
Appeal Decision

Site visit made on 18 December 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2020

Appeal Ref: APP/H5390/D/19/3238796
57 Hestercombe Avenue, London SW6 5LL

- 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 & Mrs Willmott against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2019/01277/FUL, dated 23 April 2019, was refused by notice dated 18 July 2019.
 - The development proposed is a dormer extension on the rear outrigger creating an additional bedroom on the 2nd floor. Internal alterations and improvements.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear extension at second floor level on top of the existing back addition; including the relocation of the existing French door and Juliet balcony and the blocking off of the existing window at the rear roof slope at 57 Hestercombe Avenue, London SW6 5LL in accordance with the terms of the application, Ref 2019/01277/FUL, dated 23 April 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location map and block plan; 03; 04; 05; 06; and 07.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. For the purposes of clarity and accuracy, I have amended the original description of development as set out in the banner to this decision to more accurately reflect the appeal proposal. The description of development I use is similar to that taken from the Council's decision notice. It does not change the development for which planning is sought. The appellants use a similar description on their appeal form.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of No 55 Hestercombe Avenue, with particular regard to outlook.

Reasons

4. The appeal proposal is a two-storey, mid terraced dwelling which has a two-storey outrigger to the rear. The adjoining property, No 55, is similar in design, although it has a ground floor extension which forms the side boundary with the appeal property. The appeal property is in the Central Fulham Conservation Area (CA), a designated heritage asset.
5. The appeal proposal comprises three elements: a second-floor extension above the existing rear addition; the relocation of the existing French door and Juliet balcony; and the blocking off the existing rear window.
6. The Hammersmith and Fulham Planning Guidance, Supplementary Planning Document 2018 (SPD), contains a series of Key Principles that development should follow. Key Principle HS7 – windows and outlook, states that any proposed rear extension should not worsen the outlook from any rear habitable room window located lower than the proposed extension. It further clarifies that where no rear addition currently exists, in this case at second-floor level, then it is appropriate that an on-site judgement will be a determining factor on the effect on the neighbouring property, No 55.
7. I saw from my site visit that the neighbouring property, No 55, does not have any ground floor habitable room windows which could be affected by virtue of its full width ground floor extension, nor does it have any habitable room windows on the rear outrigger. However, there is a first-floor window on the main rear wall.
8. The proposed extension would be built in line with the existing side and rear walls of the existing outrigger. Whilst the height of the walls of the outrigger would increase marginally, it would not be any closer to the first-floor window of No 55. For these reasons, the proposal would not be either dominant or overbearing enough to have a detrimental impact on the outlook from the rear window of No 55, as views into the rear garden area would be maintained. The appeal proposal would have a low-pitched roof, which would mirror the existing roof, albeit at a higher level, and would not be unduly bulky. Accordingly, the extension would successfully integrate into the existing building.
9. The Council did not oppose the relocation of the existing French door and Juliet balcony, or the blocking off of the existing rear window. On the evidence before me, I have no reason to reach a different conclusion in these respects.
10. I saw from my site visit that dwellings in both this and the adjoining terrace, have had similar extensions to this appeal proposal. I am also mindful that the Council has granted planning permission for similar proposals in the terrace and acknowledge that the decisions were made prior to the adoption of the Hammersmith and Fulham Local Plan (2018) (LP). Nevertheless, I have determined this appeal based on its own planning merits with regard to its particular circumstances.
11. The proposal complies with Policies DC4 and HO11 of the LP and Key Principle HS7 of the SPD which seek, amongst other things, development to have no detrimental impact on outlook from windows in adjoining properties.

Other matters

12. There is no dispute between the parties that the proposal would not be harmful to the character or appearance of the CA. I have no evidence before me to reach a different conclusion in this respect.

Conditions

13. In addition to the standard time limit condition, I have imposed a condition that the development is carried out in accordance with the approved plans in the interest of certainty and it is not necessary to list the existing floor plans. A condition concerning external materials is required in the interests of the character and appearance of the area.

Conclusion

14. For the reasons above the appeal is allowed and planning permission is granted.

Neil Smith

INSPECTOR