The Planning Inspectorate

Appeal Decisions

Site visit made on 4 July 2022

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal A: Ref APP/H5390/C/21/3283464
30 Davisville Road, London W12 9SJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr J Chambers against an enforcement notice issued by the Council of the London Borough of Hammersmith & Fulham.
- The enforcement notice was issued on 11 August 2021.
- The breach of planning control as alleged in the notice is without planning permission, the construction of a rear roof extension involving an increase in the ridge height by 300mm.
- The requirements of the notice are to i) Demolish the rear roof extension and reinstate the original roof **or** ii) Reduce the ridge height of the rear roof extension in accordance with the approved drawings 408-P-03-01 Rev P and 408-P-02-01 Rev L of planning permission ref. 2020/02040/FUL, attached to the notice.
- The period for compliance with the requirements is 8 months.
- The appeal is proceeding on the ground set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended.

Appeal B: Ref APP/H5390/W/21/3282265
30 Davisville Road, London W12 9SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
- The appeal is made by Mr Chambers against the decision of the Council of the London Borough of Hammersmith & Fulham.
- The application Ref 2021/01559/FUL, dated 7 May 2021, was refused by notice dated 6 July 2021.
- The development is a 300mm increase in ridge height in relation to planning application 2016/04644/FUL.

Decisions

1. Appeal A is dismissed and the enforcement notice is upheld.

2. Appeal B is allowed and planning permission is granted for a 300mm increase in ridge height in relation to planning application 2016/04644/FUL at 30 Davisville Road, London W12 9SJ in accordance with the terms of the application, Ref 2021/01559/FUL, dated 7 May 2021, and the plans submitted with it.

Appeal A – ground (g)

3. For an appeal to succeed under this ground, I must be satisfied that the period given in the notice for compliance with its requirements falls short of reasonable.

4. The appellant's case, in essence, is that a period of 8 months for compliance is insufficient as it does not allow for the tenant occupying the top flat to vacate the property before the works of demolition/alteration. He requests 12 months. However, while the appellant refers to an assured shorthold tenancy, he has not provided evidence of that tenancy or information as to when it ends or the length of notice that must be given to the tenant. In the absence of such submissions, I am otherwise satisfied that 8 months is a reasonable time in which all works can be completed.

5. Accordingly ground (g), and Appeal A, do not succeed and I uphold the enforcement notice. However, given my decision on Appeal B, this is largely academic since section 180 of the Act provides that the notice shall cease to have effect so far as is inconsistent with the planning permission granted.

Appeal B

Main issue

6. The main issue in this appeal is the effect of the development on the character and appearance of the building and area.

Reasons

7. Davisville Road is an urban residential street within a wider residential area which is characterised by rows of relatively tall Victorian terraced properties. There are numerous local examples of properties with higher roof ridge lines than their neighbours, and the increase in respect of the appeal development – which is modest and below the height of the parapet walls - does not appear out-of-keeping with the prevailing character in this regard.

8. Further, the width of the street in combination with the height of the 3-storey mid-terraced appeal property makes it difficult to obtain anything more than a very limited view of roof features. As such, the increased ridge height would cause limited impact upon visual amenity even were it not such a common-place feature of local roofscapes. For the same reasons, the very limited visibility of the front roof slope in public views makes the slightly increased angle of a few degrees similarly unharmful to local character and appearance. The visual impact is rendered more insignificant still by the containment of the front slope within the parapet walls to either side. When appreciated within this context, the features of the appeal development remain subservient to the host building and are not otherwise harmful to visual amenity.

9. For these reasons, the appeal development causes no harm to the character and appearance of the building or area. Accordingly, there is no conflict with Policies DC1 and DC4 of the Hammersmith & Fulham Local Plan (February 2018) which together seek a high standard of design for alterations and extensions to existing buildings.

10. Accordingly, I will grant planning permission for the development and Appeal B succeeds.

Andrew Walker

INSPECTOR