



Appeal Decision

Site visit made on 27 July 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2022

Appeal Ref: APP/H5390/W/22/3290452

Flat Basement, 178A Hammersmith Grove, London W6 7HF

- 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 Sheida Moussavi against the decision of London Borough of Hammersmith and Fulham.
- The application Ref 2021/02704/FUL, dated 13 July 2021, was refused by notice dated 1 November 2021.
- The development proposed is the erection of a single-storey rear extension at basement level including excavation of part of the rear garden.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey rear extension at basement level including excavation of part of the rear garden at Flat Basement, 178A Hammersmith Grove, London W6 7HF in accordance with the terms of the application, Ref 2021/02704/FUL, dated 13 July 2021, and the plans submitted with it, subject to the following 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: PD_001 Rev A; PD_003 Rev A; PD_004 Rev A.
 - 3) The external materials to be used in the construction of the extension hereby permitted shall match those used in the existing flat.
 - 4) The development shall be carried out and completed in full accordance with the details contained within the Flood Risk Assessment submitted with the application (dated August 2021). No part of the development shall be occupied until all flood prevention measures have been installed in accordance with the submitted details and the development shall be retained in this form and maintained as necessary thereafter.

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the appeal property and the surrounding area, having regard to whether the scheme would preserve or enhance the character or appearance of the Hammersmith Grove Conservation Area (CA); and
 - The living conditions of the occupiers of the basement flats of 176 and 180 Hammersmith Grove with particular regard to loss to outlook.

Reasons

Character and Appearance

3. Hammersmith Grove is a long, tree-lined road consisting mainly of substantial three storey terraced residential properties with basements and accommodation in the roof. Many have been converted into flats. The appeal property is one of these terraced properties. The rears of properties in this section of the terrace have a variety of outriggers and other rear extensions and have long rear gardens backing onto smaller mews properties.
4. This part of the CA is noted for its fine Victorian terraces which are visible over a long distance due to the wide straight nature of the road. The Hammersmith Grove Conservation Area Character Profile (1998) identifies the massing and rhythm of the buildings within the street as a key element in defining the character of the CA.
5. The appeal property is a basement flat which has been previously extended to the rear. The proposal involves a further extension to this element of the building and would result in an overall projection of around 6 metres from the main rear wall of the terrace. The proposal would be confined to the basement level of the building and would have a flat roof. As a result, and despite the cumulative depth that would result I am satisfied that the structure would remain subservient to the overall scale of the substantial terraced property in terms of its height and not appear as a bulky addition on the rear elevation.
6. The Council refers to conflict with its Planning Guidance Supplementary Planning Document (2018) (SPD). SPD Key Principle HS4 sets out that Planning permission will not normally be granted for extensions which are more than 3.5 metres in length. However, this is one instance where a length in excess of that could be justified as it would be viewed in the context of other extensions and much taller outriggers on the rear of the terrace and would be heavily enclosed on all sides by boundary walls and fences. As such, it would not be read in this context as an excessively large addition to the property, even when considered in cumulative terms with the existing basement build out.
7. Key Principle CAG3 of the SPD advises that development should respect the rear building lines of properties, be sympathetic to the architectural character of the built context and not have a harmful impact on the character and appearance of the CA. The proposal would be longer than other rear extensions close by. Nevertheless, the low level of the proposal and the roof design would mean that it would not unduly affect the architectural character of the host building or the wider terrace. It would, therefore, not have a harmful impact on the character and appearance of the host property or the terrace.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the decision maker to have regard to the desirability of the preserving or enhancing the character or appearance of the CA. In considering the effect of the proposal on the CA the impact must be weighed against the harm it would have on the heritage asset.
9. The limited scale and appropriate design, and the use of London stock bricks are such that the proposed extension would assimilate well with its surroundings. When considered individually and cumulatively with previous additions and build-outs on other properties it would not result in harm to the

special interest of the CA. Its effect on the character and appearance of the CA would be neutral and therefore the significance of the CA would be preserved.

10. Accordingly, I conclude that the proposal would not have any adverse effect on the character and appearance of the appeal property or the CA. There would be no conflict with Hammersmith and Fulham Local Plan (2018) (HFLP) Policies DC1, DC4 and DC8 which, amongst other things, seek to ensure that development is of a high quality and conserves or enhances heritage assets. Despite the conflict with the guidance in the SPD, the site-specific circumstances of the appeal site means that the scheme would still comply with the design aims of the SPD and those contained in the development plan as a whole. Nor would it conflict with Paragraphs 134 and 202 of the National Planning Policy Framework (the Framework).

Living Conditions

11. The proposed extension would extend the full width of the appeal property. Properties on either side have living accommodation at basement level, No. 180 is previously extended and No. 176 not. The outlook from these properties is already towards high boundary walls on either side with a significant sense of enclosure arising to that outlook.
12. The proposal would result in a slightly increased height of the flank walls on the boundary beyond that of the existing build out. I am satisfied that the proposed extension would not materially harm the outlook from the rear windows of the adjacent basements, nor would it be overbearing to the extent that would render the proposal unacceptable.
13. SPD Key Principle HS7 advises that proposals should comply with the 45° rule. Although this would be breached, the appeal scheme would not significantly alter the sense of enclosure or outlook from the neighbouring basement properties given the limited increase in height of the existing boundary walls and the flat roof of the proposal.
14. Accordingly, I conclude that the proposal would not unduly affect the living conditions of the occupiers of the basement flats of either 176 or 180 Hammersmith Grove, with particular regard to outlook. It therefore follows that there would be no conflict with HFLP policy HO11 which seeks, amongst other things, to ensure that extensions and alterations do not unacceptably impact neighbouring occupiers. Despite the conflict with the guidance in SPD Key Principle HS7, the site-specific circumstances of this appeal means that the proposal would not demonstrably worsen the outlook from the rear habitable rooms of the neighbouring properties.

Other Matters

15. I note comments made in relation to the accuracy of the plans submitted. I have no substantive evidence before me that the plans are not accurate. I also note concerns over party wall issues as well as issues which arose during previous construction works at the appeal property. These are issues which are not for me to consider under a Section 78 planning appeal and are covered under legislation not within my remit. In the determination of the appeal, I can only have regard to the planning merits of the case.

Conditions

16. I have considered the Council's suggested conditions in the light of the Framework and Planning Practice Guidance. A plans condition is necessary and reasonable in the interests of certainty. The Council have suggested a condition to ensure that the development is carried out in accordance with the materials shown on the approved plans. As these are indicated to be matching those of the existing building, I have imposed a condition to that effect.
17. I have also imposed a condition to ensure that the development is carried out in accordance with the flood risk assessment which was submitted with the application. This is necessary and reasonable to limit the flood risks associated with the development. The Council have also suggested conditions which would restrict the use of the roof of the proposed extension. As the property is a flat and does not benefit from permitted development rights it is not necessary to impose these conditions.

Conclusion

18. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal is allowed subject to the conditions set out above.

KL Robbie

INSPECTOR