



Appeal Decision

Site visit made on 01 April 2019

by N Smith BA (hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2019

Appeal Ref: APP/H5390/D/19/3221995

106 Bronsart Road, London, SW6 6AB

- 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 Marie Boyle against the decision of London Borough of Hammersmith and Fulham.
 - The application Ref 2018/02710/FUL, dated 12 August 2018, was refused by notice dated 30 August 2018.
 - The development proposed is erection of a rear roof extension, including the installation of a door and a Juliette balcony; erection of a rear extension at second floor level, over part of the existing back addition; removal of the remainder of the pitched roof of the existing back addition at second floor level and enclosure with a metal balustrade; installation of 2no. rooflights in the front roof slope; installation of French doors to replace existing windows in the rear elevation of the back addition at first floor level; erection of a single storey rear extension to the side and rear of the existing back addition.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a rear roof extension, including the installation of a door and a Juliette balcony; erection of a rear extension at second floor level, over part of the existing back addition; removal of the remainder of the pitched roof of the existing back addition at second floor level and enclosure with a metal balustrade; installation of 2no. rooflights in the front roof slope; installation of French doors to replace existing windows in the rear elevation of the back addition at first floor level; erection of a single storey rear extension to the side and rear of the existing back addition at 106 Bronsart Road, London, SW6 6AB in accordance with the terms of the application, Ref 2018/02710/FUL, dated 12 August 2018, and the plans submitted with it, 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: PL01, PL04 and PL05.
 - 3) The materials used in the external surfaces of the approved development shall match those used in the existing building.

Procedural Matter

2. I have adopted the description of the development from the Council's decision notice because it is more comprehensive and accurate than that shown on the planning application form. I note that the appellant has done the same in their Statement.

Main Issues

3. The main issues are whether the effect of the development on (i) the character and appearance of the area would be acceptable; and (ii) living conditions for neighbouring occupiers would be acceptable.

Reasons

Character and appearance

4. The appeal site consists of a two storey, mid-terraced house. There is a part two storey, part single storey rear addition, or 'outrigger', which is characteristic of properties in the area.
5. The proposal includes a range of extensions to the property, a number of which are either the same as, or similar to those for which the Council has previously granted planning permission¹ and which the parties agree, are uncontroversial. The element of the development that is in dispute is the second-floor extension over the rear addition and the area of roof that would be enclosed by railings.
6. That extension would be large and fairly bulky and when taken together with the area of the roof that would be enclosed by railings and the other development that is proposed, would change the character of the rear of the house. The original form of the upper levels of the house would be difficult to read and the property, when viewed from the rear, would have a rather top-heavy appearance.
7. However, there are a number of comparable extensions to houses in the area, some of which are in close proximity to the appeal site and that I saw on my visit. The Council says that these have not received planning permission and are either historic or were built utilising Permitted Development Rights. I have no reason to doubt that, but regardless, these extensions have changed the character and appearance of the area to an extent that the appeal proposals are compatible with it.
8. I am mindful also that views of the rear of houses along the road are quite limited and that the modest rear gardens serving houses will create a greater pressure for enhanced internal living accommodation. The previous planning permission for development at this site, whilst not including the extension over the 'outrigger', did allow for quite extensive additions to this property. I do not find that this further extension would create harm substantially above that for which consent has already been granted.
9. The design and extent of the railings would, again, be comparable to a number of other examples along the road and for the same reasons, I do not find that they would be visually harmful.

¹ 2017/01977/FUL

10. Overall, and for the reasons that I have described, I consider that the effect of the development on the character and appearance of the area would be acceptable and in accordance with policies DC1 and DC4 of the Hammersmith and Fulham Local Plan 2018 (LP) which, amongst other requirements, seek to ensure that the design of new development is compatible with its context.

Living conditions

11. The second-floor extensions and the railings would be set in from the side wall of the first floor of the rear addition, which is itself set away from the side boundary with No 108. They would also be set above the level of first floor windows. Together, I am satisfied that these factors would prevent harm from being caused to outlook from windows at that neighbouring property.
12. The additions would be visible from the rear gardens of properties on either side of the appeal site, but given their height and that they would be viewed against the backdrop of the house, I do not consider that there would be any harm caused to outlook from, or the enjoyment of those gardens as a result of the development.
13. The Council has described that the area enclosed by railings on the roof would be used only for maintenance, whilst the appellant has described that it would be used infrequently for recreation. Given that it could only be accessed by climbing through a window, it seems likely that it would be used as outdoor space less frequently than were it served by a door.
14. In any event, the railings would be set in from the side and rear edges of the roof to an extent that would limit views in to neighbouring gardens, which are already overlooked by upper floor windows. Even if the area was used as a terrace, rather than for maintenance, I am satisfied that the impact on privacy would be acceptable in the context of fairly dense, terraced housing where an element of overlooking is inevitable.
15. Overall, and for the reasons that I have described, I am satisfied that the effect of the development on living conditions of neighbouring occupiers would be acceptable, and consistent with policies DC1 and DC4 of the LP and Key Principle HS7 of the Planning Guidance Supplementary Planning Document 2018, which, amongst other requirements, seeks to protect living conditions for neighbours of development.

Other Matters

16. The Council has described that the site falls within the setting of the Crabtree Conservation Area. The statutory duty in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character of a heritage asset is a matter of considerable importance and weight. In this case, I have found that the effect of the development on the character and appearance of the area would be acceptable. It follows in this case that the setting of the Crabtree Conservation Area would be preserved also.

Conditions

17. I have attached standard conditions that would ensure that the development commenced within three years and was carried out in accordance with the approved drawings.

18. I have added a further condition requiring that materials used in the extensions matched those used in the existing house. I note that the appellant proposes as much in the application form and in their Statement.
19. Whilst the Council has not suggested conditions that might have been imposed, I have had regard to those set out on the decision notice for the planning approval for extensions at the site. Other than those which I have imposed, they seemed to me to replicate control over the use of materials, limit the extent of development to that which was approved and introduce control over areas over which other, non-planning control already exists. Accordingly, in the circumstances of this case, I have not seen it necessary to apply them here.

Conclusions

20. For the reasons that I have described, I consider that the appeal should be allowed and planning permission granted.

N Smith

INSPECTOR