



Appeal Decision

Site visit made on 10 September 2019

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/H5390/D/19/3231715

13 Hofland Road, London W14 0LN

- 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 & Mrs C Asquith against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2018/04079/FUL, dated 10 December 2018, was refused by notice dated 10 April 2019.
 - The development proposed is described as: 'Small conservatory at rear of house'.
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Decision

1. The appeal is allowed, and planning permission is granted to erect a single storey rear conservatory extension at 13 Hofland Road, London W14 0LN in accordance with the terms of the application, Ref 2018/04079/FUL, dated 10 December 2018, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: A/H 18 3 05 and A/H 18 18 3 06.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building.
 - 4) The extension hereby permitted shall only be carried out in accordance with the development-specific flood resistance and resilience measures outlined within the submitted Flood Risk Assessment document, dated 03.01.2019 which accompanied the application, and these measures shall be maintained and retained for the lifetime of the development.

Procedural Matter

2. For clarity and precision, the description of the development in the banner heading above is taken from the application form. However, in my decision, I have taken the description of the development from the Council's decision notice since this more accurately describes the proposal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal site and the surrounding Lakeside/Sinclair/Blythe Road Conservation Area (CA).

Reasons

4. The host dwelling is a mid-terraced property located within a residential area in the CA. The proposal is to erect a single storey conservatory at the rear of the property, which would be sited off an existing single storey extension, with access taken from the kitchen. The proposal would have an approximate width of 2.2m, projecting approximately 2.2m into the rear garden. The proposal would have a chamfered footprint with glazing located in 3 of its elevations, including the chamfered section where a set of double doors would be located. It would have a parapet styled roof with a maximum height of 2.55m.
5. The appellant has referenced various extensions to properties located on Hofland Road. In particular, reference has been made towards No's 2, 22 and 23 Hofland Road, where details of approved applications have been provided. I note from the evidence before me and during my site visit that the rear elevations of the dwellings on Hofland Road vary in projection, and that some already extend to a similar level as proposed in the appeal scheme. Additionally, I find that the scheme is unlikely to be visible from any public areas of the CA due to the presence of the existing buildings. Therefore, the effect of the proposal on the CA would be limited, having an overall neutral effect, which I do not find to be harmful.
6. The appellant disputes that the proposal would not comply with part i) and iii) of Key Principle HS4 of the Planning Guidance Supplementary Planning Document 2018 (SPD). Nevertheless, the proposal would appear to be within 4m of the rear boundary of the host dwelling, which is contrary to the advice contained within the SPD. The remaining garden area, whilst modest would still provide an area of usable outdoor amenity space for the occupiers of the host dwelling to enjoy, and the existing boundary treatment and vegetation surrounding the rear garden would preserve the living conditions of the occupiers of the host dwelling and their neighbours.
7. I accept that the proposal would not be fully compliant with the guidance contained in the SPD. However, I find that the scheme would be modest in scale, proportionate and complementary to the host dwelling, not resulting in the overdevelopment of the site, complying with the overall design objectives of the SPD. I have a statutory duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) that sets out the exercise of planning functions with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. I consider the proposal accords with this duty.
8. For the reasons above, I conclude that the development would not have a significantly detrimental impact on the character and appearance of the appeal site and surrounding CA, and hence it would accord with the design, character, appearance and heritage aims of Policies DC1, DC4 and DC8 of the Council's Local Plan 2018, and guidance contained within HS4 and CAG3 of the SPD.
9. Accordingly, the proposal would not conflict with national policy contained within section 16 of the National Planning Policy Framework (the Framework) where it advocates great weight should be given to the conservation of heritage assets. It would not cause harm to the significance of the designated heritage asset for the purposes of the Framework. Hence, there is no

requirement for me to consider public benefits to be weighed in a balancing exercise.

Other Matters

10. A representation from a neighbouring resident has also expressed concerns on the application regarding living conditions and environmental issues, amongst other things. However, I note that no objections have been raised by the Council in respect of these matters at the application stage and that they did not form part of the reason for refusal, which I have dealt with in the assessment above. In the absence of any substantive evidence to the contrary, I have little before me that would lead me to come to a different conclusion to the Council on these matters. I have considered this appeal proposal on its own planning merits and concluded that the scheme is acceptable for the reasons set out above.

Conditions

11. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the conditions as necessary.
12. I attach a condition specifying the approved plans, for certainty. A condition to ensure that the facing materials would match those present on the existing property is necessary in the interests of the character and appearance of the host dwelling and the CA. Additionally, a condition is necessary to include flood resistance and resilience measures in the interests of the living conditions of the occupiers of the host dwelling.

Conclusion

13. For the above reasons, the appeal should be allowed.

W Johnson

INSPECTOR