
Appeal Decision

Site visit made on 12 April 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th April 2021

Appeal Ref: APP/H5390/W/20/3264460
871A Harrow Road, London NW10 5NG

- 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 Patrick Monroe against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2020/01906/FUL, dated 26 July 2020, was refused by notice dated 9 October 2020.
 - The development proposed is an infill extension to light-well area to create playroom habitable area to residential ground floor and lower ground floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for an infill extension to light-well area to create playroom habitable area to residential ground floor and lower ground floor flat at 871A Harrow Road, London, NW10 5NG, in accordance with the terms of the application Ref 2020/01906/FUL, dated 26 July 2020, subject to the conditions set out in the attached schedule.

Procedural Matter

2. A new London Plan (LP) was published in March 2021. This forms part of the development plan for the area. I have had regard to the policies in the LP as part of the determination of this appeal.

Main Issues

3. The main issues are (i) the effect of the development on the character and appearance of the area; (ii) whether there would be acceptable outside amenity space provision, and (iii) whether the proposal would lead to a risk of surface water and sewer flooding.

Reasons

Character and appearance

4. It is proposed to infill the existing below ground level rear outside amenity space associated with the lower ground/ground level flat (i.e. No 871A Harrow Road) with a lower ground floor level extension to form a playroom. New outside amenity space would be formed on top of the extension with access to it from a staircase. The existing outside amenity space is enclosed by high brick retaining walls to the sides and rear.
5. The rear extension would project about 5.9 metres from the main rear wall of the building and would enclose all of the existing outside amenity space.

6. However, owing to its height and position it would not be seen as a prominent or intrusive addition to this residential building particularly when the screening effect afforded by the existing high boundary walls are taken into account. In this case, and notwithstanding the technical conflict with Key Principle HS4 of the Council's Planning Guidance Supplementary Planning Document 2018 (SPG) which indicates that planning permission will not '*normally*' be granted if the proposed extension is more than 3.5 metres in length, extends within 4 metres of the rear boundary or takes up more than 50% of an open rear area, I am satisfied that the development would represent a subservient and inconspicuous addition to the existing property.
7. In addition to the above, I noted on my site visit that there was very similar development adjacent to the site, i.e. at No 869 Harrow Road. In this context, the development would assimilate well with its immediate surroundings. Furthermore, the local planning authority acknowledge that '*there are large extensions within the terrace, such as the adjoining No 873 Harrow Road*'. I do not agree with the local planning authority that I should in essence ignore the existence of rear extensions relating to commercial premises within the terrace when considering the overall character and appearance of the area. I have considered the prevailing character and appearance of the built form in the locality and, in the context of this area the proposal would not look out of place or cause any visual harm.
8. For the above reasons, I conclude that whilst there would be some technical conflict with Key Principle HS4 of the Council's SPG, the development would nevertheless not cause harm to the character and appearance of the area and would be of an acceptable design. In this regard, the proposal would accord with the overall design requirements of the SPG; Policies DC1 and DC4 of the Hammersmith and Fulham Local Plan 2018 (H&FLP) and policies D4 and D6 of the LP.

Outside amenity space

9. While the proposal would result in the loss of existing outside amenity space, this would be adequately compensated in the form of outside amenity space above the extension. In fact, I agree with the appellant that it is likely that there would be some relative improvement in outside amenity space provision for occupiers of the flat both from a light penetration and an outlook point of view.
10. I do not therefore agree with the local planning authority that the loss of existing private rear outside amenity space would be detrimental to the living conditions of occupiers of the flat. I conclude that the proposal would result in an acceptable level of outside private amenity space for the occupiers of the appeal flat and consequently the development would accord with the amenity requirements of the SPG; paragraph 127(f) of the National Planning Policy Framework and policy D6 of the LP.

Flood risk

11. Policy CC3 of the H&FLP states that all developments that include a subterranean element must provide details of the structural waterproofing measures to be integrated to prevent any increase in on or off-site groundwater flood risk and that all developments that are classified as 'more' or 'highly' vulnerable to flooding that include proposals at basement or lower

ground floor level must install a non-return valve or equivalent to protect against sewer flooding.

12. Policy CC4 of the H&FLP states that developments must maximise attenuation levels, achieving greenfield run off rates where possible, particularly where they are located in surface water flooding hotspots, or increase a site's impermeable area.
13. The local planning authority has indicated that the site does not fall within an area which is at risk of flooding with reference to Environment Agency flood zone maps and that it is '*not in a surface water flooding hotspot*'. In this case, there is no evidence before me to indicate that it would not be possible to design the extension in such a way as to minimise any surface water run-off from the development and to provide active drainage devices to minimise the risk of sewer flooding in accordance with the above policies and Policy DC11 of the H&FLP. I am satisfied that this is a matter that could be suitably controlled by means of the imposition of a planning condition.
14. Subject to the inclusion of the above condition, I conclude that the occupiers of the development would not be placed at an unacceptable risk of sewer or surface water run-off flooding. Consequently, development would therefore be capable of according with Policies CC3, CC4 and DC11 of the H&FLP and policies SI 12 and SI 13 of the LP.

Other Matters

15. Owing to the position, scale and massing of the proposed development, I do not disagree with the views expressed by the local planning authority that the development would cause no harm to the significance of the fabric or setting of No 873 Harrow Road which is a 'Building of Merit'. To this extent, there would be no conflict with the heritage requirements of Policy DC8 of the LP and Key Principle BM2 of the SPG.

Conditions

16. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
17. Planning permission is granted subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
18. In the interests of the character and appearance of the area, it is necessary to include a materials condition.
19. In order to minimise any surface water run-off from the development, and to provide active drainage devices to minimise the risk of sewer flooding, as per H&FLP policy requirements, it is necessary to submit for approval details of a surface water run-off and sewer flooding attenuation scheme. It is necessary that this is a pre-commencement type condition and this has been agreed by the appellant.

20. In the interests of the living conditions of the occupiers of neighbouring residential properties, it is necessary to impose a condition in respect of the use and alteration of the proposed roof of the approved development.

Conclusion

21. For the reasons outlined above, I conclude that the appeal should be allowed.

D Hartley

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: 1:500 Red Edged Site Plan; 1:1250 Red Edged Site Location Plan; Drawing No HD1235 Proposed Sections; Drawing No HD1235/3002 Proposed Rear and Right Side Elevations; Drawing No HD1235/2001 Proposed Front and Left Side Elevations; Drawing No HD1235/2000 Proposed Ground and Lower Ground Floor Plans.

3)No development shall commence until details of a surface water run-off and sewer flooding attenuation scheme has been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved surface water run-off and sewer flooding attenuation scheme and such approved details shall thereafter be retained.

4)Any alterations to the elevations of the existing building shall be carried out in the same materials as the existing elevation to which the alterations relate. The proposed extension hereby approved shall be constructed in brickwork to match the colour, texture and bonding of the existing facing brickwork.

5)The roof of the extension hereby approved shall not be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roof. No railings or other means of enclosure shall be erected on the roof, and no alterations shall be carried out to any elevation of the application property to form access onto the roof. No water tanks, water tank enclosures or other structures shall be erected upon the flat roof of the extension hereby permitted.

---End of Conditions---