
Appeal Decision

Site visit made on 2 July 2019

by J Wilson BA Hons BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 15th July 2019

Appeal Ref: APP/H5390/W/19/3224488
18 Studland Street, London W6 0JS

- 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 D Parry against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2018/03551/FUL, dated 9 October 2018, was refused by notice dated 7 March 2019.
 - The development proposed is a proposed single storey outbuilding – office.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on: a) the character and appearance of the area; b) the living conditions of the occupiers of No.18 Studland Street (No.18) and adjacent neighbours in respect of outlook, sense of enclosure, effect on daylight/sunlight and the effect on the space available at the rear of No.18.

Reasons.

3. The site comprises part of the land associated with No.18, it is accessed from Feldgate Mews, an access way serving other properties in the terrace and commercial properties to the rear. The property is in the middle of the terrace and the garden areas graduate in size with longer gardens/outside space to the properties at the south end of the terrace significantly longer than those at the northern end. Several properties in this row, including the appeal site utilise a proportion of their outside space for the parking of vehicles. A small number have an assortment of small-scale outbuildings or covered parking area though none appeared to me to represent independently occupied buildings separate from the residential use of the terrace.
4. The introduction of a completely separate commercial building occupying the majority of the space at the rear of No.18 would be out of keeping with the character and function of these rear spaces which are clearly incidental to the residential use of properties in the terrace.
5. There are inconsistencies in the evidence in that the appellant says that the building and its function as an office would be separate from No.18. The officer report comments that the appellant advised that it could be used in connection

- with the property at No.18 or independently though as it would have no direct access to No.18 it would suggest that its use would more likely be independent.
6. The building would take up the whole of the width and length of the parking spaces save for a small triangle of space between it and Feldgate Mews. The side walls of the proposed building would abut the dividing wall to No.20 and would rise off the lower dividing wall to No.16. It would produce a dominant flat roofed building with the only relief a partial sloping section of roof at the rear which would have rooflights facing No.18. The elevation facing Feldgate Mews would be utilitarian in appearance.
 7. The Council's policies and SPD expects that buildings will be designed to integrate into the urban fabric and should be of a scale compatible with the character of the existing development. However, the proposed positioning, size and relationship of the building would be disproportionately large in relation to the main property. It would be out of keeping with the features of the terrace and the modest secondary buildings. It would fail to reflect the traditional character of the terrace nor would it integrate effectively appearing as a disjointed and separate structure somewhat alien to its surroundings. Taking these factors together, the building would be harmful to the character and appearance of the area.
 8. Consequently, the proposal would conflict with Policies DC1, DC4 and HO11 of the Hammersmith and Fulham Local Plan 2018 (the Local Plan); to Policy 7.6 of the London Plan (2016); to the Key principles of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2018) (SPD); and to the National Planning Policy Framework (the Framework). These policies and guidance seek amongst other things to secure high standards of design in all alterations to existing buildings, creating a high-quality urban environment which respects and enhances the townscape and provides an appropriate relationship between new and existing buildings.

Living conditions

9. The position of the new building would be close to the rear windows of No.18 and particularly so those in the rear extension to that property. It would lead to a confined and cramped space at the rear where there is currently an open aspect towards Feldgate Mews. This would adversely affect the outlook from No.18 which would be in conflict with Key principle HS7 of the SPD which advocates that the outlook from any rear habitable room should not be worsened by development.
10. The proximity and relationship between the new building and the rear of No.18 would obstruct the outlook from habitable living space and create an unacceptably confined space at the rear of the residential property. This would cause an adverse effect on the occupiers by the creation of an unacceptably severe sense of enclosure which would demonstrably harm the living conditions of the occupiers.
11. With regards to sunlight/daylight assessments I have no calculations in evidence from either the Council or the appellant in this regard indeed the appellants' statement is silent on this matter. Nonetheless I observed that the height of the proposed structure would be approximately the same as the height of the dividing wall to No.20 Studland Street which itself has a covered car port attached to that wall. In this regard there would be no effect on the

sunlight or daylight enjoyed by the occupants of that property as a result of the proposed building. The same cannot be said of the relationship with No.18 (the host property) as the position of the building would inevitably affect the light reaching both habitable rooms and the rear yard due to its proximity and height. The effect on No.16 which is located to the south of the appeal site would be affected but to a lesser extent and not such that would warrant an objection on this ground alone in relation to No.16. Nonetheless, the adverse impact on No.18 would remain and in this regard, there would be conflict with the policies of the Local Plan and a harmful effect on the occupants of that property.

12. The Council contend that the proposal would result in the loss of garden to No.18 whereas the appellant says that there would be no loss of garden. The space which would be occupied by the building is currently utilised as car parking though the appellant says that this is not in connection with the dwelling. Whether the appellant allows tenants to utilise this space or not is immaterial. What is clear is the land which is subject to the proposal forms part of the original building and its garden/yard area in much the same way as the remaining properties along this terrace and its severance would compromise the amenities of the occupants of No.18.
13. I have no evidence that there is any authorised permission for this land to be separated for an alternative use and I have therefore regarded it as part of No.18 as is indicated on the site plan accompanying the appeal. The severance of this land away from the host property to an alternative use would, in my view, be harmful to the living conditions and amenities enjoyed by the occupants of the property and to the area in general. If it were to be repeated along the terrace the effect would be significant particularly as properties at the northern end of the terrace have much shorter gardens than the appeal site or those to the south end of the terrace given the alignment of Feldgate Mews.
14. Consequently, the proposal would conflict with Policies DC1, DC4 and HO11 of the Local Plan; to Policies 7.1, 7.2 and 7.6 of the London Plan; to the Key principles of the SPD; and to the Framework. These policies seek to ensure that the proposals are compatible with the scale and character of existing development, and neighbouring properties. They also seek to ensure good neighbourliness and the protection of the residential amenities of the occupants of neighbouring properties who would be most directly affected by the proposal.

Other matters

15. In coming to my decision, I have had regard to the fact that three areas to the north, south and west of Feldgate Mews are designated as Conservation Areas (CA's) and this recognises the special character of the wider area. It also requires that I consider whether the development would affect the setting of any or all of the CA's proximate to the site. Despite their closeness to the appeal site the physical arrangement is such that the rear part of the site, and development within it, would not have an adverse impact on those CA's nor their settings. On that basis, I do not find any conflict with Policy DC8 of the Local Plan which relates to heritage and conservation matters.
16. I note that the appellant emphasises that the provision of low-cost office accommodation providing space for a small number of occupiers and typically a start-up tech business would be a benefit. However, there is a significant

difference between an unrelated office use occupying more than half of the external space at the rear of a terraced dwelling and a discreet office use associated with that same dwelling. As such the benefit would be insufficient to outweigh the harm which I have identified.

17. The Council have cited conflict with Policy E1 however this policy is focused on existing employment uses and the development of mixed-use schemes and not to the small scale provision of office accommodation which this appeal proposal represents. I therefore find that this policy is not relevant to this appeal.

Conclusion

18. For the reasons set out and having considered all other matters raised the appeal is dismissed.

Janet Wilson

INSPECTOR