



Appeal Decision

Site visit made on 13 November 2019

by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2019

Appeal Ref: APP/H5390/W/19/3233614

1A Ravenscourt Road, London W6 0UH

- 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 Ocarina Management LTD against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2018/03313/FUL, dated 4 October 2018, was refused by notice dated 8 April 2019.
 - The development proposed is the demolition of the existing single storey office building and construction of a new three storey office building (Class B1) and associated car and cycle parking.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - the effect of the development on the living conditions of the occupiers of neighbouring properties particularly whether it would be overbearing and result in a sense of enclosure and in terms of loss of light to the habitable rooms in 1 Ravenscourt Road and loss of light and overshadowing to this neighbouring garden;
 - whether adequate arrangements could be made for passive ventilation and heating without failing to preserve or enhance the character and appearance of the Ravenscourt and Starch Green Conservation Area and the living conditions of the occupiers of neighbouring properties;
 - whether adequate access could be achieved including for mobility impaired people; and
 - whether the development would result in unacceptable impacts on the highway network and highway safety.

Reasons

Living conditions

3. The appeal site is located to the rear of buildings on King Street. It currently comprises a disused and somewhat dilapidated single storey building with vehicular and pedestrian access from Ravenscourt Road and a courtyard/garden area enclosed on all sides by the appeal building and buildings on King Street and their boundaries. Three properties are located to the immediate south of the appeal site, these contain commercial uses at

ground floor level and residential accommodation above. These have small rear garden areas and one with a raised terrace area.

4. Number 1 Ravenscourt Road is located to the north of the appeal site, it is a two-storey semidetached dwelling with accommodation in the roof space. This house, and its neighbours to the north, are set back from the road. This neighbouring property does not have a rear garden, however the side garden is subdivided so that the rear section forms a space which is not overlooked from the road. A number of windows have an outlook from the side of this property to the appeal site. This includes French doors providing the only opening to a downstairs reception room, the kitchen window and bedroom windows in the upper floors. The internal layout of the dwelling, along with the positioning of the windows, has been designed to take advantage of the side outlook.
5. A building (Numbers 238 – 246 Kings Street, also referred to as The Polish Centre) of considerable height and bulk sits to the rear of the application site and 1 Ravenscourt Road. It's height and scale have an overbearing effect on the neighbouring properties, particularly from the garden and side windows of number 1 Ravenscourt Road.
6. The main part of the appeal building would be 3 storeys in height and be set back from the road a little less than Numbers 1, 3 and 5 Ravenscourt Road. It would result in a tall structure close to the only enclosed outside space at number 1. When this is taken together with the existing overbearing effect from the Polish Centre there would be a profound sense of overbearing and being hemmed in by large buildings. In addition to the garden, the overbearing nature of the development would also be harmfully apparent from rooms in the house with an outlook to the south. Given that both the downstairs reception room and the kitchen are likely to be used on a very regular basis the harm to these rooms would be significant.
7. Key principle HS6 of the Planning Guidance Supplementary Planning Document – February 2018 (the SPD) sets out that, as a general rule, new development should not result in an infringing angle of more than 45 degrees. It is common ground between the parties that an infringement would occur. I note that this principle requires an on-site judgement to determine the impact of a proposed development where such an infringement would take place. For the reasons I have set out above, in my assessment, the development would result in an overbearing effect and therefore it would not accord with this Key principle.
8. The appeal building would sit to the immediate south of number 1 and therefore affect the direct sunlight to it for a significant portion of the day throughout parts of the year. The applicant has provided reports to consider the daylight and sunlight implications of the development. The report notes that the eastern part of the garden is heavily enclosed by a mature tree and boundary walls. The top section of the boundary is created from a trellis structure. It has a very limited effect on reducing direct sunlight. It is not clear from the submitted information to what extent the nature of the upper part of the boundaries have been taken into account in the assessment.
9. No Sky Contour Drawings, to indicate areas where loss of light to rooms is anticipated, have been submitted. I accept that a degree of assumption as to room layouts may be necessary when such assessments are prepared. However, an internal inspection of number 1 highlighted significant discrepancies between the assumed layouts and the actual layouts. The room

annotated as "Ground R2" is not a single room but partly the kitchen and partly a reception room. The window "W08" is the only opening that serves this reception room. These discrepancies, and the lack of clarity in respect of the existing boundary treatments, mean that I only give very limited weight to the assessments.

10. Due to the locations and orientations of the proposed development and the neighbouring dwelling, it is likely that the loss of direct sunlight to the garden and rooms with a southern outlook would be significant and harmful to the living conditions of the occupiers. However, even if the loss of sunlight was not so great, the overbearing effect of the development would still result in significant harm to the living conditions of the occupiers of this neighbouring property.
11. Irrespective of whether the single storey side/link extension formed part of the original dwelling and that some may view it as an unusual addition, it forms part of the current building. The effect on this part of the house should still be considered. The appeal development would have an overbearing effect when viewed from this part of the house. However, even if the impact on this part of the property were set aside, the harm to the original house and garden would be significant and sufficient for me to reach the conclusion that the appeal development would have a harmful effect on the living conditions of the occupiers of this neighbouring property.
12. The neighbouring properties on King Street are located to the south of the appeal site. There would be no effect in terms of loss of sunlight. However, these also suffer from an overbearing effect from the Polish Centre. The height and proximity of the proposed development would result in an unacceptably overbearing effect with a sense of hemming in.
13. The application details for a recently constructed development, accessed opposite the appeal site, have been provided. This proposal included the demolition of some structures on the site and the erection of 5, 3 storey houses as well as re-using an existing building as a single dwelling. That development has resulted in relatively tall structures close to neighbouring garden areas. However, in terms of the relationship of the new dwellings to the properties to the north, there is a greater degree of separation than would be achieved between the appeal scheme and No. 1 Ravenscourt Road. This neighbouring scheme is not directly comparable to the appeal scheme and it does not persuade me that it would be acceptable.
14. The appeal is supported by an explanatory note from a heritage consultant. This indicates that the relationship between 1 Ravenscourt Road and the appeal development would be normal and similar to that commonly found in any urban context. The Council's first 2 reasons for refusal do not raise heritage concerns in terms of the design, siting or scale of the proposed building. However, the effect on the living conditions of neighbouring residents must be considered on its own merits having regard to the particular circumstances of each proposal. While close knit development, including taller structures, is often found in an urban environment, in itself, this is not sufficient to justify harmful development.
15. On this main issue I conclude that the development would have an unacceptable impact on the living conditions of the occupiers of neighbouring properties in terms of being over bearing and creating a sense of enclosure. In

addition, there would be a harmful effect on the occupiers of 1 Ravenscourt Road in terms of overshadowing and reduced sunlight.

16. The development would not accord with Policies DC1 and DC2 of the Hammersmith & Fulham Local Plan February 2018 (the Local Plan) or Policy 7.6 of the London Plan 2016. These Policies seek to create a high quality urban environment, that development be designed to respect good neighbourliness and consider the principles of residential amenity including in terms of daylight, sunlight, overshadowing and outlook. The London Plan Policy has a particular emphasis on protecting the amenity of residential buildings which this proposal would not comply with.
17. Both the first and second reasons for refusal cite conflict with Policy HO11 of the Local Plan. However, this policy deals with residential development only. Similarly, the first reason for refusal refers to Key principle HS7 of the SPD. This principle only applies to extensions. As the appeal development is for a standalone office building, this Policy and Key principle cannot apply. However, this does not affect my overall finding on this main issue.

Ventilation and heating

18. The appeal site is not unduly constrained in terms of its size and there would be outside space to the front and side of the building as well as an enclosed yard space to the south. The floor space to be provided would also not be unduly small and I am satisfied that there would be scope to accommodate an internal plant room if required.
19. Details of heating, energy use and ventilation could be secured by a condition. To ensure that such details were satisfactorily integrated into the building and/or grounds such a condition could be worded to require that these details were approved before any development commenced. I am satisfied that appropriate plant and equipment could be accommodated without failing to preserve and enhance the character and appearance of the Conservation Area and without causing unacceptable harm to the living conditions of the occupiers of nearby properties.
20. There would be no conflict with Policies CC1, CC2, CC11, CC13, DC1, DC2 or DC8 of the Local Plan. These Policies seek to ensure that good design is achieved for a development which would conserve the significance of any heritage assets and ensure good neighbourliness and that the principles of residential amenity are applied. In addition, the Policies require that development should be comfortable for users and not materially increase noise experienced by occupants of noise sensitive uses. Nor would there be conflict with the sustainability or conservation aims of Key principles SDC1, CAG2 or CAG3 of the SPD.

Access

21. The submitted drawings contain an annotation which indicates the broad location of a single parking space. It is apparent that a parking space, in line with the dimensions given in Key principle TR4 of the SPD, could be accommodated. However, the intention is that this would be a disabled parking space to comply with the development plan Policies which require accessibility and inclusive design.

22. The area where the parking space is proposed would not be unduly constrained. However, it is not obvious that a parking space could be accommodated with the necessary additional space to allow appropriate access for either a disabled driver or passenger and also allow uninhibited access to the building.
23. Internally the main ground floor office space would be 2 steps above the entrance lobby area. A lift is proposed in the building to serve the upper floors, it is shown to have a door that would open for the lobby and a door on another side which could allow access to the ground floor office space. This would allow access to this floor by all users and could be secured by a condition. Therefore, there would not be conflict with the requirements of Key principles DA1, DA6 and DA7 of the SPD in respect of entry to the building and internal access.
24. Although I have found that the internal accessibility of the building would be adequate, this would not mitigate or outweigh the harm that would arise from the lack of appropriate provision for a disabled parking space. The development would not accord with Policies 7.1 and 7.2 of the London Plan 2016 and Policies DC1 and DC2 of the Local Plan which seek accessible and inclusive design.

Highway impacts and safety

25. The appeal is supported by a High Level Highway Assessment which concludes that, due to the size of the development and its accessibility to transport infrastructure, there would not be significant traffic generation. The appeal site is located within very close proximity to Ravenscourt Park Underground Station and a number of bus stops. The submitted evidence shows it has a PTAL rating of 5. The drawings indicate that cycle parking could be accommodated on site.
26. From the evidence submitted, and my observations on site, I consider that trip generation by private motor vehicles would be low and therefore no significant highway impacts would arise. Although the site is relatively small it is not so constrained that the ability to accommodate suitable construction logistics would be in doubt. A condition to secure an appropriate management plan for the demolition and construction phase could deal with this matter adequately.
27. Ravenscourt Road is relatively lightly trafficked with some paid on-street parking available. Deliveries and servicing for B1 office accommodation of the scale proposed would not be greatly significant and would not lead to unacceptable highway impacts.
28. Other than my conclusion above, in respect of the disabled parking space, the development would not give rise to any unacceptable highway impacts or highway safety concerns. In this respect, the development would accord with Policies T1, T3, T6 and T7 of the Local Plan. These policies seek to relate the intensity of development to public transport and highway capacity, encourage and support the use of cycling and walking, avoid development which would prejudice the effectiveness of the road network and mitigate the impact of construction. On this issue I conclude that the development would not result in harm to the highway network or highway safety.

Planning balance

29. The development would result in the removal of a dilapidated structure from the site, this would have some heritage benefits and make use of a previously

developed site. However, this could be achieved through alternative proposals for the development of the site and so I give these factors limited weight. The scheme would result in economic and social benefits through the provision of additional office space in an accessible location. The development would be relatively modest in scale and so I give these benefits only limited weight.

30. The harm to the living conditions of neighbouring occupiers would be significant and so I give this factor significant weight. The lack of appropriate provision of disabled parking would have significantly detrimental effects in terms of accessibility and inclusion. The benefits of the proposed development would not outweigh these harms.
31. I have found that ventilation and heating could be provided for the building without resulting in harmful effects, that appropriate internal accessibility could be provided and that the highway network and highway safety implications, aside from the provision of a disabled parking space, would be acceptable. All these matters would be neutral and do not themselves weigh positively in the planning balance.
32. One of the occupiers of 1 Ravenscourt Road has a complex and lifelong health condition. This has resulted in him being largely or wholly confined to a single downstairs room. In view of my finding on the first main issue, and my overall conclusion, it is not necessary to consider whether additional weight should be applied due to the harm that would arise to the living conditions of this individual resident.

Conclusion

33. The proposal would not accord with the development plan when it is considered as a whole. For the reasons given above, I conclude that the appeal should be dismissed.

K Taylor
INSPECTOR