



Appeal Decision

Site visit made on 29 October 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2019

Appeal Ref: APP/H5390/D/19/3235128

17 Ellerby Street, Fulham, London, SW6 6EX

- 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 Daniel Cohen against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2019/00867/FUL, dated 19 March 2019, was refused by notice dated 24 May 2019.
 - The development proposed is described as 'retention of existing pyramid rooflight to single storey rear addition (change from flat roof light in approval 2018/01268/FUL)'.
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Decision

1. The appeal is allowed and planning permission is granted for a pyramid rooflight to single storey rear addition (change from flat roof light in approval 2018/01268/FUL) at 17 Ellerby Street, Fulham, London, SW6 6EX, in accordance with the terms of the application, Ref 2019/00867/FUL, dated 19 March 2019.

Procedural Matters

2. The development has already been carried out. Retention is not an act of development. For this reason, I have omitted reference to its retrospective nature in the decision above.
3. The Council granted planning permission for a single-storey rear extension to the appeal property¹ which has already been built. However, the appeal proposal comprises a pyramid shaped rooflight which sits on top of, and extends vertically beyond, the flat roof associated with the rear extension. The pyramid rooflight differs from the previous planning permission which granted a 'flat' rooflight.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the Bishops Park Conservation Area.

Reasons

5. The semi-detached appeal property lies in a predominantly residential area within the Bishops Park Conservation Area (CA). The main façade is defined by ornate architectural detailing and a fenestration pattern which is characteristic of Victorian vernacular. Its design and appearance is reflective of other

¹ Council of the London Borough of Hammersmith & Fulham planning reference – 2018/01268/FUL

properties on the street which, when combined with the presence of mature trees, gives the streetscene a rich and uniform character and appearance. At the rear, the appeal property and many of its neighbours include several modest extensions and alterations. The rear elevations of these properties are generally more understated and varied in their appearance in comparison with those facing the street. Nevertheless, the original design and form of each of the dwellings is readily discernible. The traditional appearance of these rear elevations and their general consistency contributes to the character and appearance of the area and significance of the CA.

6. The rooflight is positioned within the recently constructed single-storey rear extension. Whilst its footprint is similar to the rooflight approved under the previous planning permission, the steep angle and overall height of the glazing, and its pyramidal appearance means it is visible above the flat roof and parapet associated with the extension.
7. Whilst noting that no similar rooflights were visible along this part of Ellerby Street this, in itself, is not an indication that the development is unacceptable. On my site visit I could see that smaller, more modern conservatory type additions projected from the rear of the dwellings on either side of the appeal property. Furthermore, as noted, the rear elevations of properties in the area are varied.
8. The steep angle, height and blueish tint of the glazing associated with the pyramid rooflight means it is partially visible from the rear garden of the appeal property and neighbouring dwellings. However, its modest scale in relation to the existing extension and dwelling means it does not appear disproportionately large or prominent. Despite its height and form, and clean modern appearance, it does not overwhelm the traditional characteristics of dwellings in the area and, to my mind, it gives the traditional design of the extended dwelling a contemporary twist. Therefore, the development conserves the character and appearance of the CA. As such, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA in reaching my decision.
9. For the foregoing reasons I conclude that the development is consistent with the preservation of the character and appearance of the CA. It does not conflict with Policies DC1, DC4 and DC8 of the Hammersmith & Fulham Local Plan 2018 which require, amongst other matters, that development should be high quality, conserve heritage assets, and respect the parent building in bulk, scale, materials or design, as well as respecting the urban context.

Other Matters

10. The appeal before me relates to a rooflight. The existing single-storey extension has already been granted planning permission by the Council. Therefore, concerns relating to noise associated with the use of the extension are not relevant to the appeal before me.
11. A neighbouring resident has objected on the basis that the rooflight obstructs views from the first-floor bedroom window and would lead to light pollution. However, given the siting and orientation of the neighbouring properties relative to the rooflight, there would not be a significant loss of outlook for occupiers of these properties, or an unacceptable increase in light pollution.

Furthermore, this has not been raised as a concern by the Council. Whilst I accept that the outlook from the neighbouring property may well have changed, there is 'no right to a view'.

Conditions

12. I have considered the Council's suggested condition which has been provided in the event that the appeal is allowed. However, as the development has already taken place, I do not consider it necessary to impose a standard 'time-limit' condition or an approved plans condition. Therefore, no conditions are necessary.

Conclusion

13. For the reasons given above the appeal is allowed.

Matthew Woodward

INSPECTOR