
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: 9th December 2019

Appeal Ref: APP/H5390/D/19/3235206

98 Gayford Road, London, W12 9BW

- 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 and Mrs Ankur and Maddy Gupta-Wright against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2019/01182/FUL, dated 15 April 2019, was refused by notice dated 22 May 2019.
 - The development proposed is the construction of a single-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single-storey rear extension at 98 Gayford Road, London, W12 9BW, in accordance with the terms of the application, Ref 2019/01182/FUL, dated 15 April 2019, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is whether the development would provide adequate living conditions for (i) neighbouring occupiers and (ii) existing and future occupiers of the appeal property with particular regard to external amenity space.

Reasons

3. The appeal property is a mid-terraced dwelling located on a bend in the road in a predominantly residential area. The proposed single-storey extension would occupy an outdoor area which lies to the rear of the dwelling. This existing space is contained on two sides by the walls of the existing dwelling, and on the other two sides by a combination of boundary treatments including bamboo screening which, according to the Council, extends up to a height of 2.5 m¹.
4. I observed on my site visit that the existing external space to the rear was particularly hemmed in and enclosed. To my mind it is a space that could only be used for passive recreational activities such as sitting out, with more active recreational pursuits being impractical due to the limited space involved. Furthermore, the confined footprint of the space and its proximity to the rear of the neighbouring property means it is partially overlooked. Its limited functionality is further compounded by the generally north facing orientation of the space, and the height of the built form and screening on all sides, which is

¹ Certificate of lawfulness for Boundary treatments at ground floor level, metal frame on top of party fence walls and bamboo screening above the metal frame – reference 2019/01181/CLE.

likely to curtail the amount of obtainable sunlight, further diminishing its value as an external amenity space.

5. Even though I do not find the existing ground floor external area to be adequate in terms of space and usability, the submitted plans show, and I saw to a limited extent on my site visit, that small terraced areas used as amenity spaces exist external to the upper floors of the appeal property. The extent of these existing areas would not be diminished, ensuring that some form of outdoor amenity space would be available for occupants, despite the extension. For the aforementioned reasons I find that the extension would not result in the unacceptable loss of external amenity space.
6. As the proposal would extend to the rear boundary of the property and would cover the entire area of ground floor outdoor amenity space, it would be contrary to criterion (ii) and (iii) of Key Principle HS4 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document 2018 (SPD).
7. In this regard, the eaves height of the extension would be no higher than the existing fencing, and the shallow roof pitch, which would slope away from the neighbouring boundary, would result in an unobtrusive roof form which would not be significantly higher than the existing fencing. Therefore, despite the reduction in openness to the rear of the appeal property, and the Council's contention that the extension would be 'unneighbourly', the proposal would not unacceptably diminish living conditions for the occupiers of nearby properties, and there was nothing on my site visit, nor are there any specific details in the evidence before me, to suggest it would adversely affect the character of the area.
8. Therefore, despite conflicting with the criteria contained within Key Principle HS4 of the SPD, it meets the overarching aims of it by ensuring living conditions for occupiers nearby are not unacceptably harmed. Furthermore, as the SPD document does not have development plan status, I do not give it the same weight as the policies within the development plan.
9. In conclusion, I find that the development would provide adequate living conditions for neighbouring occupiers, and for existing and future occupiers of the appeal property with particular regard to external amenity space. Accordingly, there is no conflict with Policies HO11, DC1 and DC4 of the Hammersmith & Fulham Local Plan 2018 or Policy 7.6 of the London Plan 2016 which seek to ensure, amongst other matters, that development creates a high quality urban environment, is of an appropriate scale, form, height and mass and would ensure good neighbourliness having regard to the amenity of the occupiers of neighbouring properties, whilst ensuring adequate amenity space provision for all. Despite the identified conflict with Key Principle HS4 of the SPD, this material consideration does not, in and of itself, bring the scheme into conflict with the development plan taken as a whole.

Other Matters

10. Aside from the rear extension, it is also proposed to carry out other alterations, including raising the height of an existing balcony at first-floor level. The Council raises no objections to the other elements of the scheme and I also find that they would be acceptable.

Conditions

11. I have imposed the standard time limit condition, in the interest of certainty. I have also imposed a condition requiring the external materials to be agreed with the Council, as no details are provided on the submitted plans. I have considered the Council's suggested condition which would impose a restriction on the height of the proposed extension. However, I am satisfied that the submitted plans provide sufficient clarity regarding the scale of the proposed extension, and I have imposed a condition requiring that the development is carried out in accordance with the approved plans.

Conclusion

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

Matthew Woodward

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: 301 rev A, 302 rev A, 304 rev B, 306 rev B, 308 rev B, 311 rev B.
- 3) Prior to the commencement of any construction works, samples of the materials to be used for the external construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only the approved materials shall be used.

End of Schedule