
Appeal Decision

Site visit made on 11 May 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Ref: APP/H5390/W/20/3263632

Hazel House, Sulgrave Road, London W6 7QF

- 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 Aspectsaver Limited against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2020/02012/FUL, dated 5 August 2020, was refused by notice dated 13 November 2020.
 - The development proposed is the formation of a new self contained 1 bed, 1 person dwelling in roof space with new rear mansard roof and loft conversion involving raising of the ridge line and a rear roof terrace, inset into the roof slope over the rear wing.
-

Decision

1. The appeal is allowed and planning permission is granted for the formation of a new self contained 1 bed, 1 person dwelling in roof space with new rear mansard roof and loft conversion involving raising of the ridge line and a rear roof terrace, inset into the roof slope over the rear wing at Hazel House, Sulgrave Road, London W6 7QF in accordance with the terms of the application Ref 2020/02012/FUL, dated 5 August 2020, subject to the conditions set out in the schedule to this decision.

Procedural matter

2. The London Plan 2021 (LP) was published in March 2021. It comprises the spatial development strategy for London and is now part of the development plan. As the LP has replaced earlier versions, comments were sought from the main parties in relation to it. I have assessed the proposals in the light of any comments made and the LP itself.

Main issues

3. The main issues are firstly, whether adequate refuse, recycling and cycle storage would be provided; secondly, the effect of the proposed development on the living conditions of existing and future residential occupiers; and thirdly, the effect of the proposal on the character and appearance of the local area.

Reasons

4. The proposal is to extend and alter Hazel House, which is a 3-storey building that contains 6 flats, to create a self-contained studio flat at roof level. It follows similar proposals that have been dismissed at appeal¹ mainly on the

¹ Refs: APP/H5390/W/16/3160276 and APP/H5390/W/19/3235745

grounds of design and the effect of those particular schemes on the character and appearance of the local area. While I have had regard to the lengthy planning history of the site, including these previous appeal decisions, I have assessed the proposal on its own merits.

Refuse and cycle storage

5. From what I saw, there would be sufficient space at the front of Hazel House to accommodate an extra bin to store refuse and recycling associated with the new residential unit. In this position, it would join the existing bins in a location that would be suitable for use and convenient for collection. While I note the photographs provided by objectors of bins and bags at the front of Hazel House that are over filled with waste, it would not be justifiable to remedy any existing deficiencies that may exist.
6. Cycle storage would be provided within the cupboard below the stairs within the communal hallway of the building. I observed that an adult cycle could be accommodated within this enclosed space without obstructing access to the rest of the cupboard for others including the building's meters. Someone could decide to store a cycle alternatively within the hallway instead if, for instance, access to the cupboard was not available. However, I doubt this eventuality would be a common occurrence or if it did that it would pose a significant safety hazard. The Council's Highways Officer is satisfied that the proposed storage arrangement would be safe and accessible. I have no reason to disagree with that finding.
7. On the first main issue, I conclude that adequate storage for refuse, recycling and cycles would be provided in accordance with Policies T3 and CC7 of the Hammersmith and Fulham Local Plan (Local Plan). These policies require that development incorporates suitable facilities for the storage and collection of waste and provides cycle storage that is safe, accessible and convenient.

Living conditions: quality of the accommodation to be provided

8. To address the unique heat island effect of London and the density and flatted nature of most of its residential development, Policy D6 of the London Plan 2021 (LP) requires that all new dwellings have a minimum floor to ceiling height of 2.5 metres for at least 75% of the gross internal area (GIA). The National Technical Housing Standards – nationally described space standard echo this requirement. Standard 31 of the Mayor's Housing Supplementary Planning Guidance (SPG) and Key Principle HS2 of the Council's Planning Guidance Supplementary Planning Document (SPD) also strongly encourage this arrangement. As 75% of the GIA within the new flat would have a floor to ceiling height of 2.3 metres, the proposal would fall short of this standard.
9. The proposed flat would provide compact living accommodation. Even so, a good-sized open plan room would be provided that could be laid out in different ways for cooking, eating, drinking, relaxing and sleeping. Full-length windows would offer good natural lighting and an skyward outlook with access to a roof terrace that would provide a private area to relax and sit out. While the floor to ceiling height would be 20cm lower than the minimum standard, the living accommodation would still feel spacious, light and airy to its occupiers. As such, I am unable to share the concerns of the Council and several objectors that the proposed accommodation would feel cramped or too confined.

10. The Mayor's SPG makes clear that a failure to meet one standard would not necessarily lead to an issue of compliance with the LP, but a combination of failures would cause concern. In this case, the proposal measures up well against other residential standards and, taken overall, it would provide an acceptable internal and external residential environment for future occupiers. In those circumstances, and in the light of the advice given in the SPG, I consider that a conflict with one particular standard is not in itself sufficient reason to withhold planning permission.
11. On this issue, I conclude that the proposal would provide satisfactory living conditions for its future occupiers. As such, it does not conflict with the central aim of LP Policy D6, Local Plan Policies HO4 and HO11, SPD Key Principle HS2 and the Mayor's SPG, which is to ensure that development achieves a high standard of design and quality.

Living conditions: Potential noise, vibration and general disturbance

12. According to the Council, the living and sleeping area of the new unit and its roof terrace would be above the living space and bedrooms of the existing flats on the second floor. There is, therefore, the potential for the transmission of noise and vibration between both the new and existing flats that could disturb their respective occupiers.
13. SPD Key Principle NN3 requires that careful consideration is given to stacking and the layout of rooms. To ensure the amenity of occupiers is not adversely affected by noise, it notes that the Council will expect that all parts of adjoining dwellings to enhance the sound insulation. ^[1]_{SEP}
14. A sound insulation specification design supports the proposal. It seeks to demonstrate that appropriate insulation can be installed to reduce the transmission of noise and vibration between the proposal and the flats below to acceptable levels. The Council's Environmental Protection Team raises no objection to this arrangement. I have no reason to disagree with that finding.
15. More generally, if the appeal scheme were to come forward it is possible that compared to the occupiers of 6 flats within the building there would be some additional activity associated with an extra resident, such as the general coming and going of people and their visitors to the property. However, there is no convincing evidence that the additional noise and general disturbance associated with these movements would be so great as to materially harm the living conditions of others.
16. With a suitable condition in place to secure appropriate insulation, as proposed, I conclude that the proposal would not materially harm the living conditions of existing or future occupiers with regard to noise, vibration or general disturbance. Therefore, it does not conflict with Local Plan Policies DC4, DC8, HO11 and CC11, SPD Key Principles NN3 and CAG1 or the Mayor's SPG insofar as they aim to safeguard residential amenity.

Character and appearance

17. Hazel House is one of a number of similar buildings that address the same side of Sulgrave Road within the Melrose Conservation Area (CA). With their traditional style and broadly uniform brick elevations and tiled roofs, the terrace to which Hazel House belongs has a unity and consistency that positively contributes to the character and appearance of the CA.

18. If the appeal scheme were to progress, Hazel House would contain 7 flats with an additional household introduced to the building. For the reasons given earlier, I am not convinced that the potential noise and general disturbance to local residents would be any greater than from the existing residents of Hazel House nor would there necessarily be any problems associated with the storage of cycles or waste. Given the modest additional floor area created and the addition of one resident to the building, the proposal would not represent overdevelopment or constitute an over intense use of the property or significantly increase the density of development.
19. To my mind, the proposal would not necessarily manifest itself significantly differently than the existing residential use of Hazel House insofar as the character and appearance of the local area is concerned. The proposed roof alterations are modest in scale and acceptable in visual terms, and also in keeping with the character and appearance of the host property. As such, Hazel House and the terrace of which it forms part would continue to add to the significance of the CA as a heritage asset. Consequently, the character and appearance of the CA would be preserved.
20. On this main issue, I conclude that the proposed development would be in keeping with the character and appearance of the local area. As such, the proposals would not be contrary to Local Plan Policies DC4 and DC8 or SPD Key Principle CAG1. Together, these policies and guidance aim to ensure that all developments should create a high quality urban environment that respects and enhances its townscape context and heritage assets.
21. For the same reason, there would be no conflict with the statutory duty, which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA. It would also be in accordance with the policies of the Framework insofar as it aims to ensure that heritage assets are protected.

Other matters

22. Objectors are critical of the appellant in pursuing a number of applications and appeals. However, that is their right to do so just as interested parties have a right to submit representations to reflect their views on any application or appeal. While concern is raised that the proposal would set an undesirable precedent for the remaining buildings in the same terrace it is a key planning principle that each case should be assessed on its own merits. As the residential unit would be 'permit free' (apart from those with disabilities who are blue badge holders), which could be secured by a condition, there would be no increase in the demand for on street parking.
23. With a privacy screen in place on the new roof terrace, as proposed, there would be no significant overlooking towards nearby properties. From my inspection of the plans, any loss of natural light to adjacent properties would not be discernable. No change appears to be proposed to chimneystacks insofar as they would serve the existing flats of Hazel House. Building Regulations and other legislation would cover details of fire exits, relocation of a water tank and health and safety matters. Inevitably, there will be some disturbance to others during the construction phase albeit for a limited time period. The arrangements for construction will need to reflect any restrictions to deal with the coronavirus pandemic that are in place at that time.

24. I acknowledge the firmly held concerns expressed by several interested parties against the appeal scheme, which I have carefully considered. Having taken into account all of the evidence before me, I am not persuaded that the objections raised, taken individually or together, outweigh my findings in relation to the main issues.

Conditions

25. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, conditions are imposed to require that the external materials match those of the existing building, for conservation style roof lights to be installed, and for refuse and cycle storage to be provided, as proposed. For the same reason, a condition is attached to prevent water tanks, enclosures or other structures being placed onto the roof.
26. To safeguard the amenity of existing and future residents, conditions are attached to restrict the extent and use of the roof terrace and to require details of the privacy screens. For the same reason, a condition covers the requirement to install appropriate sound insulation. To prevent the scheme adding to local parking stress, conditions are required to ensure that all occupiers, other than those with disabilities who are blue badge holders, have no entitlement to parking permits, and to ensure that occupiers are informed, prior to occupation, of such a restriction. A condition to require that the Council is notified of the new address is required to ensure that its property records are updated. A condition is imposed to require details of a zero emission air/water source heat pump or an electric boiler to ensure that the scheme meets the Council's air quality standards.
27. The conditions generally reflect those suggested by the Council with very minor amendments for clarity and precision. I have not imposed a condition requiring that the occupiers of Flats 1 and 2 agree to heat pumps being provided on their land. Few details have been given to justify his requirement and it would be a private matter in any event between the individuals concerned.

Conclusion

28. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Appeal Ref: APP/H5390/W/20/3263632
Hazel House, Sulgrave Road, London W6 7QF

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: Refs 2344-P400, 2344-E304, 2344-P401/A, 2344-P402/A and 2344-P403.
- 3) Any alterations to the elevations of the existing building, including works of making good, shall be carried out in the same materials as the existing elevation to which the alterations relate.
- 4) The party/flank walls of the roof extension hereby permitted shall be constructed from brick to match the existing building in terms of colour, range, texture and pointing, shall follow the profile of the extension and shall not project more than 250 millimetres above or beyond the external faces of the roof structure. The ridge shall not be increased by more than 300mm.
- 5) The face of the rear roof extension hereby approved shall be clad in grey/black slates or artificial slates.
- 6) The rear roof lights hereby approved shall be conservation style roof lights and thereafter permanently retained in this form.
- 7) The development hereby permitted shall not be occupied until details and samples of the screening to the third floor level as shown on drawing No. 2344-P401/A and 2344-P402/A which shall be at least 1.7m high above finished floor level have been submitted to, and approved in writing by, the Council. The screens shall be installed as approved prior to the occupation of the roof extension hereby approved and maintained in this form thereafter.
- 8) The extent of the terrace at third floor level shall not exceed that indicated on the approved drawing No. 2344-P401/A and 2344-P402/A, and the roof terrace shall not be subsequently enlarged prior to the submission and approval in writing of a further planning application. The roof of the remainder of the back addition hereby approved shall not be used as a terrace or other amenity space. No railings or other means of enclosure shall be erected on or around the roof, and no alterations shall be carried out to the rear elevation of the application property to form access onto the roof.
- 9) No water tanks, water tank enclosures or other structures shall be erected upon the roof of the extension and resultant back addition hereby approved.
- 10) Prior to occupation of the development hereby permitted, details of the installation of Zero Emission Air/Water Source Heat Pumps or Electric Boilers to be provided for space heating and hot water shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.
- 11) The new residential unit hereby permitted shall not be occupied until the Council has been notified in writing (and has acknowledged such notification) of the full postal address of the residential unit. Such notification shall be to the Council's Head of Development Management and shall quote the planning application number specified in this decision letter.

- 12) No occupiers of the new residential unit hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued it shall be surrendered to the Council within seven days of written receipt.
- 13) The new residential unit hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the local planning authority to ensure that all occupiers, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the Council and to ensure that occupiers are informed, prior to occupation, of such restriction. The residential unit shall not be occupied otherwise than in accordance with the approved scheme unless prior written agreement is issued by the Council.
- 14) No part of the development hereby approved shall be occupied until provision has been made for the storage of domestic refuse and recycling, in the form of the dedicated storage area at ground floor level as indicated on the approved drawing no 2344-P402/A. Thereafter the provision for refuse and recycling storage shall be so maintained for the life of the development.
- 15) No part of the development hereby approved shall be occupied until provision has been made for the cycle storage area, as indicated on drawing no 2344-E304. Thereafter, the provision for cycle storage shall be so maintained for the life of the development.
- 16) In line with achieving an enhanced sound insulation value $D_{nT,w}$ and $L_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures/external terrace areas ($L_{nT,w}$) separating different types of rooms/uses in adjoining dwellings, the specifications and recommendations within the Peak Acoustics Report, ref:1906191NR, dated 4th July 2019 and drawing no 2344-P401/A (sound insulation details) received 14th October 2020 will be fully implemented prior to occupation of the development hereby approved and thereafter be permanently retained as such.