



Appeal Decision

Site visit made on 22 February 2021

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021.

Appeal Ref: APP/H5390/W/20/3254534 215B Uxbridge Road, London W12 9DH

- 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 Padraic O'Sullivan of Re-made Building Ltd against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2020/00460/FUL, dated 17 February 2020, was refused by notice dated 14 April 2020.
 - The development proposed is a single storey extension to the rear of the basement flat, and to replace the existing timber balustrade with railings to the rear elevation at ground floor level.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to the rear of the basement flat, and to replace the existing timber balustrade with railings to the rear elevation at ground floor level at 215B Uxbridge Road, London W12 9DH, in accordance with the terms of the application, Ref 2020/00460/FUL, dated 17 February 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawings numbered LD4393/1, 2, 3, 4, 5, 6.
 - 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) Other than the area explicitly identified on the approved drawings as a balcony, no other part of the roof of the extension hereby permitted shall be used as a roof terrace or sitting out area.
 - 5) The new balcony railings hereby permitted shall be formed of metal, painted black and shall be permanently retained in that form thereafter.

Procedural Matter

2. The London Plan 2021 was adopted on 2 March 2021. Neither party referred me to any of its policies as an emerging plan, although policies from the previous version of the London Plan from 2016 were cited in the reason for

refusal, and referred to by both parties. As these earlier policies are not critical to my decision, I have not referred to them further.

Main Issue

3. The main issue is the effect of the proposed development on the significance of the host building, a Building of Merit, as a non-designated heritage asset.

Reasons

4. The building on the appeal site at 215 Uxbridge Road has been designated by the Council as a Building of Merit. The Glossary at Annex 2 to the National Planning Policy Framework makes it clear that this does not alter the definition of this building as a non-designated heritage asset.
5. I have not been provided with any evidence as to the significance of the appeal property as a non-designated heritage asset. However, from my site visit it appears to relate predominantly to the elevations of the property that are visible from outside the appeal site.
6. Planning permission has been granted (Ref 2019/03184/FUL) for a single storey rear extension at basement level, with a depth of 3.5 metres, and for the replacement of the existing timber balustrade with railings. The appeal proposal is essentially for the same development but one metre deeper, being 4.5 metres deep instead of 3.5 metres.
7. The Council adopted a Supplementary Planning Document (SPD) in 2018, to provide supplementary detail to policies concerned with a variety of topics within the Council's Local Plan. Key principle HS4, dealing with rear extensions, says that planning permission will not normally be granted for any extension if, amongst other things, the proposed extension is more than 3.5 metres in length or, where the original property has already been extended, if the combined length of the existing and proposed extensions would project more than 3.5 metres beyond the original building line.
8. As the appeal property has already been extended at basement and ground floor level (albeit, it would appear, a long time ago), both the permitted 2019 scheme and the appeal proposal would not comply with this key principle. However, it was clear from my site visit that this would not result in any harm. The rear garden at the appeal site is enclosed by high walls. That to the west, adjoining a playground, extends almost up to the top of the ground floor. To the east, the boundary wall with No 213 extends up to the top of the basement level.
9. As a result of this arrangement, the proposed extension at basement level would be entirely below the levels of these adjoining boundary walls, and would have no material visual impact outside the site. Within the site, its siting would mean that it would appear as subservient to the existing, much more prominent, ground floor extension above it, despite that latter extension being of much shallower depth. Given the existence of the ground floor extension, neither would the appeal proposal cause unacceptable harm to the significance of the main house as a designated Building of Merit. The increased depth of one metre, when compared to that already granted planning permission, would make no material difference to any impact that might arise. The proposed

development would not be visible from outside the site and any impact would be limited to within the appeal site.

10. I therefore conclude that the proposed development would not have an adverse effect on the significance of the host building, a Building of Merit, as a non-designated heritage asset, and would comply with Policies DC1, DC4 and DC8 of the Hammersmith & Fulham Local Plan (2018), as well as key principle BM2 of the SPD. These policies and guidance seek, amongst other things, development that respects and enhances its townscape context and heritage assets, and extensions that are compatible with the scale and character of existing development, are subservient to the parent building, and that conserve the significance of the heritage asset. I have come to this conclusion despite the proposal being contrary to key principle HS4 of the SPD, for the reasons set out above.

Conditions

11. In addition to the standard time condition, another listing the submitted plans is required, to provide certainty as to what has been approved. A condition requiring matching external materials is also necessary, to ensure that the character and appearance of the host building is preserved. For the same reason, a condition requiring the balcony railings to be of metal and painted black, as stated on the approved plans, is also required. A condition preventing use of the main roof of the extension as a sitting out area is necessary, to ensure no unacceptable impact on the living conditions of neighbouring occupiers.
12. I have imposed conditions relating to these matters, as suggested by the Council, amended where necessary to reflect the advice in the government's Planning Practice Guidance. The Council has also suggested a condition requiring the new bifold doors to be formed of timber. However, as many of the windows in the rear elevation of No 215, and of the adjoining property at No 213, have PVCu frames, such a condition would be both unnecessary and unreasonable.

Conclusions

13. For the reasons set out above, I conclude that the appeal should be allowed, subject to the conditions set out above.

Michael J Muston

INSPECTOR