



Appeal Decision

Site visit made on 19 June 2019

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 9 July 2019

Appeal Ref: APP/H5390/W/19/3226194

First Floor, 56 New King's Road, London SW6 4LS

- 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 Ms Belinda Moubray against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref: 2018/04000/FUL dated 11 December 2018, was refused by notice dated 12 February 2019.
 - The development proposed is replacement of windows and provision of rear balcony to existing maisonette.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of windows and provision of rear balcony to existing maisonette at First Floor, 56 New King's Road, London SW6 4LS in accordance with the terms of the application, Ref: 2018/04000/FUL dated 11 December 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) All new brickwork, colour, bond, pointing style and mortar colour of the development hereby permitted shall match the existing brickwork.
 - 3) All replacement and new windows and openings hereby approved shall be timber framed, painted white and so be maintained. The replacement windows shall also match the existing windows in frame profiles, opening styles and finishes and so be maintained.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; E.01; E.02; E.03; E.04; E.05; P.01 Revision B; P.02 Revision A; P.03; P.04; P.05
 - 5) Prior to first use of the rear balcony hereby permitted, an internal rail shall be installed in accordance with the details shown on Plans P.01 Revision B and P.02 Revision A and thereafter permanently retained.

Main Issues

2. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the existing property and terrace; and

- b) The effect of the proposal on the living conditions of surrounding residential neighbours, with particular regard to overlooking and loss of privacy as well as loss of outlook.

Reasons

Issue a) Character and Appearance

- 3. The appeal property is a residential maisonette at first and second floor level above ground floor restaurant premises in the terrace of properties on the north side of New King's Road, between Parsons Green and Doria Road. Nos 50-60 New King's Road form a terrace of six, 3 storey buildings with a more recent addition to the terrace closer to the junction with Parson's Green.
- 4. Part of the existing rear outrigger has been previously extended to create a bathroom on the half level leading up to the second floor. The Council advises that this existing extension does not appear to benefit from planning permission but appears to have been in existence for many years. The proposal would extend out over the rest of the rear outrigger to create a roof terrace. This would involve building up the sloping roof of the rear outrigger to create a parapet wall to the proposed terrace.
- 5. As illustrated by the Appellant in their appeal statement, the rear of the individual properties in the terrace have been significantly altered over a period of time, although it is not known whether all the changes benefit from planning permission. The Council has not provided any further information in respect of the rear terrace elevation provided by the Appellant. The proposed rear changes would be relatively modest in the context of the appeal building taken as a whole and would continue to step back in the extent of rear projection towards the main roof. The outrigger, as proposed to be altered, would continue to be read, both in terms of scale and height, as a subservient addition to the main elevation. In the context of the varied rear elevation along the terrace I do not consider that the small scale of the proposed alterations would be visually intrusive or detract from the character and appearance of the existing building and terrace of buildings.
- 6. The proposal also includes for replacement windows to the front and rear elevations and the installation of a rooflight in the rear roof slope. I agree with the Council that the proposed replacement windows and new openings would respect the character and appearance of the property and terrace within which it is situated.
- 7. The proposed roof terrace and alterations at the rear would not be easily seen, if at all, in street scene views from the front or from the roads at either end of the terrace, because of intervening development. The site does not fall within but just beyond the Parsons Green Conservation Area. As a result of my findings above, I am satisfied that the proposal would have no adverse effect on and would preserve the setting of the Conservation Area.
- 8. The proposal would therefore respect the character and appearance of the existing property and the street scene. There would be no conflict with Policies DC1 and DC4 of the Hammersmith & Fulham Local Plan 2018 (Local Plan) as well as the National Planning Policy Framework (Framework) and in particular Section 12, all of which seek for new development to be of a good standard and respect the local context.

Issue b) Living Conditions

9. The outlook from the rear windows in the existing maisonette are primarily directed to the blank flank elevation of No 2 Doria Road. This would also be the principal outlook from the proposed roof terrace. There would be some longer views towards the rear gardens of the Doria Road properties. However, and whilst securing a good standard of living conditions for existing and future occupants is an important objective, in a densely developed, urban area such as the location of the appeal property and surrounding area, some overlooking of adjacent properties and gardens is not uncommon. I do not consider, given the distances involved, that the limited overlooking of the gardens at the rear of properties in Doria Road would materially impact on the living conditions of the neighbours of those properties and would justify withholding planning permission.
10. The proposed design includes for a wall mounted rail set within the new parapet wall along both the rear and side elevation closest to No 58. I am satisfied that with this proposed addition, views down towards neighbouring gardens and back towards windows in adjoining properties would be minimised. With this feature in place and retained, I am satisfied that there would be no material overlooking of either windows in the adjoining property at No 58 or down into the neighbouring gardens. There would therefore be no loss of privacy for adjoining neighbours.
11. The Council has also raised a concern that the building up of the rear outrigger to create the rear balcony would have an enclosing and over bearing effect for the neighbours at No 58, in terms of the outlook from their rear facing windows. The Council has contended that the proposal would reduce the angle of unobstructed visibility by approximately 35%, in excess of the 15% set out under Key Principle HS7 of the Council's Planning Guidance Supplementary Planning Document (2018) (SPD). I have taken this reduction into account. However, in terms of the difference from the existing situation and the current outlook from these rear facing windows, the proposed increase in height would be modest and having regard to the distance to the rear facing windows in the adjoining properties, I am satisfied that there would be no material harm to the living conditions of the adjoining neighbours in terms of loss of outlook and overbearing effect.
12. I am therefore satisfied that there would be no material harm to the living conditions of surrounding neighbours, including with regard to overlooking and loss of privacy as well as loss of outlook. There would be no conflict with Policy H011 of the Local Plan, Key Principle HS8 of the Council's SPD and paragraph 127 of the Framework, all of which seek for new development to protect the living conditions of existing and future occupiers. I acknowledge that the proposal would exceed the guidance under HS7 of the SPD but in the particular circumstances of this case, I have found no harm from the proposal before me. I am therefore satisfied that would be justification for an exception to be made to this part of the SPD in this case.

Other Considerations

13. The Council has referred to a refusal for an extension proposal at the neighbouring property under its reference 2017/00199/FUL. However, no further details have been provided and each proposal must be judged on its individual merits.

Conditions

14. I agree with the conditions proposed by the Council in respect of materials to protect the character and appearance of the property and terrace in which it is sited. I shall also add a condition to list the approved plans for the avoidance of doubt and in the interests of proper planning. I also propose to add a condition to require the installation and subsequent retention of an internal rail within the balcony to protect the living conditions of neighbouring residents. Although this condition was not proposed by the Council, it is imposed in response to a proposal by the Appellant and I am therefore satisfied that neither the Appellant nor the Council will be prejudiced from its imposition.

Conclusion

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR