The Planning Inspectorate

# Appeal Decision

Site visit made on 5 August 2020

**by L J O'Brien BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23rd October 2020**

**Appeal Ref: APP/H5390/W/20/3249242**
**1A Quarrendon Street, London SW6 3ST**

- 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 Gosling against the decision of the Council of the London Borough of Hammersmith & Fulham.
- The application Ref 2019/03013/FUL, dated 11 October 2019, was refused by notice dated 21 February 2020.
- The development proposed is demolition of existing garage and the erection of a replacement single story coach house building with habitable roofspace and basement providing a one bedroom dwelling.

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:

   - Whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to outlook; and
   - whether or not the proposal would provide a satisfactory level of accessibility.

## Reasons

*Living conditions*

3. The proposed dwelling would be set over three floors; the bedroom would be within the roof space, the living room, hall and utility/WC would occupy the ground floor and the kitchen/diner/study along with a WC and a storage area would be at basement level. A small terrace would be sited at basement level within a lightwell.

4. The accommodation at basement level would be served by two fixed skylights, a window and a large set of doors opening onto the terrace. The window would look onto the enclosed terrace, proposed cycle store and boundary wall. When looking upwards from the basement window views would be towards the front boundary wall above. Similarly, the proposed doors would look directly onto the terrace and boundary wall.

5. Due to the limited size of the terrace the boundary treatments would be sited in extremely close proximity to the windows and doors and would dominate the

outlook. Due to the narrow width of the terrace this would especially be the case when considering the outlook from the basement doors. This would lead to the boundary treatments appearing as oppressive features which would create a harmful sense of enclosure for the occupants. Likewise, due to its basement location and small size those using the terrace would experience a sense of oppression and enclosure.

6. The skylights would be set within the parking and refuse storage area above and, due to their position within the compact parking area, to my mind views upwards would be likely to be impinged by a vehicle. Thus, in my view, the skylights are unlikely to contribute towards providing an acceptable outlook from the basement.

7. I note that the appellant has suggested the imposition of a condition to remove the parking area. However, such a condition alone would not be sufficient to overcome the concerns I have set out above.

8. I recognise that in other ways the proposal would provide a high standard of accommodation. However, in my view, multi-purpose living spaces such as that proposed in this instance are used intensively and I consider that any future residents would be likely to spend a significant amount of time in this area. I also acknowledge that it would be the choice of any prospective owner whether or not the dwelling would be suitable for them. However, this would not justify allowing a scheme which would be contrary to the development plan.

9. Whilst the appellant makes reference to the existence of a number of other properties with basement accommodation which could be considered similar, each case must be determined on its individual merits and the specific circumstances in each case are likely to be different. For example, the design of these other developments appears to differ considerably and many of the other examples appear to be flats rather than houses. Thus, these other examples are not directly comparable with the appeal proposal. In any event, I have reached my own view on the proposal based on the evidence before me.

10. I therefore consider that the proposal would fail to provide satisfactory living conditions for future occupiers with particular regard to outlook. The proposal is, therefore, contrary to Policies HO4 and HO11 of the Hammersmith and Fulham Local Plan, February 2018 (LP). Amongst other things, these policies expect all housing development to provide a high quality residential environment.

*Access*

11. The proposal would provide a single off-street parking space at the front. The parking space would meet the size requirements for an off-street parking space within the curtilage of a property as set out by Key principle TR4 of the Planning Guidance Supplementary Planning Document (SPD).

12. The Council's reasons for refusal state that the proposed parking space would not provide adequate access for disabled people such as wheelchair users and other mobility impaired people.

13. Policy 3.8 of the London Plan March 2016 (London Plan) states that 90% of new housing should meet Building Regulation (BR) requirement M4 (2) 'accessible and adaptable dwellings' whilst the remaining 10% should meet BR requirement M4 (3) 'wheelchair user dwellings'. The Planning Practice Guidance

states that Local Plan policies for wheelchair accessible homes should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. This does not appear to be the case in this instance.

14. I note that the Development Plan promotes inclusive and accessible design. However, I have not been provided with any detailed information which sets out any reason why the proposal should be expected to meet the higher accessibility standard; as such I consider that the dwelling would fall within the 90% group which should meet BR requirement M4 (2). The appellant states that the proposal would indeed accord with these requirements and I have no evidence to indicate otherwise.

15. I therefore consider that the proposal would provide a satisfactory level of accessibility and would accord with Policies DC1 and DC2 of the LP and Key Principle DA1 of the SPD. Together, and amongst other things, these seek to ensure that new development is accessible and inclusive. The proposal would also comply with Policies 3.8, 7.1 and 7.2 of the London Plan which seek accessible and inclusive design.

16. The Council additionally refer to Key principles DA6 and DA7 of the SPD. However, my interpretation is that these principles relate to providing access to entrances to buildings which are above or below street level and to publicly accessed buildings. These principles, therefore, cannot apply in my assessment of the scheme before me.

**Other Matters**

17. I acknowledge that the proposal would make effective use of land and provide a dwelling in a location well served by existing facilities and infrastructure. I note that the proposal would make a contribution towards the Government's aim of significantly boosting the supply of homes. I also recognise that the proposal would provide other, limited, benefits for example the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupiers of the proposed dwelling utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context.

18. I acknowledge that the current scheme has been amended from the previously refused proposal with the aim of overcoming the concerns which were raised; for example by changing the design so that it would not cause harm to the character and appearance of the Conservation Area and by lowering the front boundary walls in the interest of enhancing living conditions. However, as set out above, in my view, the alterations are not sufficient to overcome the concerns I have set out in respect of the standard of accommodation.

19. A number of concerns around the handling of the planning application by the Council have been raised by the appellant. However, issues such as this are outside of the remit of this appeal and must be pursued through the Council's own complaints process.

20. I have noted a number of other issues raised; including the effect on the living conditions of other nearby residents. However, as this proposal is going to be dismissed for other reasons and the other concerns expressed do not have a

direct bearing on the main issues, it is not necessary for these to be explored further as part of this appeal.

21. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusion I have reached that the proposal would fail to provide satisfactory living conditions for future occupiers.

**Conclusion**

22. 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.

*L J O'Brien*
INSPECTOR