with slight amendment, the details of which I have set out in the attached Schedule.

17. A condition to ensure the appropriate use of the hereby approved basements is also necessary in the interests of character and appearance. The proposed replacement single storey extension features a glazed lantern roof rather than a flat roof, and so a condition restricting the use of its roofspace is not necessary. I have not therefore imposed the Council's suggested condition to this effect.
18. The approved scheme does not propose additional accommodation dependent upon the installation of new water appliances. A condition to this effect is neither reasonable nor necessary and so I have not imposed the suggested condition.

Conclusion

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

Graeme Robbie

INSPECTOR

SCHEDULE OF 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: 01A; 02B; 03A; 04A; 05B; 06A; 07B and 08B.
- 3) The materials to be used in the construction of the external surfaces of the single storey rear extension hereby permitted shall match those used in the existing building in terms of colour, texture and pointing.
- 4) Prior to commencement of the development hereby permitted details of a sustainable drainage system for the properties shall be submitted to and approved in writing by the Council. The extensions hereby approved shall not be occupied until the measures approved have been implemented and these shall be permanently retained as such thereafter.
- 5) No development shall take place, including any works of demolition, until a construction management and logistics plan has been submitted to and approved in writing by the local planning authority. The plan shall provide for:
 - i) Measures for the control of dust, noise and vibration;
 - ii) The lighting of the site;
 - iii) The loading, unloading and storage of plant and materials used in constructing the development;
 - iv) Contact details including accessible phone contact for person(s) responsible for the site works for the duration of the works;
 - v) Details of provisions within the site to prevent the passage of mud, dirt and other debris onto pavements and highway;
 - vi) Details of pedestrian and traffic management; and
 - vii) The restriction of working hours and all associated activities audible beyond the site boundary to 0800-1800 Monday to Fridays and 0800-1300 Saturdays and no working on Sundays or bank holidays.The approved construction management and logistics plan shall be adhered to throughout the construction period for the development.
- 6) The basement floorspace hereby approved shall only be used in connection with, and ancillary to, the use of the remainder of the application properties as residential dwellings. The basement accommodation shall not be occupied as self-contained flats that are separate and distinct from the use of the remainder of the application property as a residential dwelling.