



Appeal Decision

Site visit made on 10 November 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2021

Appeal Ref: APP/H5390/D/21/3281464

64 Chiddingstone Street, London SW6 3TG

- 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 James Conway against the decision of The London Borough of Hammersmith & Fulham.
 - The application Ref 2021/01662/FUL, dated 17 May 2021, was refused by notice dated 17 August 2021.
 - The development proposed is Basement extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would preserve or enhance the character and appearance of the Studdridge Street Conservation Area (CA).

Reasons

3. The appeal site is located within the Studdridge Street Conservation Area. It forms part of a large swathe of 19th Century residential developments. Its significance derives from the fine examples of elaborately decorated long terraces of houses of a unifying appearance and cohesive character. The distinctive street patterns and plot layouts also adds to its significance.
4. The appeal site is an end of terrace dwelling on the corner with Chiddingstone Street and Studdridge Street. It has been noticeably extended to both the roof and rear of the property. However, it retains significant original character.
5. There is a basement level below the footprint of the dwelling. The extension is proposed to extend beyond this into the rear garden, including a lightwell.
6. The Council considers that the proposal would result in an overdevelopment of the site. The Council's Local Plan (LP) policy on basement extensions is specific in its wording that new basements do not extend underneath the garden further than 50% of the depth of the garden. The submitted plans illustrate this to be the case as the proposed new office with lightwell would extend close to the rear boundary wall with the property behind, in excess of 50% of the depth of the rear garden.
7. It would not be visible from the street-scene and its subterranean nature means that following development, only minimal features would be visible. Nonetheless, on the basis of its size, it would conflict with policy.

8. The lightwell with railings would be the only visible part of development following construction of the basement. It is proposed to be uncovered with the installation of railings. Whilst I would not view the lightwell as 'excessively large' as per the text of the policy, it is reasonably sized.
9. The rear gardens I could see contained common garden effects, rear extensions and consisted of a typical domesticated nature. The use of railings in this location would be an alien feature within this residential rear garden, and would not follow the typical pattern of development.
10. It may not be seen from the street scene, however it would be seen in private views within the CA. It would appear as a visually obtrusive and out of character addition to the rear garden space. It therefore would not preserve or enhance the character or appearance of the CA.
11. Even though the rear garden is currently landscaped, in order to make the basement development acceptable, one metre of soil above any part of the basement beneath a garden, is required in accordance with policy. There is no evidence presented that the proposal would include this as the submitted plans are not sufficiently demonstrative. Furthermore, the flood risk assessment leads to ambiguity. It explains that 'the parking and driveway areas can be partially removed or replaced with permeable hard surfacing'.
12. The attached neighbour may have excavated below their rear garden area to its full length. However, the precise details are not before me to comment upon and therefore I apply limited weight to this example.
13. With reference to the National Planning Policy Framework (the Framework) and proposals affecting heritage assets, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given that the impact of the proposals would be limited to the character and appearance of the CA, I find that the harm would be 'less than substantial' in this instance.
14. Under such circumstances, Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. There are no public benefits identified by the appellant.
15. In the words of the Framework, any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Substantial weight is attached to harm, and subsequently the very special circumstances necessary to justify the development does not exist.
16. Therefore, to conclude on this main issue, the proposal would result in a visually harmful and detrimental effect on the CA in terms of character and appearance, conflicting with the heritage protection and design aims of Policies DC4, DC8 and DC11 of the Local Plan 2018, and the Planning Guidance Supplementary Planning Document 2018.

Conclusion

17. As the proposal would lead to conflict with the development plan taken as a whole, there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR