



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/20/3263724 30 Davisville Road, London W12 9SJ

- 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 Chambers against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2020/02040/FUL, dated 6 August 2020, was refused by notice dated 16 October 2020.
 - The development proposed is a rear extension at second floor level and rear pod extension at third floor level, Juliette balconies at first and second floor and pod extension to the rear elevation and additions of high level obscured windows at first floor and second floor.
-

Decision

1. The appeal is allowed and planning permission is granted for a rear extension at second floor level and rear pod extension at third floor level, Juliette balconies at first and second floor and pod extension to the rear elevation and additions of high level obscured windows at first floor and second floor, at 30 Davisville Road, London W12 9SJ, in accordance with the terms of the application, Ref 2020/02040/FUL, dated 6 August 2020, and the plans submitted with it, subject to the conditions contained in the schedule of conditions set out below.

Main Issues

2. The main issues are the effect of the proposed development on:-
 - the character and appearance of the host building and wider area; and
 - the living conditions of occupiers of 32 Davisville Road, with particular regard to sense of enclosure, light and outlook.

Procedural Matter

3. 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 one of the reasons 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.

Reasons

Character and appearance

4. Policies DC1 and DC4 of the Hammersmith & Fulham Local Plan (2018) (the LP) seek, amongst other things, development that respects and enhances its townscape context, and extensions that are compatible with the scale and character of existing development and are subservient to the parent building.
5. Permissions have been granted at the appeal site for the subdivision of the property into flats, as well as a roof extension (Ref 2016/04644/FUL) and for further extensions, including rear extensions at ground, first and second floor level (Ref 2018/03932/FUL). The appeal proposal would include the approved second floor extension being about one metre deeper, and what is described as a 'pod' extension at third floor level. The proposed 'pod' extension would sit on top of the approved second floor extension, be below the main roof line of the property and enclose about five square metres of floorspace.
6. I was able to see on my site visit that a large number of properties in Davisville Road and Percy Road (which the appeal site backs on to) have had rear facing roof extensions constructed and a significant number have 'pod' extensions as well. The character of the area to the rear of the appeal site thus includes the sort of third floor extension that is proposed here. I was also able to see that these extensions, although prominent when viewed from high level at the rear of the appeal site, still appeared as subservient when considered against their individual parent buildings. I do not consider that the pod extension proposed at No 30 would appear unacceptably large or dominant, or that it would appear as other than subservient to the host building.
7. The Council's officer report in relation to application Ref 2018/03932/FUL stated that "*the proposed rear extensions are considered to be subservient to the host building in terms of bulk and mass*". This included a rear extension at second floor level. The appeal proposal involves increasing the depth of this extension by about one metre. This would not materially alter the contribution that this extension would make to the bulk of the building. This small extension would also be appropriate in its context and still appear as subservient to the parent building.
8. The Council does not raise any concerns in respect of the proposed Juliette balconies in relation to this main issue, and I see no reason to disagree.
9. Overall, in relation to this main issue, the proposed extensions would add to the bulk of the existing building, but not to the extent that extensions would dominate the existing building. The totality of the changes proposed would still appear as subservient to the parent building and not materially harm the character or appearance of the wider area. I accordingly conclude that the proposed development would not have an unacceptably adverse effect on the character or appearance of the host building or wider area, and would comply with Policies DC1 and DC4 of the LP.

Living conditions

10. The Council is concerned that the proposed third floor extension in particular would create an increased sense of enclosure and a loss of light and outlook for the occupiers of No 32, and the owners of that property have also objected to the application. I was able to see on my site visit that the 'pod' extension

would introduce an additional high level wall on the common boundary with No 32 at third floor level. In addition, the extended second floor extension would lengthen the wall on that boundary by an additional metre. However, from the evidence before me, it appears that the nearest window to a habitable room on the second floor of No 32 is over three metres away. Whilst the additional walls would be visible to the occupiers of No 32, I do not consider they would cause an unacceptable overbearing effect or a material loss of daylight.

11. The proposed Juliette balconies would provide views over other properties and gardens in Davisville and Percy Roads. However, as Juliette balconies do not allow for outdoor sitting out areas, any potential overlooking would not be materially more severe than if a more regular sized window were used instead. This kind of mutual overlooking is an inevitable feature of terraces facing each other across rear gardens and is not unacceptable in this context.
12. I conclude that the proposal would not have an unacceptably adverse effect on the living conditions of occupiers of nearby residential properties, and would comply with Policies DC4 and HO11 of the LP. In this respect, these policies seek good neighbourliness in relation to the amenities of neighbouring properties, including in relation to such issues as loss of daylight, privacy and outlook.

Conditions

13. 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 area is preserved. For the same reason, conditions requiring window frames to be of wood and painted white, and preventing the installation of water tanks and plant on external elevations, are also required, as is one ensuring the Juliette balconies open inwards. A condition preventing use of the roofs of the extensions as sitting out areas is necessary, to ensure no unacceptable impact on the living conditions of neighbouring occupiers. A condition requiring windows shown on the plans as being obscurely glazed are so glazed is necessary for the same reason. Finally, a condition requiring compliance with the submitted Flood Risk Assessment is necessary, to ensure no material increase in the risk of flooding occurs.
14. 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.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be allowed, subject to the conditions set out in the schedule below.

Michael J Muston

INSPECTOR

Schedule of 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 408-P-01-02 Rev G, 408-P-01-03 Rev H, 408-P-01-04 Rev H, 408-P-02-01 Rev L, 408-P-02-02, 408-P-03-01 Rev P, 408-E-01-01, 408-E-01-12, 408-E-01-13, 408-E-01-14, 408-E-02-11, 408-E-02-12, 408-E-03-11.
- 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) All new windows/doors shall be of timber frame construction, painted white and shall be permanently retained in this form thereafter.
- 5) No part of any roof of the building/extensions hereby permitted shall be used as a roof terrace or other form of open amenity space. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to any elevation of the application property to form access onto the roofs.
- 6) No water tanks, water tank enclosures or other structures shall be erected upon any of the flat roofs of the extensions hereby permitted, and no plant equipment such as air conditioning units or heat source pumps or other structures shall be erected upon any elevation of the development hereby permitted.
- 7) The extensions hereby permitted shall not be occupied until the windows at first and second floor level shown on drawing 408-P-02-02 as being fitted with obscure glazing have been fitted with obscured glazing and fixed shut below a height of 1.7m above finished floor level. The windows shall be permanently retained in this form thereafter.
- 8) The balustrades of the new Juliette balconies hereby permitted shall be fixed flush with the rear elevation of the building. The doors to the Juliette balconies shall open inwards only.
- 9) The development shall be carried out in accordance with the details contained within the Flood Risk Assessment submitted with this application. All flood prevention and mitigation measures should be installed in accordance with the approved details, prior to the occupation of the development.