



Appeal Decision

Site visit made on 18 January 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/K5600/W/21/3282200

Flat 4 and Flat 5, 323A Fulham Road, London SW10 9QL

- 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 C Anthony against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref PP/21/02380, dated 5 May 2021, was refused by notice dated 30 June 2021.
 - The development proposed is enlargement of top floor apartment with new mansard roof alongside rear extensions at second and third floor levels.
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Decision

1. The appeal is allowed, and planning permission is granted for the enlargement of top floor apartment with new mansard roof alongside rear extensions at second and third floor levels at Flat 4 and 5, 323A Fulham Road, London SW10 9QL in accordance with the terms of the application, Ref PP/21/02380, dated 5 May 2021, and the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the neighbouring occupiers of No 321 Fulham Road (No 321), with particular regard to outlook and light.

Reasons

3. The appeal site comprises a four-storey terrace property that sits within a perimeter block of high-density buildings.
4. The adjoining building at No 321 has a rear glazed door with window above, that, according to the appellant, serve bedrooms on the building's second and third floors. There are existing additions either side of those openings, that include an existing rear outrigger at the appeal property and a much taller stairwell/lift shaft extension that serves Nos 317-321. These have the effect of limiting the outlook from within the rooms the glazed door and window serve, whilst their presence has the effect of channelling outward views. There is also a reduction in outlook, albeit to a lesser extent, from the deep window reveals that surround them. Notwithstanding those prevailing circumstances, outward views towards the Peony Court development to the south are still obtainable.
5. The proposal includes an addition that would marginally increase the depth of the second floor of the existing outrigger. A further storey would also be added above the extended second floor to create a third floor that would sit just below the roof eaves of the appeal building.

6. The proposed third-floor addition has been reduced in depth by 1.2m to approximately 2.7m from the rear wall of the building, to address concerns following a previously dismissed appeal decision¹. The extension's flank wall would maintain a distance of around 1.6m to the centre point of No 321's third floor window. Given this level of separation and the reduced depth, the third-floor addition would not appear to project excessively from the rear of the appeal building or enclose the window to any significant extent. An appreciable outlook from within No 321's third floor towards Peony Court would still be obtainable including angled views to the southwest, as shown by the 'sight lines' on the submitted drawings. Moreover, the proposed addition's flat roof construction, and reduced scale would still allow for acceptable levels of natural light to enter the window.
7. The proposed second storey rear extension would result in a modest increase to the the rearward projection of the outrigger. The scale of the change is such that it would not significantly alter the outlook from the bedroom served by the glazed door at the rear of No 321 or result in any material loss of light to that room.
8. Assessing the scheme against the existing and proposed site circumstances show that the changes would not harm the living conditions of the occupiers of No 321 with regard to light and outlook. In the absence of any concerns relating to other aspects of the scheme, the proposal as a whole is therefore acceptable and accords with Policy CL5 of the Local Plan (2019), where it requires proposals to achieve good standards of daylight and sunlight and no harmful increase in the sense of enclosure to existing buildings.

Conditions

9. In addition to the standard time limit condition, I have considered it necessary to include a schedule of plans that the development relates to, for the avoidance of doubt and in the interests of certainty. A condition requiring the finished materials to match that of the host property is necessary in the interests of the building and area's character and appearance. I have also included a pre-commencement condition requiring a Site Construction Management Plan in order to set appropriate measures to safeguard neighbouring living conditions during the build phase.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

RE Jones

INSPECTOR

¹ Appeal Ref - APP/K5600/W/20/3252660, Dismissed on 3 September 2020

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 2221-P10; 2221-P11; 2221-P12; 2221-P14; 2221-P15; location plan and site plan.
- 3) The development hereby approved shall be finished in materials to match the exterior of the building in respect of colour, texture, profile and, in the case of brickwork, facebond and pointing.
- 4) No development shall commence until a Code of Construction Checklist and Site Construction Management Plan (SCMP) for the development have been submitted to and approved in writing by the Local Planning Authority. The approved SCMP shall be adhered to throughout the construction period for the development. For further information regarding the Code and how the required details should be submitted, the Council's Construction Management Team can be contacted on email at: dehcmt@rbkc.gov.uk or tel: 020 7361 3002].

*****End of Schedule*****