



Appeal Decision

Site visit made on 15 October 2019 by S Witherley BA, PGDiP, PGDiP, Cert CIH, Assoc RTPI

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2019

Appeal Ref: APP/H5390/W/19/3234654

25C Dawes Road, Fulham, London, SW6 7EN

- 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 Edward Matthews against the decision of the Council of Hammersmith and Fulham.
- The application, Ref 2019/01555/FUL, dated 20 May 2019, was refused by notice 16 July 2019.
- The development proposed as described on the application form is: *Erection of a rear roof extension to replace existing, over part of the rear roof slope, including the installation of French doors and a Juliette balcony; removal of the remaining rear roof slope at second floor level to form a roof terrace enclosed with a 1700mm high frosted glazed screen; and installation of 2no. rooflights in the front roofslope.*

Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear roof extension, including the installation of French doors and a Juliette balcony; a roof terrace, enclosed with a 1700mm high frosted glazed screen; and installation of 2 no. rooflights in the front roof slope, at 25C Dawes Road, Fulham, London, SW6 7EN, in accordance with the terms of the application, Ref. 2019/01555/FUL, dated 20 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.
 - 2) The development hereby permitted shall be built in complete accordance with the drawings hereby approved. Drawing ref numbers 1366/304 A; 1366/305 A; 1366/301; 1366/302; 1366/303.
 - 3) Any alterations to the elevations of the existing building shall be carried out in the same materials as the existing elevation to which the alterations relate.
 - 4) The faces of the rear roof extension and the rear roof extension atop the back addition hereby approved, shall be clad in grey / black slates or artificial slates.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The effect on the 1) character and appearance of the host property and surrounding area, and 2) living conditions on neighbouring residents, particularly No. 7 Burnthwaite in regard to loss of outlook and increased sense of enclosure.

Reasons for the Recommendation

Character and Appearance

4. No. 25C is an upper floor flat in an end of terrace property. It sits at the junction leading to Burnthwaite Road in a perimeter block. The property fronts Dawes Road with the rear adjoining and overlooking the rear elevation and garden of No. 7 Burnthwaite Road. The rear roof profiles of the properties which can be seen from the short stretch of road leading to Burnthwaite Road contain a variety of roof extensions ranging in size; from small dormers to significantly larger ones, some of which cover the entire rear roof slope; forms; materials and some terraces. The site sits close to the Walham Green Conservation Area (WGCA) which includes the transfer of properties from Moore Park and Walham Grove CA.
5. The proposal would replace an existing rear box dormer with one that would increase in both width and breadth. This would result in development covering the majority of the rear roof slope. As part of the proposal a roof terrace with glazed balustrade, which would be located nearest to the shared boundary, French doors and Juliette balcony would be installed.
6. A previous application was submitted on the site which sought to erect a similar, albeit smaller, proposal. This proposal was refused and later allowed on appeal¹. Whilst the findings of the previous Inspector are material and there is a need for consistency in the planning process, I am not bound to reach the same conclusions or recommendation provided there are sound planning reasons for departing from his approach.
7. As a result of its increased size and form, the rear dormer would appear more prominent, particularly when viewed from the junction leading to and from Burnthwaite Road. This, however, would not be to such a degree that it would cause a significant detriment to the original character or appearance of the host property which would remain as the dominant structure. Given the number and variety of rear roof extensions in the streetscape, it would, as a result of its design, size, materials and form be a compatible form of development which would assimilate well within the existing character and appearance of the area. Whilst the structure would be larger than that previously approved at appeal the presence of the recessed balcony would break up the mass of the proposal and provide a degree of visual interest and the overall scale and design would not look out of place in the particular context of the site. Accordingly, the proposal would not have a harmful effect on the character and appearance of the host property or the surrounding area and, therefore, complies Policy DC1 and DC4 of the LP.
8. The site is close by to WGCA. Its significance derives from its mix of residential and commercial buildings with varying architectural appearance and layout of buildings. Given the residential nature of the area and separation distance from within the CA, the proposal would not diminish the character and appearance of the WGCA.

Living Conditions

9. The increase in size along with the introduction of a small roof terrace, French windows with Juliet balcony, has the potential to cause inappropriate levels of overlooking, loss of outlook and feelings of being enclosed, particularly to the neighbouring occupants of No. 7 Burnthwaite Road. No. 7 has a two-storey offshoot which covers part of the rear elevation with a further single storey offshoot beyond this which sits right up to the shared rear boundary with No. 25. There is a window in the upper part of the two-storey

¹ Appeal Ref: APP/H5390/W/18/3217699

offshoot, however, it is unclear whether this services a habitable room or not. Nevertheless, in the context of the densely developed urban area in which the site is located the separation distance between the proposed development and the adjacent property would not be unusual. Moreover, No.7 benefits from an open aspect to its side boundary as a result of its proximity to the roadside and its side and rear windows will receive adequate light and outlook from that aspect.

10. In addition, the occupants of No. 7 will be accustomed to looking out onto the rear roof slope of the appeal property which already includes a sizeable dormer window and the proposed increase in size, along with the more prominent window openings and terrace, would not result in a materially greater impact on the living conditions of the occupants of No. 7 than the development it would replace. Similarly, whilst the proposal would be slightly larger and slightly closer to the rear of No. 7 than the approved scheme the effect would not be substantially greater than that found acceptable previously by an Inspector.
11. The Council have noted that the proposal would infringe, as does the existing, a line drawn at an angle of 45 degrees from the development to the ground floor level of No. 7. Whilst this may not fully comply with Key Principle HS6 of the Hammersmith & Fulham Planning Guidance Supplementary Planning Document (2018), (SPD), which is guidance only and not fixed Policy, for the reasons given above, and having regard to the context of the area, the proposal would not have a harmful effect on the living conditions of neighbouring occupiers, with particular regard to outlook of No. 7, in terms of loss of outlook and an increased sense of enclosure. As such the proposal accords with Policies DC4 and HO11 of the Hammersmith and Fulham Local Plan (2018) (LP).

Conditions

12. The standard time limit condition has been imposed along with a condition specifying the relevant drawings as this provides certainty. The Council have suggested a number of other conditions which specify the materials to be used within the elevations are to be in keeping with the existing building and the materials used upon the faces of the rear roof shall be clad in grey slate or artificial slate. Both these conditions appear reasonable and necessary in order to protect the character and appearance of the host property and that of the surrounding area. The Council also suggest a condition to ensure no water tanks or enclosures or other structures shall be erected upon the roof. It is not clear why the Council have sought to impose this condition and there is nothing before me to suggest that there is any intention to install a water tank externally on the roof of the property. In any event, any future development proposal that requires planning permission would be considered under a separate planning application. As such, this condition is considered to be unnecessary.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, also agree the appeal should be allowed.

Chris Preston

INSPECTOR