



Appeal Decision

Site visit made on 4 November 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/H5390/W/19/3232191

The Greyhound, 49 Becklow Road, London W12 9ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Centurion SB Limited against the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2019/00369/FUL, is dated 28 January 2019.
 - The development proposed is described as retention of 8 HMO rooms to the first and second floors of the existing building (Sui Generis); erection of a rear extension at ground, first and second floor levels to provide an additional 12 HMO rooms (Sui Generis); (public house, Use Class A4, retained on part of the ground floor and basement).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. Since the appeal was submitted the Council has indicated that had it been in a position to determine the application it would have refused planning permission.
3. The description of the development provided on the planning application form has been replaced by an amended version on the appeal form. I consider that subsequent description to be usefully more representative of amendments to the proposal during the course of consideration by the Council, so I have therefore used it within the banner heading.

Main Issues

4. From all the information before me and my observations during my site visit, the main issues are:
 - i) The effect of the development on the character and appearance of the host building and surrounding area;
 - ii) The effect of the development on the living conditions of the occupiers of neighbouring properties, with regard to outlook, privacy and noise;
 - iii) Whether the development would provide an acceptable standard of living for its future occupiers, with particular regard to internal communal areas and amenities, outdoor amenity space, outlook and privacy.

- iv) Whether the development would make adequate provision for waste and cycle storage.
- v) Whether the development would comply with local policy with regard to car parking;

Reasons

Character and appearance

5. 'The Greyhound' comprises a public house at ground floor, and separate accommodation above over two floors. To the rear are single storey kitchen and toilet extensions and an enclosed outdoor seating/yard area. The scars on the north east elevation indicate that the building once formed part of a terrace along Becklow Road. However, it now stands detached on the corner of Becklow Road and Lycett Place.
6. The building is not listed, nor is it within or adjacent to a Conservation Area. Nevertheless, there appears to be no dispute between the parties that the building should be regarded as a non-designated heritage asset for its historic and architectural interest. On the basis of the evidence before me, I agree there is some merit in 'The Greyhound' being treated as a non-designated heritage asset. Its significance derives from being one of the few remaining buildings that gives evidence of the original Victorian character of Becklow Road and its architecturally rich frontages onto Becklow Road and Lycett Place. Furthermore, in a road now dominated by large post war blocks of flats, the building makes a positive contribution to the character and appearance of the street scene and the surrounding area.
7. The proposed extension would be a full 3-storey height, whereas the existing building has its third floor accommodation within the roof space. This would result in the third floor of the extension sitting conspicuously above the eaves and with its sides projecting beyond the roof plane of the existing building in a visually jarring relationship. Moreover, its boxy flat roof design and strong vertical lines would contrast markedly with the traditional roof form and architectural expression of the existing building, notwithstanding the use of some complementary materials. Consequently, even though the extension would be lower than the existing building and to the rear, this would not result in a satisfactory massing of the bulk, or sympathetic integration of the extension into the existing building.
8. Although views of the development would be limited to an extent by the scale and density of surrounding buildings, it would still be visible in the public realm from Becklow Road and Lycett Place, and due to its overall scale, massing and design, the development would appear as a dominant and discordant addition to the existing building, which would harm its architectural character.
9. I therefore conclude that the development would unacceptably harm the character and appearance of the host building and surrounding area, and the significance of the non-designated heritage asset. As such, it would fail to comply with Policies DC1, DC4 and DC8 of the Hammersmith and Fulham Local Plan 2018 (LP), together with guidance in the Hammersmith and Fulham Planning Guidance Supplementary Planning Document 2018 (SPD). When considered together, these seek to ensure that new development is of high quality design, which is subservient and integrates successfully with the host

building, and also protects, restores and enhances the historic environment, including non-designated heritage assets. Furthermore, it would fail to comply with the design and historical environment objectives of the National Planning Policy Framework (the Framework) in this respect.

Living conditions of neighbours

10. I appreciate that at full capacity the hostel could have more occupants than the proposed HMO, and together with the public house, this already represents an intensive use of the appeal site.
11. However, the proposals are not just confined to the existing building. Twelve of the HMO rooms would be created in the proposed extension, closer to neighbours. As such, I do not accept the appellant's contention that the proposals should only be assessed against the 'established baseline'.
12. The appellant submitted a Daylight, Sunlight & Overshadowing Report¹, which concludes that the extension would not result in any significant loss of light and overshadowing effects on the neighbouring properties, and based on my own observations I have no reason to dispute its findings.
13. Nevertheless, due to the substantial height of the extension and its proximity to the rear boundary, it would still have an imposing and dominant presence over the garden and rear outlook of 61 Keith Grove. This would be particularly evident at the point where the extension would be closest to this neighbour's first floor bedroom window and the side facing living room and kitchen windows. As such, the extension would have an unacceptable overbearing effect on the garden and outlook of 61 Keith Grove.
14. In addition, the windows in the Lycett Place elevation would be almost opposite and very close to the side windows of Kylemore Court, which are not obscure glazed and as such some loss of privacy is likely to occur. Moreover, whilst the windows in the rear elevation have been designed to have an angled view out to the rear, the occupants of Units 11 and 18 (first and second floor) would still be able to look down into the the garden of 61 Keith Grove at much closer proximity than is already the case from other neighbouring properties and the existing building, thereby causing unacceptable loss of privacy to this garden.
15. Furthermore, each of the HMO units within the extension would have their own TV, music, conversations, and socialising as a normal part of residents living their separate daily lives. As such, I am not persuaded that the noise from a HMO would be considerably lower than the hostel, as the appellant asserts. It is the 6 rear facing rooms in particular which, given their number, size and the close proximity of their windows to 61 Keith Grove, would be most likely to lead to a significant increase in the levels of activity and noise than is presently experienced by the occupants of No 61, to the detriment of their living conditions.
16. I acknowledge that the hostel may have been subject to a management plan for the reduction of noise, but the rooms were not as close to the rear boundary, nor did they have any windows facing directly towards 61 Keith Grove and therefore it is not indication that a similar approach would be effective in this case.

¹ Daylight, Sunlight & Overshadowing, Becklow Gardens, Shepherds Bush January 2019 by XCO2 for Centurion SB Ltd

17. Drawing all these matters together, I conclude that the development would have an unacceptable impact on the living conditions of the occupiers of neighbouring properties in terms of outlook, privacy and noise. As such, it would fail to comply with LP Policies DC4, H08, H011, CC11, CC13 and the requirements of the SPD, where they seek to protect the residential amenities of neighbours in terms of privacy, outlook and noise.

Living conditions of future occupiers

18. According to the drawings, the 20 HMO rooms would be capable of being occupied by up to 35 residents.
19. I note the appellant's aim is to provide a 'premium type' of HMO room and I have had regard to the size of the individual rooms. However, I consider that up to 35 residents, together with their possible guests, would find the lack of any communal living space to be insufficient space for relaxation, leisure and dining. I have not been presented with any evidence to demonstrate that the bedrooms are of sufficient size to function as combined bedrooms and living spaces. In addition, the 12 rooms in the new extension would be reliant on a single kitchen on the first floor within the existing building. I consider that for the 21 residents it is intended to serve, the kitchen area is cramped with minimal storage and worktop area, particularly as the underside of the staircase passing through it further reduces the usability of the space, and is therefore inadequate. Consequently, the development would not provide its residents with adequate living conditions in the building.
20. The outdoor garden space serving the development would comprise a narrow strip to the rear with the windows of Units 2 and 4 facing directly into it. Its small size, location and layout would have limited usability and would not be a pleasant environment to relax in and enjoy. As such, the proposal would not provide adequate amenity space for its residents.
21. Furthermore, Unit 1 on the northern elevation would have a dark and oppressive outlook onto the wall of the adjacent substation building, which is only the width of a narrow passageway from the site boundary. On the southern elevation, Units 3 and 4 on the ground floor would suffer a poor level of privacy given the proximity of their windows to the highway, which is subject to the comings and goings of people along Lycett Place, including the entrances to Kylemore Court opposite. Units 9, 10, 16 and 17 above are also likely to have substandard levels of privacy because of the proximity of their windows to the opposing windows in Kylemore Court.
22. Drawing all these matters together, I conclude that the development would not provide an acceptable standard of living for its future occupiers, with particular regard to internal communal areas and amenities, outdoor amenity space, outlook and privacy. As such, it would fail to comply with LP Policies H04, H08, H011 and the requirements of the SPD, where they seek to secure a satisfactory standard of living conditions for future occupiers through provision of a high quality internal and external residential environment with adequate amenity space.

Waste and cycle storage

23. The proposed bin store would be situated at the back of the site where it could only be accessed from Lycett Place at a point where there is no footway,

thereby bringing residents into potential conflict with vehicles. In addition, its double doors would open out over the highway causing a highway obstruction. I also note that there would appear to be potential for conflict with the existing gates across Lycett Place. Consequently, the proposal would not make adequate arrangements for bin storage.

24. The appellant claims the proposal provides sufficient cycle storage, but none is shown on the drawings. I note there is a condition for details of cycle storage in the Council's list of suggested conditions. However, given the large number of residents, limited available space within the site and potential to introduce conflict with the living conditions of the occupiers of the ground floor units, I do not consider a condition would provide any certainty of resolving the issue. As such, the proposal does not make adequate provision for cycle storage.
25. I therefore conclude that the development would not make adequate provision for waste and cycle storage. As such, it would fail to comply with LP Policies HO11, CC7, T1, T3 and the requirements of the SPD, where they seek to secure adequate on-site facilities for waste and cycle storage to ensure the development meets the functional needs of its residents, and to encourage sustainable waste management and transport.

Car parking

26. Based on the evidence before me, there does not appear to be any dispute between the parties over the absence of off-street car parking provision in the development. However, the Council has identified a need to ensure that the development is car parking permit free.
27. LP Policy T4 requires car parking permit free measures on all new development unless there is a lack of public transport availability, which is defined in the supporting written justification as locations where the Public Transport Accessibility Level (PTAL) is 2 or lower.
28. The appeal site is within a Controlled Parking Zone and the Council advises that it has a PTAL of 3. Therefore, in the absence of some mechanism to ensure that the development is car parking permit free, the proposals are immediately in conflict with LP Policy T4.
29. I note that the Council considers that conditions could be imposed to prevent occupiers of the development from owning and applying to the Council for a parking permit, as set out in its list of suggested conditions.
30. However, the suggested condition preventing individual occupiers from applying for a parking permit would not regulate the development or use of land, as referred to in s.72 of the Town and Country Planning Act 1990. Furthermore, the suggested condition requiring 'a scheme' to be submitted before the development is brought into use would be a negatively worded condition, which the PPG² advises is only appropriate in exceptional circumstances, citing more complex and strategically important development, which the proposal would not constitute. The use of such conditions would therefore be unreasonable and there is no other mechanism before me.

² Paragraph: 010 Reference ID: 21a-010-20190723

31. Accordingly, in the absence of appropriate measures to ensure that the development is car parking permit free, I conclude that the development would fail to comply with LP Policy T4, as set out above.

Other Matters

32. The Council considers that a viability report should have been submitted to demonstrate that the proposals would not affect the future viability of the public house, referring to a number of policies relating to retention of public houses, community facilities and employment uses. However, as the proposals seek to retain the public house, there is no policy requirement to submit a viability assessment. Furthermore, there is no evidence that there is a specific need for retention of the hostel, or that there would be loss of employment.
33. I have had regard to the appellant's desire to facilitate a growth in the number of HMO rooms, but I have no evidence of a specific need for such accommodation, or how it would help to secure the retention of the public house in the long term. I have also had regard to the desire for improved functionality of the space through implementation of improved ablutions and kitchen facilities, however, this could occur separately. Irrespective, none of these matters would outweigh the harm that I have identified.
34. The appellant has also raised concerns that the Council did not engage in a pro-active manner at the application stage, which ultimately resulted in this appeal against non-determination, but this would be an issue to be raised with the Council direct.

Conclusion

35. For the reasons above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Adrian Caines

INSPECTOR