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## Appeal Decision

Site visit made on 26 July 2021

**by B Davies MSc FGS CGeol**

**an Inspector appointed by the Secretary of State**

**Decision date: 6<sup>th</sup> September 2021**

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**Appeal Ref: APP/H5390/W/21/3267941**

**Triangle Garage, 2 Bishops Road, SW6 7AB**

- 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 '2 Bishops Road Ltd' (A Labridis) against the decision of the Council of the London Borough of Hammersmith & Fulham.
  - The application Ref 2019/03852/FUL, dated 20 December 2019, was refused by notice dated 3 August 2020.
  - The development proposed is demolition of existing building (Use Class B2) and erection of 5 houses (Use Class C3) with associated cycle parking. 1x blue badge parking space and landscaping.
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### Decision

1. The appeal is dismissed.

### Preliminary matter

2. The National Planning Policy Framework (the 'Framework') was revised on 20 July 2021 and the new London Plan (2021) published during the appeal period. Both parties have had the opportunity to comment on the implications of this for their case.

### Application for costs

3. An application for costs was made by A Labridis against the Council of the London Borough of Hammersmith and Fulham. This application is the subject of a separate Decision.

### Main issue

4. The main issue is the effect of the proposal on the living conditions of the neighbours along Gironde Road, with particular regard to loss of outlook.

### Reasons

5. The appeal site is broadly triangular in footprint and is enclosed on all sides by the rear of terraced housing and the associated small gardens, which comprise their only outdoor space. The surrounding houses are generally 2-storeys high with third storey accommodation in the roofs and I observed that many had been extended to the rear.
6. The site has previously been used as a commercial garage, car body repair and paint spraying workshop, with some ancillary offices and storage. The garage

buildings largely fill the site, enclosing a small yard that is accessed via a narrow arch adjacent to the Fulham Mitre Public house. The tallest garage is approximately 2 storeys high with a pitched roof and runs perpendicular to the rear of properties along Bishops Road. The remaining garage buildings are lower and flat roofed. The high walls of the garages form the boundary around much of the site, with the remaining sections delineated by brick walls between approximately 3.5 and 4 metres in height.

7. It is proposed to demolish the garage buildings and place a 3-storey terrace of 4 houses on the approximate footprint of the tallest garage, in addition to a 2-storey detached house parallel to this to the north west. Ground levels would be significantly lowered across most of the site to allow construction of an additional basement level for the properties.
8. The highest point and main bulk of the side wall of the new terraced block would be behind No 5 Gironde Road. The existing rear boundary of No 5 is an approximately 3.5 metre high brick wall, behind which is the flat roof of the central garage building at a similar height. The proposal would result in a new structure, nearly 4 metres higher, being introduced behind this, albeit the apex would not be reached until approximately 3 metres from the boundary.
9. Given that No 5 has one rear room with a single window on each floor, all of these make a significant contribution to the overall outlook from the house. I observed that there is currently a good level of outlook from the first floor rear bedroom window, which was open to both the sky and the top of the houses on the other side of the triangle.
10. The proposal would introduce a much higher structure a short distance away from the first floor rear window of No 5. I have had regard to the rules in Key Principle HS6 of the SPD<sup>1</sup> for assessing outlook, but these do not specifically apply to windows, from which viewing angles are already more restricted, and a degree of judgement is therefore necessary. The outlook from this window would be largely lost through the development, and I consider that this would result in a harmful and oppressive sense of enclosure in a living room of the house.
11. Turning to the potential effect on outlook from the ground floor of No 5, I note that the structure of the proposed building has been designed to meet the 45 degree rule when taken from the top of the existing wall. However, this rule is only a guideline and, given that outlook from the garden is already severely restricted by the boundary wall, a degree of judgment is also required here. The additional height would be visible at close proximity from a significant proportion of the small garden and the main ground floor rear window, and I consider that this would exacerbate the already poor level of outlook, to a harmful degree.
12. For similar reasons, I also find that there would be harm to the living conditions of Nos 3 and 7 Gironde Road, in particular from loss of outlook from the first floor rear windows, although the different configurations of the buildings means that the loss and subsequent harm are less.
13. The side of the proposed detached dwelling would be behind the boundary wall of Nos 13 and 15, and to a lesser extent No 11 Gironde Road. The wall of the

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<sup>1</sup> Planning Guidance Supplementary Planning Document (February 2018)

proposed house would be approximately 1 metre higher and sloping away from the boundary wall. The loss of outlook would therefore be small and I do not consider that this would be to a harmful degree.

14. I have taken note that the rule in Key Principle HS7 regarding the distance between windows has been met. However, this does not overcome the harm to living conditions from loss of outlook identified above.
15. The development would therefore result in all but the top storey of No 5 having a very restricted outlook from the rear, resulting in an unacceptable sense of enclosure overall, in addition to a lesser degree of harm to the occupants of other properties along Gironde Road. The proposal therefore conflicts with Policies DC2 and HO11 of the Hammersmith and Fulham Local Plan (2018), and Policy D3 of the London Plan (2021), which require that development protects existing residential amenities, including outlook.

### **Planning balance and conclusion**

16. The development would contribute to the housing supply in an accessible location on previously developed land. The design of the buildings is attractive, the scheme introduces landscaping, and the development would undoubtedly improve the appearance of the area. Although no noise assessment has been provided, it seems to me a reasonable contention that housing would also generate less noise and disturbance than a commercial garage. In addition, some of the houses would have an increased outlook, including those along Bishop's Road.
17. However, the loss of outlook from the rear windows of Nos 3, 5 and 7 Gironde Road would cause substantial harm to the living conditions of the occupants, in clear conflict with local policies. This is in addition to a smaller degree of harm to the living conditions of Nos 11, 13 and 15 Gironde Road. On balance, I do not find that the benefits of the development outweigh this harm.
18. I conclude that the proposal would conflict with the local development plan when read as a whole, and there are no other considerations that would lead me to determine other than in accordance with this. The appeal is therefore dismissed.

*B Davies*

INSPECTOR