



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/D/19/3234370

17 Napier Avenue, London SW6 3PS

- 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 Mark Griffith-Jones against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref: 2019/01632/FUL, dated 28 May 2019, was refused by notice dated 22 July 2019.
 - The development proposed is a first floor rear extension with 2 No. juliet balconies and 1 no. window to rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension with 2 No. juliet balconies and 1 no. window to the rear elevation at 17 Napier Avenue, London SW6 3PS in accordance with the terms of the application, Ref: 2019/01632/FUL, dated 28 May 2019, 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: Proposed Lower Ground Floor Plan 0564-002-PP-LG; Proposed Ground Floor Plan 0564-003-PP-G; Proposed Ground Floor Plan – Garden 0564-004-PP-G-G; Proposed First Floor Plan 0564-005-PP-1ST; Proposed Second Floor Plan 0564-006-PP-2ND; Proposed Roof Plan 0564-007-PP-RF; Proposed Rear Elevation 0564-014-PS-CC; Proposed Section BB 0564-013-PS-BB; Proposed Section AA 0564-012-PS-AA; Proposed Front Elevation (Lightwell) 0564-008-PP-FR-L; Proposed Rear Elevation (Lightwell) 0564-010-PE-RE.
 - 3) The balustrades to the Juliet balconies at first floor level hereby permitted shall be fixed flush with the rear elevation of the property and the doors of the Juliet balconies shall open inwards only. Once installed the Juliet balconies and doors shall be retained as specified thereafter.
 - 4) The flat roof of the rear extensions hereby permitted shall not be used as a terrace or amenity space. No railings or means of enclosure shall be erected upon the roof structure.

Procedural Matters

2. An extant planning permission¹ was granted by the Council for the erection of a half width first floor rear extension projecting approximately 2.45 metres from the rear elevation. A further extant planning permission was granted by the Council for a first floor extension to the rear of dwelling that would occupy approximately 5/6ths of the width of the rear elevation² (the approved development). I shall have regard to these matters in my reasoning below.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Hurlingham Conservation Area.

Reasons

4. The Hurlingham Conservation Area (CA) is characterised, in part, by large dwellings of a mix of architectural styles set within relatively generously sized plots.
5. The appeal site comprises a three storey semi-detached dwelling located midway along Napier Avenue. Dwellings are typically of a similar design, scale and appearance and together with high quality craftsmanship and subtle detailing they are unified in their appearance and form an attractive group of dwellings. As the host dwelling shares the characteristics of the CA, I consider that it makes a positive contribution to the significance of the heritage asset.
6. Planning permission² was granted by the Council for the approved development which is evidence that the Council supports a significant proportion of the proposed development. As such, the area of contention between the parties relates to the proposed width of the extension.
7. The proposed extension would be similar to the depth of the existing first floor conservatory, which it would replace. However, unlike the approved development which would be set in from the edge of the host dwelling, it would extend for the full width of the rear elevation. It would also have a similar height and modern appearance to the existing conservatory and the approved development, however, it would incorporate brickwork to match the host building and neighbouring dwellings. The proposed extension would be slightly larger in scale, by approximately 1.1 metres wide, taking the appellant's measurements, which have not been disputed by the Council. However, I do not consider that this increase in scale would lead to the proposed extension appearing dominant, discordant or visually disproportionate to the host building or the neighbouring dwellings particularly having regard to the fact that they are large three storey buildings.
8. Taking the above matters into consideration, I conclude that the proposed development would preserve the character and appearance of the CA in accordance with the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the same reasons, I conclude that the proposed development would accord with the provisions of the development plan, in particular, Policies DC1, DC4 and DC8 of the Hammersmith & Fulham Local Plan (2018) and the key principles, CAG2 and

¹ Ref: 2019/00382/FUL

² Ref: 2019/00383/FUL

CAG3 of the Hammersmith & Fulham Planning Guidance Supplementary Planning Document (2018), insofar as these policies and guidance require high quality design to respect and enhance townscape context and heritage assets.

Conditions

9. 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 and added others for consistency or clarity.
10. In addition to the standard time limit, a condition specifying the approved plans is necessary as this provides clarity.
11. A condition precluding use of the flat roof as a terrace or amenity space and a condition specifying that the balustrades of the Juliet balconies are to be fixed flush to the rear elevation and the 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 living conditions, in terms of privacy, noise and disturbance, of neighbouring occupiers.

Other Matters

12. I note the concern that allowing the proposed development would set a precedent for similar first floor rear extensions within the locality. However, there is no significant evidence before me that such proposals are likely to come forward and, in any event, I have considered the appeal scheme before me on its individual planning merits.
13. In determining the application, the council raised no objections to the effect of the proposed development on the living conditions of neighbouring occupiers in terms of loss of daylight and privacy and, subject to relevant conditions precluding the use of the flat roof of the extension as a terrace or amenity area and a further condition concerning the specifics of the Juliet balconies and doors, I have no reason to disagree with the Council's findings on these aspects.

Conclusion

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

E Brownless

INSPECTOR