
Appeal Decision

Site visit made on 3 September 2020

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

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/K5600/W/20/3252660
323 Fulham Road, London SW10 9QL

- 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 C Anthony against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/20/00849, dated 10 February 2020, was refused by notice dated 17 April 2020.
 - The development proposed is enlargement of top floor apartment with new mansard roof, new rear extension at second and third floor levels.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The original planning application form and the Council's Decision Notice give the site address as 323 Fulham Road. However, the appeal form and subsequent documentation refers to 323a Fulham Road; as this appears to be the more accurate address I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to outlook and light; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

4. The appeal property, 323a Fulham Road, is a four storey terraced building within a busy shopping area. The property has retail use on the ground floor with residential above. The building sits within a tightly-knit rectangular 'block' of buildings which generally front the street.
5. The proposal is to enlarge the top floor apartment by constructing a mansard roof, two dormer windows and a rear extension at second and third floor levels. The building currently has a rear projection which steps in at second floor level. The proposal would remove the 'step' by extending the depth of the projection at the second floor and an additional storey would also be added.

6. The extended projection would be adjacent to rear windows on the second and third floors of No 323a and the neighbouring building at 321 Fulham Road.
7. The building at No 321 has a large, full height rear projection which the appellant states contains a lift shaft and a staircase. A window in the rear elevation of No 321 is situated between this projection and the proposed extended projection at No 323a. The proximity, height, scale and massing of the proposed extension would lead to it appearing as a visually intrusive and dominant form of development when viewed from this window.
8. This, in combination with the existing projection at No 321, would have the effect of significantly boxing in the window create an oppressive environment and lead to a harmful sense of enclosure for the occupants. The harm to the living conditions of the occupiers of 321 Fulham Road in this respect would be significant.
9. The proposal would be sited west of No 321 and of a significant height and bulk. The combination of the two projections would block the light reaching this window for a significant portion of the day throughout the year. I consider that the proposal would reduce the levels of light to such an extent so as to cause harm to the living conditions at that property.
10. The existing projection is currently readily visible in the outlook from the second floor window at No 323a. The increase in the depth of the projection at this level would be relatively minor and views in the opposite direction, towards Peony Court, would remain largely unimpinged. Similarly, at third floor level open views would remain available towards Peony Court and the buildings beyond. Consequently, I do not consider that the proposal would unacceptably degrade the outlook from the windows serving No 323a. Whilst the proposal may have some effect on the levels of light reaching these windows this too would be limited as a result of the existing circumstances on site. Moreover, these windows serve the stairwell and, as such, any impact on the outlook and light levels in this area would not cause material harm to the overall living conditions of the occupiers of those properties.
11. The proposed extension would be close to the building at 2 Callow Street, which I understand to be a residential building which has been divided into flats. The outlook from 2 Callow Street is that of a built-up urban area with fairly tall buildings dominating views. Whilst the proposed extension would indeed increase the size of No 323a, in my view, given the existing context, I do not consider that this increase would be such that it would appear as a dominant feature in the outlook from No 2 or notably worsen any sense of enclosure.
12. For the reasons set out above, I consider that the proposal would cause harm to the living conditions of the occupiers of 321 Fulham Road with particular regard to outlook and light. The proposal would, therefore, conflict with Policy CL5 of the Royal Borough of Kensington and Chelsea Local Plan, September 2019 (LP). This policy, amongst other things, seeks to ensure that good standards of daylight and sunlight are achieved in new development and in existing properties affected by new development and requires that there is no harmful increase in the sense of enclosure to existing buildings.

Character and appearance

13. The parties appear to be in agreement regarding the acceptability of the proposed mansard roof. I concur with this assessment. The proposed mansard would maintain the existing ridge height and would be consistent with the height of neighbouring buildings. This would ensure that the mansard roof would not appear unduly bulky and would respect the proportions of the existing building. The dormer windows would be consistent with others nearby and would be set down and in, thus ensuring they would not dominate the front roof profile of the building.
14. The projection as extended by the proposal would be significantly deeper than that which is currently in situ and would add further mass with the addition of the extra storey. Nevertheless, the host building, is of a significant size and capable of accommodating an addition of this size without causing harm to the character and appearance of the host building or the wider area.
15. The proposed additional storey would be close to the eaves. However, in my view it would not inappropriately jut into the eaves of the main roof or be so close to the eaves as to lose the dominance of the main building. The roof alterations which form part of this proposal would also assist with ensuring that the proposed extension would be proportionate to the building and would not appear as an unduly dominant feature.
16. Furthermore, the proposal would be viewed in the context of the rear of a densely packed group of buildings, a number of which have been extended. In order to make sure that the proposal would not appear visually jarring, the materials to be used would match those used on the existing building. These details could be secured by a suitably worded planning condition.
17. I note that whilst the proposal would be largely screened from public vantage points in the area, some views would be available from private spaces. However, due to the close-knit nature of the urban grain in the area, views are extremely limited and, in any event, I do not consider that the proposal would be visually harmful.
18. I consider that the proposal would not cause harm to the character and appearance of the area. The proposal would, therefore, accord with Policies CL1, CL2, CL6 and CL9 of the LP. Amongst other things, these policies seek a high standard of design, require all development to respect the existing context and character and appearance of the area and expect extensions to be subordinate to the original building.

Other Matters

19. The proposed extensions would increase the size of the accommodation at No 323a which the appellant states is currently below the standards set out in the Technical housing standards – nationally described space standard. The extended accommodation would represent an enhancement to the living conditions of the occupiers of those properties. Though I acknowledge that this would be a benefit of the scheme, in my view, it would not outweigh the harm I have identified above.

Conclusion

20. Notwithstanding my conclusions on the effect of the proposal on the character and appearance of the area, the proposed development would cause harm to the living conditions of the occupiers of neighbouring dwellings and would fail

to accord with the development plan when taken as a whole. Therefore, for the reasons given above I conclude that the appeal should fail.

L J O'Brien

INSPECTOR