



Appeal Decision

Site visit made on 26 February 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 April 2020

Appeal Ref: APP/H5390/D/19/3242471

3 Britannia Road, London SW6 2HJ

- 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 Harry Parsons against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2019/02101/FUL, dated 10 July 2019, was refused by notice dated 8 October 2019.
 - The development proposed is erection of an additional floor at roof level, a rear extension at the lower ground, ground, and first floor levels, and a partial lowering of the rear lower ground floor and rear garden levels.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an additional floor at roof level, a rear extension at the lower ground, ground, and first floor levels, and a partial lowering of the rear lower ground floor and rear garden levels at 3 Britannia Road, London SW6 2HJ in accordance with the terms of the application Ref: 2019/02101/FUL, dated 10 July 2019 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; Proposed Lower Ground Floor, Drawing Number A2.0; Proposed Upper Ground Floor, Drawing Number A2.1; Proposed First Floor, Drawing Number A2.2; Proposed Second Floor, Drawing Number A2.3; Proposed Roof, Drawing Number A2.4; Proposed Section, Drawing Number A3.1; Proposed Section B, Drawing Number A3.3; Proposed Front Elevation, Drawing Number A4.1; Proposed Rear Elevation, Drawing Number A5.1.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
 - 5) The lower half of the windows in the first and second floor of the rear elevation of the extension hereby permitted shall be fitted with obscure glazing and once installed the obscure glazing shall be retained thereafter.

6) Notwithstanding the proposed steel windows in the lower ground floor (rear elevation), all windows proposed to be installed shall be formed of timber and those in the lower ground floor, upper ground floor and first floor (front elevation) and the first floor and second floor (rear elevation) shall be of sliding sash opening and shall be maintained as such thereafter.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 79 Waterford Road with regard to outlook and potential enclosure.

Reasons

3. The appeal site comprises a three-storey terraced property. It is located in a predominantly residential area. Several of the terraced properties surrounding the site, including on either side, have rear extensions of various storey heights. Also, several properties, including those on either side of the appeal site, have roof alterations resulting in the creation of an additional floor at roof level.
4. To the rear of the site is a similar terrace of properties on Waterford Road. This terrace, and the terrace on which the appeal site is located, come together as they descend towards the appeal site whereby their separation distance reduces. The closest residential property that would look onto the appeal proposal is 79 Waterford Road.
5. No. 79 Waterford Road is a bespoke, relatively recent addition to the terrace. I was able to view the appeal site from this property and observed that the dwelling has a slender depth resulting in the main habitable rooms having windows which either, only overlook Waterford Road to the front, or overlook both Waterford Road to the front and the terrace on which the appeal property is located, to the rear.
6. I also observed that due to the presence of a high wall and existing landscaping between the appeal site and 79 Waterford Road, views from the lower ground floor, ground floor and rear garden area of 79 Waterford Road have an existing sense of enclosure with limited outlook.
7. The appeal proposal projects no further from the main building than the existing rear extensions of a similar height at nos. 1 and 5 Britannia Road, with the former being closer to 79 Waterford Road than the appeal property.
8. I find that due to the depth of the proposed extension, projecting no further than the existing rear extensions to properties either side of the appeal site, combined with the window positions, and habitable rooms in 79 Waterford Road having dual aspect (or single aspect overlooking Waterford Road to the front) the proposal would not have an unreasonable impact on the outlook from 79 Waterford Road. Given the existing extensions, combined with the presence of a high boundary wall and existing landscaping, the proposal would not result in a greater sense of enclosure than that which currently exists.
9. The proposal would therefore comply with Policies DC1, DC4 and HO11 of the Hammersmith and Fulham Local Plan (2018). Collectively, these policies require that new development is successfully integrated, taking into account

good neighbourliness and the impact on other properties with regard to, amongst other things, outlook.

10. The Council comment that the proposal would conflict with Key Principle HS6 of the Planning Guidance Supplementary Planning Document (2018) which requires that as a general rule, extensions should not infringe on an angle of more than 45 degrees when drawn from the rear boundary. Although I have not been provided with any evidence to verify this, despite any conflict with the guidance, I find that the proposal would be acceptable for the reasons outlined above.

Conditions

11. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, this is in the interest of certainty.
12. In the interests of the character and appearance of the area and the host property, it is necessary to impose a condition requiring the use of matching materials. However, I find the condition suggested by the Council to be overly prescriptive in the context of the appeal site and have amended it accordingly.
13. In the interests of living conditions in regard to privacy, I have imposed conditions preventing the use of the roof of the extension as a roof terrace, and that the lower half of the windows in the first and second floor of the rear elevation of the extension are fitted with obscure glazing.
14. Notwithstanding the proposed steel windows in the lower ground floor (rear elevation), I have imposed a condition requiring that all windows be formed of timber and that those in the lower ground floor, upper ground floor and first floor (front elevation) and the first floor and second floor (rear elevation) are sliding sash opening. This is in the interests of the character and appearance of the area.
15. The Council have requested a condition requiring that the roof extension shall be clad in natural slates or artificial slates to match the appearance of the existing roof. Such a condition is not necessary as this is covered by the condition requiring the use of matching materials.
16. The Council have also requested a condition requiring that the party walls of the roof extension shall be constructed to follow the profile of the roof extensions and shall not project more than 250 millimetres above or beyond the external faces of the roof structure. This condition is not necessary, as I have found the development as shown on the submitted plans to be acceptable in planning terms.

Conclusion

17. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal is allowed.

A M Nilsson

INSPECTOR