



Appeal Decision

Site visit made on 8 January 2020

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2020

Appeal Ref: APP/H5390/D/19/3239134

16 Hartismere Road, London SW6 7UD

- 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 Ms Francine Mariko Ryba against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2019/01974/FUL, dated 28 June 2019, was refused by notice dated 24 September 2019.
 - The development proposed was originally described as 'Extend second floor extension over back addition in line with no 18 and other minor alterations to the GF at the rear'.
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Decision

1. The appeal is dismissed insofar as it relates to rear extension at second floor level over part of the existing back addition and installation of French doors to the rear elevation of the proposed second floor rear extension to provide access to the existing roof terrace.
2. The appeal is allowed insofar as it relates to installation of sliding doors and an enlarged window to replace existing French doors and window to the rear elevation at ground floor level, and planning permission is granted for installation of sliding doors and an enlarged window to replace existing French doors and window to the rear elevation at ground floor level at 16 Hartismere Road, London SW6 7UD in accordance with the terms of the application, Ref 2019/01974/FUL, dated 28 June 2019, and subject to the following 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 insofar as they are relevant to the development hereby permitted: A110, A112, A115, A116, A20 (all Rev A).

Procedural Matter

3. The description of development set out in the banner heading above is taken from the application form. However, I note that the Council's decision notice and the appeal form describe the development as 'rear extension at second floor level over part of the existing back addition; installation of French doors to the rear elevation of the proposed second floor rear extension to provide access to the existing roof terrace; installation of sliding doors and an enlarged window to replace existing French doors and window to the rear elevation at ground floor level'.

4. This more fully and appropriately describes the proposed development, and I have therefore considered the appeal on the basis of the revised description as no party would be prejudiced or caused any injustice by my doing so.

Main Issues

5. The Council has raised no concerns in relation to the installation of sliding doors and an enlarged window to replace existing French doors and window to the rear elevation at ground floor level. Based on the evidence before me and my observations on site, I see no reason to take a different view.
6. The main issues are therefore the effect of the proposed development at second floor level on:
 - (a) The character and appearance of the area; and
 - (b) The living conditions of occupants of neighbouring residential properties at 14 Hartismere Road and 4 Fabian Road with regard to outlook and sense of enclosure.

Reasons

Character and appearance

7. Policy DC4 of the Hammersmith and Fulham Local Plan (LP) states that 'The Council will require a high standard of design in all alterations and extensions to existing buildings. These should be [inter alia] compatible with the scale and character of existing development, neighbouring properties and their settings.' The supporting text to this policy states at paragraph 12.21 'Where there are existing extensions on a street these will be taken into account in determining the appropriateness of new proposals.'
8. There are numerous second floor extensions on top of the closet wings along both Hartismere Road and Fabian Road, to the rear of the appeal site. These vary in size and design, with many of a very similar scale and appearance to that proposed. Indeed, the adjoining property at 18 Hartismere Road has an existing second floor extension. The appeal proposal would reflect the footprint, height and form of this development, creating a mirrored pair.
9. The Council's delegated report states 'the Council seeks for these extensions to be of slate clad, mansard design incorporating a 70 degree side slope and limited to no more than 50% of the depth of the roof of the back addition in order to remain subservient to the parent building and reduce any significant impact on the residential amenities of neighbours.' The development would exceed 50% of the roof area and would not have a sloping mansard to the side. However, I have not been provided with any evidence that these requirements are set out in Council planning policy or guidance.
10. In the context of the existing development at No.18, as well as within the wider street scene, the proposed development at second floor level would relate well to the surrounding built form. In this setting, it would not appear incongruous or overly dominant in relation to the host property.
11. For the reasons set out above I conclude that the rear extension at second floor level would not have a harmful effect on the character and appearance of the area and would accord with the design aims of LP Policies DC1 and DC4.

Living conditions

12. The proposed rear second floor extension would increase the height of part of the existing flat roofed 2 storey closet wing. The side elevation would be vertical, and it would extend for a considerable depth fairly near the common boundary with the adjoining dwelling at 14 Hartismere Road.
13. There is a first floor sash window on the main rear elevation at No.14. Although the lower half is fitted with obscure glazing, the top sash is clear and so would afford views out. The development would be to the north of No.14, and so would not interfere with the sunlight its rear windows receive. However, the proposed second floor extension would restrict outlook from this window. Moreover, by reason of its length and vertical side elevation, the development would be likely to have an oppressive enclosing effect on adjacent occupants.
14. The extension would be set back from the rear elevation of the closet wing and, when viewed from the dwelling at 4 Fabian Road to the rear, would be seen against the backdrop of the appeal property's main roof. Given this, and the reasonable separation distance between the properties, the appeal proposal would not lead to a sense of enclosure or cause harm to the outlook from No.4.
15. Whilst the resultant reduction in the size of the existing roof terrace may well limit the number of people who can use it at any one time, this benefit would not outweigh the harm I have identified to the occupants of No.14.
16. I note that the appellant would be content to install a sloping mansard to the side of the second floor extension. Although this would be likely to reduce the harmful effects to the occupants of No.14 described above, such a scheme is not before me. In the interests of fairness to all parties, I have determined the appeal on the basis of the plans upon which neighbouring residents were consulted and the Council based its decision.
17. For the foregoing reasons, I conclude that the rear extension at second floor level would have a harmful effect on the living conditions of occupants of the neighbouring residential property at 14 Hartismere Road with regard to outlook and sense of enclosure, contrary to the amenity protection aims of Policies DC4 and HO11 of the LP and Key Principle HS7(i) of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document (SPD).
18. For the above reasons, I find no harm in relation to the living conditions of the occupants of the residential property to the rear at 4 Fabian Road with regard to outlook or sense of enclosure. In this respect, I conclude that the appeal proposal would accord with the amenity protection aims of LP Policies DC4 and HO11 and SPD Key Principle HS6.

Other Matters

19. I note the proposed second floor extension would enable the appellant to incorporate an additional bathroom as well as an extra bedroom and would result in an upgrade to the thermal performance of the appeal property. However, these benefits do not outweigh the harm I have identified, particularly as I see no reason why they could not be achieved through other less harmful means.

Conditions

20. In addition to the standard time limit, in the interests of certainty I have imposed a condition requiring the development to be carried out in accordance with the approved plans insofar as they are relevant to the development permitted.
21. The other conditions suggested by the Council relate to the proposed rear second floor extension. Because I am not allowing this element of the appeal proposal, these conditions would not be necessary, relevant or reasonable.

Conclusion

22. The proposed installation of sliding doors and an enlarged window to replace existing French doors and window to the rear elevation at ground floor level would cause no harm to the character and appearance of the area or the living conditions of neighbours.
23. The proposed rear extension at second floor level over part of the existing back addition would not harm the character and appearance of the area. Nor would it harm the living conditions of the occupants of 4 Fabian Road. However, the harm I have identified in relation to the effect of this element of the appeal scheme on the living conditions of occupants of 14 Hartismere Road, with regard to outlook and sense of enclosure, is decisive. This harm could not be overcome by the imposition of planning conditions.
24. I therefore conclude that the appeal should be allowed insofar as it relates to the installation of sliding doors and an enlarged window to replace existing French doors and window to the rear elevation at ground floor level, and dismissed insofar as it relates to a rear extension at second floor level over part of the existing back addition and installation of French doors to the rear elevation of the proposed second floor rear extension to provide access to the existing roof terrace.

CL Humphrey

INSPECTOR