



Appeal Decision

Site visit made on 10 February 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/H5390/D/19/3240693

43 Broomhouse Lane, London SW6 3DP

- 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 Garner against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2019/02055/FUL, dated 8 July 2019, was refused by notice dated 27 September 2019.
 - The development proposed is the erection of single storey front extension at ground floor, erection of single storey rear extension at ground floor, erection of side extension at first and 2nd floor level, erection of first floor rear extension by widening existing dormers, erection of second floor rear extension by widening existing dormer.
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Decision

1. The appeal is dismissed.

Background and Procedural Matter

2. The appeal property has been subject to a number of planning applications over a number of years. Each planning application has been granted by the Council and comprises of various forms of development. In summary, front and side extensions relate to planning application Ref: 2017/03189/FUL. The ground floor rear extension relates to planning application Ref: 2019/00666/FUL and the first-floor rear extension relates to planning application Ref: 2019/00667/FUL.
3. The description of development set out at the start of this decision is from the planning application form. However, other than the proposed second floor extension to the rear and the refuse storage in the front garden, the Council confirm that the other aspects of the proposed development benefit from planning permission. I also have no reason to disagree with the Council's assessment about the acceptability of the proposed refuse storage having regard to the Hurlingham Conservation Area (HCA). Thus, the dispute between the main parties is primarily focussed on the effect of the proposed second floor extension to the rear. I have considered the appeal on this basis.
4. I observed during my site visit that works were taking place to extend and alter the property. These works, whilst being progressed, are mainly taking place to the ground and first floors. The works have some way still to go, but broadly reflect the submitted plans.

Main Issues

5. The main issues are: (a) whether the proposed development would preserve or

enhance the character or appearance of the HCA; and (b) whether the proposal would be safe from flooding.

Reasons

6. The appeal property is a three-storey end terraced residential dwelling that is located within the HCA. The appeal property has single storey flat roofed extensions to the front, with two projecting windows at first floor and two small dormer windows directly above. The roof slope of the property is steep, but more evidently so at the rear which contains two small dormer windows at first floor and a larger pitched roof dormer with French doors and a balcony at second floor level. A single storey extension is to the side, while the rear garden is enclosed with a high brick wall with timber fence above.
7. The property is one of three houses in the terrace, with the neighbouring properties of 39 and 41 Broomhouse Lane forming the other two. Each of the dwellings has been extended to the front and/or rear, but there is a degree of uniformity evident in terms of the distinctive tall pitched roof and the windows on the upper levels on the front elevation. A flat roof dormer window has been added to the rear roof plane of No 39¹.
8. Ivy Cottage and Sycamore Cottage, a pair of Buildings of Merit dating from the late 18th century, are to the north of the terrace which lies on the eastern side of the lane next to its junction with Sullivan Road. Opposite the site are the Hurlingham grounds which provide a parkland setting for the listed Hurlingham House, which is to the west of The Parsons Green club grounds. The HCA is characterised by a variety of building forms, styles and ages. These range from modern terraces with front dormer windows and mansard roofs to ornate architectural buildings of multiple storeys and traditional terraces.
9. The proposed second floor extension would be beneath the property's ridge line, but it would extend across the full width of the appeal property. Therefore, the proposed second floor extension would differ significantly from the rear dormer window already approved² by the Council, notably in terms of its scale and design. A modern design approach is proposed which would respond to the various extensions and alterations previously granted, while matching materials are to be used for the external finishes. However, the proposed second floor extension would be of a scale and massing that would not be compatible with the scale and character of the appeal property.
10. In particular, the proportion of the proposed second floor extension would not be in tune with the rear roof plane or respect the proportionality that existing dormer windows maintain. The effect caused by the proposed second floor extension would be substantial given the property's corner location with Sullivan Road extending along the site's southern boundary. While the extension at No 39 is flat roofed, evident from Sullivan Road, and of some scale, it is set in from either side which helps to maintain a subservient appearance. The appeal proposal would not match the roof extension at No 39 and would not create a balanced appearance at either end of the terrace. In my view, even if the extra floor area would only be marginally larger, the proposal would be a dominant addition that would harm the character and appearance of the appeal property and the wider HCA, which is characterised by

¹ Council Ref: 2018/01627/FUL

² Council Ref: 2019/06667/FUL

proportionate roof extensions.

11. Having regard to Policy DC8 of the Hammersmith and Fulham Local Plan (Local Plan), the degree of harm that I have identified is less than substantial. Local Plan Policy DC8 refers to paragraphs 133 and 134 of the National Planning Policy Framework (the Framework). However, the paragraph numbers are different in the current version of the Framework which has largely retained the provisions of paragraphs 133 and 134. Given the less than substantial harm that I have found, Framework paragraph 196 explains that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
12. The appellants are in the process of remodelling and refurbishing the dwelling which will result in a larger property that would offer a suitable living environment for family life. The appeal scheme would only add to this, with the proposed second floor extension providing a more functional layout, with good quality natural light serving the whole living space. The proposal would make effective use of an existing building in an accessible location and not result in harmful effects for neighbouring occupants. There would also be limited economic benefits associated with the construction of the proposed development and modest benefits from using modern construction techniques and materials in terms of mitigating and adapting to climate change and moving to a low-carbon economy. However, in bringing these matters together, the harm to the HCA, to which I attach great weight, in my view, clearly outweigh these modest public benefits.
13. I conclude, on this issue, that the proposed development would not preserve or enhance the character or appearance of the HCA. Thus, insofar as the policy documents before me, the proposal would not comply with Local Plan Policies DC1, DC4 and DC8, Key Principle CAG3 of the Planning Guidance Supplementary Planning Document and Framework paragraph 196. Jointly these seek, among other things, high quality extensions and alterations to the rear of properties that preserve or enhance the character or appearance of the conservation area through, but not limited to, their compatible scale, mass, proportion and character. Where proposals involve less than substantial harm to the significance of a heritage asset, this harm must be weighed against the public benefits of the proposal, including securing its optimum viable use.

Flooding

14. Local Plan Policy CC3 states that the council will require developments to reduce the use of water and minimise current and future flood risk with a site specific Flood Risk Assessment (FRA) being required for all proposals for developments in the Environment Agency's Flood Zones 2 and 3. The appeal property is within Flood Zone 3.
15. In the Council's view the appellants FRA dated February 2019 does not include any flood mitigation measures, such as confirmation that the floor levels of the property will not be lowered and that flood proofing like flood resilient materials and methods of construction will be installed. These concerns are not seemingly new and have been aired in a previous application³. Even so, the Council, in granting this planning permission imposed a planning condition (No. 8) to secure the implementation of flood mitigation measures.

³ Council Ref: 2019/00666/FUL

16. Although the appeal scheme's description of development is wide-ranging, much of this development has already been approved by the Council. The appeal scheme would not change the extent or form of this, save for the proposed second floor extension which is a 'minor development' having regard to the Planning Practice Guidance. In this context, the proposal would not lower the floor levels already granted. Added to this, the flood mitigation measure of new drainage with non-return flood valves has, according to the appellants, been implemented on site. Further mitigation measures in the form of a water butt to harvest rainwater and permeable and porous surfaces to the front and rear of the dwelling are subject to the aforementioned planning condition. But, given the stage of development, the same planning condition could be imposed if I were minded to allow the appeal for completeness. It would also be necessary to impose a planning condition to secure water efficient fittings and appliances, in line with water consumption targets.
17. Thus, I conclude on this issue that the proposal would be safe from flooding and accord with Local Plan Policies CC3 and HO11; which jointly seek, among other things, development to reduce the use of water and minimise current and future flood risk.

Conclusion

18. Although I have not found any harm arising from the second main issue, subject to the imposition of planning conditions, or from the refuse store, my findings on these matters do not alter or outweigh the harm that I have found in respect of the HCA.
19. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR