



Appeal Decision

Site visit made on 7 May 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State.

Decision date: 17 June 2021

Appeal Ref: APP/H5390/D/20/3264233

7 St Maur Road, London SW6 4DR

- 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 Freddie Kalborg against the decision of the London Borough of Hammersmith and Fulham.
 - The application Ref 2020/01570/FUL, dated 22 June 2020, was refused by notice dated 23 September 2020.
 - The development proposed is the excavation of the front and rear gardens to form lightwells in connection with the creation of a new basement; installation of solar panels above the main and above the roof of second floor rear back addition; erection of privacy screens around the perimeter of the rear lightwells.
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Decision

1. The appeal is allowed and planning permission is granted for the excavation of the front and rear gardens to form lightwells in connection with the creation of a new basement; installation of solar panels above the main and above the roof of second floor rear back addition; erection of privacy screens around the perimeter of the rear lightwells; at 7 St Maur Road, London SW6 4DR; in accordance with the terms of the application Ref: 2020/01570/FUL, dated 22 June 2020, subject to the conditions attached as an annexe to this letter.

Preliminary Matters

2. I have taken the description of the development from the Council's Decision notice which details the individual elements requiring consent. This description of development is also replicated on the applicant's appeal form.
3. The application contains a number of elements such as front and rear lightwells, solar panels, excavations, and privacy screens. The Council's Planning Officer Report raises no objections to the installation of the front and rear lightwells, privacy screens or the installation of the solar panels and has assessed the scheme as being suitable with regards to considerations around flood risk. I have no reason to dispute the opinion of the Council that these elements are acceptable and in accordance with the development plan. As such these matters will not be discussed further within this letter.

Main Issue

4. Taking the above into account, the main issue is the effect of the proposed rear basement upon the existing dwelling, including the character and appearance of the locality and the biodiversity of the area.

Reasons

5. The appeal site is located along St Maur Road which forms one of a number of streets in the local area that contains formally laid out speculative housing developments which appears to date from the late nineteenth century. There is a symmetry within the rows of terraces which have the same characteristics and design elements. Each of the dwellings feature two storey brick facades with stone lintels to the tops of windows with each dwelling having a single storey canted bay window with pierced parapet projecting from the front façade. Chimneys along the street are characteristic and dwellings maintain well vegetated front gardens with low boundary walls. To the rear the terrace contain small gardens, many of which are vegetated which continues the leafy character which can also be experienced from the private realm.
6. The use of traditional materials such as timber, brick and along with the similar designs reinforce an architectural integrity, uniformity and authenticity which creates a formal picturesque townscape which along with vegetated front gardens and street trees gives a leafy and distinctive character. The appeal site displays a number of positive qualities which are experienced within the street scene, being one of the characteristic terraced dwellings and containing many of the important design elements and vegetation which reinforce the local character and distinctiveness of the area.
7. The Hammersmith and Fulham Local Plan 2018 (LP) Policy DC11 specifically relates to the construction of new basements and lightwells and lists a number of criteria for an application to be in conformity with. The scheme meets all of the criteria except Criteria a) which seeks that a basement extension does not extend into or underneath the garden further than 50% of the depth of the host building measured from the principle rear elevation. The justification for this component of the policy is listed in the accompanying text of the policy and is aimed at *'restricting the extent of basement excavations to any approved extension and limiting the depth of excavation to a single storey will help to limit the extent and duration of construction. This will help to reduce the impact of basement construction on local residents.'*
8. The garden has a depth of 6.8 metres, with the proposed lightwell projecting 1.2 metres and the basement extending a further 3.2 metres to have an overall depth of 4.4 metres from the rear façade of the dwelling. The basement would then have a one metre layer of topsoil above in order to be able to provide for planting opportunities.
9. As the basement is subterranean there would be very limited harm to the character and appearance of the locality with the only visible feature being the lightwell which is located immediately to the rear of the dwelling. As many of the dwellings along this street have similar lightwells to the rear, I do not find the development out of keeping with the inherent characteristics of the locality. Whilst I agree with the Council that there has been a policy breach in terms of non-conformity with criteria a) of LP Policy DC11, the reasoning for criteria a) relates to the living conditions of residents due to construction times, rather than the character and appearance of the locality, which is shown to not have been harmed. Whilst the basement depth is slightly larger than as envisaged by the policy, I do not find that the increase in depth is significant or would cause a greater deal of harm to neighbouring residents as a result of the increased depth in this circumstance.

10. I note reference in the Decision Notice to precedence that if the appeal is allowed that other dwellings may seek to replicate similar proposals and make it difficult for the Council to resist similar development elsewhere. I have not been provided with any evidence which would suggest that there is a reasonable prospect or pressure on the Council to approve similar applications. However, the amount of criteria listed in the policy gives a reasonable prospect of the Council being able to assess and judge each application on its merits and make determinations specific to each dwelling. That said, I do not consider that the approval of this appeal would result in an undesirable precedent for future proposals.
11. Turning to biodiversity, whilst the Council's reason for refusal makes reference to biodiversity, there is no discussion of the impacts to biodiversity within the Council's Planning Officer Report. LP Policy DC11 seeks that at least a metre of topsoil is provided over basements in order to allow a sufficient depth for planting and to ensure sufficient runoff off rainwater and surface water to minimise the risk of flooding, which is detailed in the submitted flood risk assessment. The application drawings show that at least 1 metre of topsoil would be provided and would allow for sufficient planting to maintain the biodiversity of the area.
12. In conclusion on this matter, I do not consider that the development would cause material detriment to the existing building and the character and appearance of the locality, including issues around biodiversity. Consequently, the proposal would be compliant with LP Policy DC11 (which seeks to ensure that basements and lightwells are appropriately developed) and Policy DC4 which seeks that development is compatible with the scale and character of existing development and successfully integrated to the architectural design of the existing dwelling.

Conclusion and conditions

13. I conclude that the proposals are generally appropriate and would be compliant with the development plan on the basis of the reasons discussed and subject to the conditions attached to this letter as an annex.
14. I have had regard to the context of the National Planning Policy Framework and the National Planning Practice Guidance which advises that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have also had regard to the Council's list of suggested conditions should the appeal be allowed.
15. Condition 1 is a standard time limit condition for the commencement of works and Condition 2 details the approved plans. Both conditions are standard conditions which are necessary and are required for the avoidance of doubt. Condition 3 details a suggested condition 1 from the council which specifies that the materials will match those of the existing dwelling. This condition is considered necessary in order to ensure the materials do not affect the character and appearance of the building and the locality. The Council's suggested Conditions 2, 3 and 5 seeks that the lightwells be constructed in accordance with the approved plans and the scheme implemented in accordance with the flood risk assessment and that no railings are installed to the front lightwell. These conditions are unnecessary and would repeat Conditions 2 which details the approved plans. The condition regarding any

vertical railings around the lightwell would require consent in any event. As such these suggested conditions are not included in the decision notice.

16. The Council's suggested condition 4 relates to removing permitted development rights to convert the building into a House of Multiple Occupation. This condition is not related to the development and is not required to make the development acceptable. As such this condition is unnecessary and is not included in the decision notice. Suggested condition No.6 relates to no one occupying the basement until the security grilles are installed. This appears appropriate and for health and safety reasons and is necessary to be included on the decision notice. The photovoltaic cells are already detailed on the approved plans and therefore conditions No.7 and No.8 which seek that the photovoltaic cells match the colour of the roof and that the cells not be placed other than in accordance with the approved plans is unnecessary and would repeat Condition 2. As such these conditions are not included in the decision notice.

J Somers

INSPECTOR

ANNEX: Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Rev.A-1344: 04,02,01,30,
 - Rev.B-1344: 05,08,07,20,40,
 - Rev.D-1344: 03,06,
 - 1344: 10,
 - DESIGNER REPORT PV PANEL,
 - CMS,
 - Flood Risk Assessment
 - Structural Engineers Report by Howard Cavanna, Dated 17/06/2020
3. 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.
4. No part of the basement approved shall be occupied or used until the proposed metal grille is installed over the front lightwell flush with the surrounding ground area, and privacy screens around the perimeter of the rear lightwells and thereafter the metal grille/glass screens shall be permanently retained in place.