



Appeal Decision

Site visit made on 10 November 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020

Appeal Ref: APP/H5390/W/20/3254641 6 North End Crescent, London W14 8TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Kashif Mehta against the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2019/02856/FUL, is dated 12 September 2019.
 - The development proposed is amendments to previously approved planning permission ref: 2016/04366/FUL granted 16th August 2017 to allow the rear part of the ground floor level to be used as HMO (Class Sui Generis); installation of a new window to the side of ground floor back addition.
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Decision

1. The appeal is dismissed and planning permission for amendments to previously approved planning permission ref: 2016/04366/FUL granted 16th August 2017 to allow the rear part of the ground floor level to be used as HMO (Class Sui Generis); installation of a new window to the side of ground floor back addition is refused.

Application for costs

2. An application for costs was made by Mr Kashif Mehta against the Council of the London Borough of Hammersmith & Fulham. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development in the banner heading and formal decision above is taken from the letter sent by the Council to the Appellant on 5 November 2019 acknowledging validation of the planning application. I have used that for brevity in preference to the wording used by the appellant on the planning application form and subsequent appeal form, which contains additional information not strictly descriptive of the proposed development.
4. The appeal stems from the Council's failure to determine the planning application within the prescribed period. The Council has not submitted an appeal statement, and although it provided several policies from the 2018 Hammersmith and Fulham Local Plan (the HFLP) it did not indicate which ones it considered the proposal conflicted with.

Background and Main Issue

5. The appeal property is a mid-terrace building of three storeys plus basement, with a commercial unit (currently used as a café/takeaway) occupying most of the ground floor and the rest of the property in use as a house in multiple occupation (HMO). Planning permission was granted in 2017¹ for a bedsit and bathroom in a second floor rear extension, along with a mansard-type roof extension to the front and rear roof slopes to provide a further additional bedsit room at attic level. Work to implement the 2017 planning permission was underway at the time of my site visit. The applicant is now seeking planning permission for an additional bedroom within the rear outrigger at ground floor level. This would increase the total number of bedsit rooms within the property from eight to nine.
6. The Council's response to the appellant's costs claim indicates that there were 'several aspects of the proposal that were of concern, particularly the standard of accommodation and the size of the proposed window to the side of the existing back addition' which would have formed the basis for a refusal of planning permission. This is also apparent from e-mail exchanges between the parties which formed part of the appellant's statement.
7. On the basis of the information before me, I therefore consider that the main issue is whether the proposed additional bedroom would provide acceptable living conditions for a future occupier, with particular regard to daylight and sunlight, and outlook.

Reasons

8. In view of the main issue, I consider that Policies HO4 (Housing Quality and Density) and HO11 (Detailed Residential Standards) of the HFLP, as well as the Council's 2018 *Planning Guidance* Supplementary Planning Document (the SPD) are most relevant to determining this appeal.
9. As currently configured, the commercial part of the property has a kitchen and food service counter in the front part of the building, and two rooms in the rear outrigger used for food preparation and storage. The residential part of the property has a separate front door giving access from the street to a hall and the stairway serving all floors. A small shared toilet/shower room opens from this at ground floor level and occupies part of the outrigger.
10. The proposed development would reduce the size of the commercial unit by partitioning it in line with the main rear elevation of the building, and providing a new storeroom and toilet within the retained commercial space. The commercial unit's existing preparation and storage rooms, as well as the shared ground floor toilet/shower room, would then become a new bedsit with ensuite bathroom occupying the entire ground floor of the outrigger.
11. As well as internal works, the creation of the additional bedsit would be facilitated by the installation of a new window at ground floor level. I have not been provided with the precise measurements this window, but the submitted drawings suggest that it would be around half as wide as a double bed, so not especially wide. It would face approximately towards the north east, and would face out onto the relatively narrow gap between the one and two storey rear

¹ Hammersmith and Fulham ref 2016/04366/FUL

outrigger of the appeal property, and the one and three storey outrigger at the rear of No 8 next door.

12. I have not been provided with any information in respect of the daylight and sunlight which would reach this window, but given the orientation of the room and the presence of mature trees at the rear of Nos 2 and 3 Edith Villas to the east, it is likely that for most of the time it would receive very little daylight or sunlight. An existing shallow window at a high level in what is currently the storeroom would provide some daylight to the bathroom, but this would make a negligible contribution to lighting the main room of the bedsit. It would therefore in my view be a dark and gloomy room. Furthermore, the three-storey rear outrigger of No 8 a very short distance away to the north east would be dominant and oppressive, and give the window an unattractive outlook.
13. I accept that the appeal property is in a densely-built part of inner London, where bedsits, flats and houses are often in very close proximity to one another, and that as a result there will be examples of residential development with less than ideal daylight, sunlight and outlook. I also recognise that the already approved bedsit in the basement level of the appeal property would be likely to receive less daylight and sunlight, and to have an even more unsatisfactory outlook, than the proposed additional bedsit room now proposed. However, that there may be existing unsatisfactory living conditions in other developments nearby, or even in the same building, does not justify allowing further harm in this case.
14. The combination of the lack of daylight and sunlight reaching the proposed bedsit, combined with the very poor outlook it would offer, mean that in my view it would fall some way short of providing acceptable living conditions for a future occupier. I therefore conclude that the proposal conflicts with Policies HO4 and HO11 of the HFLP, as well as the SPD. Together, these policies and guidance seek to ensure that development provides a high-quality residential environment and a satisfactory standard of living conditions for future occupiers.

Other matters

15. The appeal property lies within the Gunter Estate Conservation Area (the Conservation Area), and I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. I have not been provided with a character appraisal for the Conservation Area, but it is focused on the three long streets of Edith Road, Gunterstone Road and Gwendwr Road on the far side of North End Road from the appeal site, and characterised by the mainly semi-detached or terraced three and four storey residential properties on those wide streets.
16. The block containing the appeal property is of fundamentally solid and potentially attractive appearance, although somewhat diminished by unsympathetic alterations such as modern shopfronts and uPVC windows. The scale of external changes proposed to the appeal property would be limited, with the proposed bedsit window being situated on a rear elevation facing into the gap between two rear outriggers where it would not be seen in public views. Any detailed matters in respect of the outward appearance of the building arising from the proposal could have been addressed by conditions had

the proposal been acceptable in all other regards. I am therefore satisfied that the appearance and character of the Conservation Area would be preserved.

17. None of the evidence before me indicates that the creation of an additional room in an existing HMO, or the loss of part of the space in an existing commercial unit would be at odds with the development plan in any fundamental way. There is also no suggestion that the proposal would have an adverse effect on living conditions for the occupiers of any other property. However, a lack of harm in these regards does not carry weight in favour of the proposal, and given my findings in terms of living conditions in the proposed bedsit unit none of these other matters would change my overall conclusion.

Conclusion

18. For the reasons given above the appeal is dismissed.

M Cryan

Inspector