



Appeal Decision

Site visit made on 26 September 2019

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/H5390/W/19/3234327

42 & 44 Ringmer Avenue, London SW6 5LW

- 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 Nicholls/Mr & Mrs Mortimore against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref: 2019/00539/FUL, dated 20 February 2019, was refused by notice dated 17 May 2019.
 - The development proposed is described as a 'joint application for the erection of a full depth second floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a joint application for the erection of a full depth second floor rear extension at Nos 42 and 44 Ringmer Avenue, London SW6 5LW in accordance with the terms of the application, Ref: 2019/00539/FUL, dated 20 February 2019, subject to the schedule of conditions to this decision.

Procedural Matter

2. I have amended the address of the appeal site from that provided on the application form as the proposal relates to Nos 42 and 44 Ringmer Avenue and this more accurately defines the appeal site.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers at No 40 Ringmer Avenue and Nos 23 and 25 Hestercombe Avenue, with particular regard to outlook and loss of light.

Reasons

4. The proposed development would include a rear extension to the existing second floor level of accommodation to Nos 40 and 42 Ringmer Avenue. The proposal would occupy the majority of the footprint of the existing back additions for each of those dwellings, extending for their full depth.
5. The Council requires that such extensions should be limited to no more than 50% of the depth of the roof of the back addition in order to protect outlook from neighbouring windows located at a lower level than the proposed extension. Accordingly, the proposal does not concur with this requirement.
6. No 46 lies to one side of the proposal and has already been extended atop of the back addition for the full depth of it. As such, the proposal would have no greater impact on the outdoor amenity areas of No 46 than the current

- arrangement and given an absence of windows within the first floor side elevation of the rear addition to No 46, I do not find that there would be any greater impact on outlook and loss of light experienced by the occupants of No 46.
7. To the other side of the appeal site, No 40 occupies a mirrored footprint to No 42, albeit its existing second floor rear extension has been limited to 50% of the depth of the back addition. Whilst the proposed extension would be of a greater scale and mass than the extension of its neighbour, Nos 40 and 42 occupy a similar rear build line and thus any windows on the principal rear elevation of No 40 would be unaffected. In addition, based upon the evidence before me, the windows present within the first floor side elevation of the rear addition serve an ensuite bathroom where there would be little, if any, effect on outlook, particularly given that the glass is obscure glazed.
 8. The appeal dwellings lie within a terrace, with a similar terrace of three storey dwellings positioned to their rear. Generally, back to back rear gardens of dwellings along Ringmer Avenue and Hestercombe Avenue are modestly sized and as a consequence there is presently experienced a sense of enclosure. Notwithstanding this, the presence of relatively tall boundary fences and intervening vegetation within the rear gardens of Nos 23 and 25 Hestercombe Avenue and No 40 Ringmer Avenue, gives a good degree of separation between buildings and their outdoor amenity areas, such that, the proposal would not be unacceptably harmful to the outlook of occupiers whilst using their outdoor amenity space.
 9. Albeit the proposal would increase the height and bulk of the rear of Nos 40 and 42, to my mind, given the existing outlook from the rear windows within Nos 23 and 25 Hestercombe Avenue and the presence of other full depth second floor extensions in nearby proximity, the effect of the proposal would not be significantly more harmful than is experienced by those occupiers at present. Taking everything into account, I do not find that there would be an unduly harmful impact on the living conditions of neighbouring occupiers as a consequence of the proposal.
 10. It has been put to me that the proposal will cause a loss of light to neighbouring occupants, however, given that the proposed development is positioned roughly to the North of Nos 23 and 25 Hestercombe Avenue and to the west of No 40 Ringmer Avenue, there is no compelling evidence before me that this would be the case.
 11. I have had regard to the recent appeal decision for No 60 Ringmer Avenue¹ which sought a similar extension to that of the appeal proposal. However, the circumstances of the neighbouring dwellings differed in that instance. In particular, as the neighbouring property had not been extended there were windows at both ground floor and first floor level. The Inspector concluded that as a consequence of the neighbouring dwelling having been subdivided into flats, that outlook and light were predominantly derived from single rear openings. This is not the situation in the appeal case. In addition, in the previous appeal, dwellings were more closely positioned to one another. Accordingly, I do not find that the circumstances of this earlier appeal decision are directly comparable to the appeal proposal. As such, a comparison is of

¹ APP/H5390/D/18/3211148

limited relevance and I have considered the appeal proposal on its individual planning merits.

12. Overall, whilst the proposal is in conflict with the technical requirements of the Hammersmith & Fulham Planning Guidance Supplementary Planning Document (2018) insofar as it relates to key principles HS6 and HS7, I find that the proposal would not be harmful to the living conditions of neighbouring occupiers. As such, I find no conflict with Policies DC4 and HO11 of the Hammersmith and Fulham Local Plan (2018) insofar as these policies require a high standard of design that demonstrates there is no detrimental impact on existing residential amenities.

Other Matters

13. The appeal site is located within the Central Fulham Conservation Area and therefore I must have due regard to the statutory duty under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council have identified a number of similar extensions along Ringmer Avenue and within the opposing terrace which the proposal would be compatible to in terms of scale. As the proposal would balance the pair of back additions between Nos 40 and 42, it would, subject to the use of matching materials be visually acceptable and not harm the character and appearance of the area. The Council's Heritage Officer has raised no objection to the proposal and, based on the evidence before me, I see no reason to take a different view.

Conditions

14. The Council suggested a number of conditions and I have considered these against the advice in the National Planning Policy Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency or clarity and omitted others to avoid repetition.
15. In addition to the standard time limit, a condition specifying the approved plans is necessary as this provides clarity. I have imposed a condition specifying external materials of the brickwork, roof structure and windows together with conditions regarding the height of the party wall and that no structures be erected on top of the roof structure. These are necessary to safeguard the character and appearance of the area.
16. A condition specifying the balustrade of the Juliet balcony to be fixed flush to the rear elevation and the French doors to be inwards opening are necessary as, by reason of their position and height, they would provide an opportunity to overlook neighbouring properties and therefore it is necessary to protect the privacy of neighbouring residents.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed subject to conditions within the schedule.

E Brownless

INSPECTOR

Schedule of 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: OS Map 1875.J01; Location Plan 1875.J01 LOC; Proposed First Floor Plan 1875.J06; Proposed Second Floor Plan 1875.J07; Proposed Roof Plan 1875.J08; Proposed Rear Elevation and Section 1875.J09
- 3) The side and rear elevations of the development hereby permitted shall be constructed in London stock brickwork to match the relevant elevations.
- 4) The roof structure of the development hereby permitted shall be constructed in slate to match the existing roof structure.
- 5) The windows and door hereby approved shall be of timber frame construction and once installed shall be retained thereafter.
- 6) The new party wall of the extensions on top of the back additions hereby permitted shall not project more than 250 millimetres above or beyond the external faces of the main roof structures.
- 7) No water tanks, water tank enclosures or other structures shall be erected upon the roof structures of the of the permitted development.
- 8) The balustrade to the Juliet balcony at second floor level to the rear of 42 Ringmer Avenue hereby permitted shall be fixed flush with the elevation of the property. The French doors of the Juliet balcony shall open inwards only. Once installed the Juliet balcony and French doors shall be retained as specified thereafter.