



Appeal Decision

Site visit made on 10 January 2023

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2023

Appeal Ref: APP/H5390/D/22/3307389

46 St. Elmo Road, London, W12 9DX

- 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 & Mrs Jeyaretnam against the decision of the Council of London Borough of Hammersmith & Fulham.
 - The application Ref 2022/00795/FUL, dated 18 March 2022, was refused by notice dated 20 July 2022.
 - The development proposed is lower ground floor single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - the character and appearance of the building and surrounding area; and,
 - the living conditions of occupiers of 48 St Elmo Road, with particular regard to light and outlook.

Reasons

Character and appearance

3. The appeal site is a terraced house with most houses comprising a basement, ground floor, first floor and extended roof with accommodation. At the rear, basements open directly onto back gardens from where all 4 storeys are visible. All the houses that I could see along the terrace had 2 storey wings projecting from their rear basement and ground floors. Some, including the appeal property, had additional extensions at basement level giving a stepped appearance at their rear. Rear boundary walls are generally low enough that residents can see across neighbouring gardens to the rear of houses, although some mature hedges and trees obscure longer views. Consequently, rear building lines and the extent to which development encroaches into rear gardens, even at ground floor level, is apparent and contributes to the pattern of development and thus the character of the area.
4. The proposed development would extend over 3.5 metres beyond the existing rear extension. It would also extend beyond that of the neighbouring rear extension at No 46, which already exceeds the rear building line of most houses that I could see from the appeal site. As such, it would appear disproportionate

in terms of the host property and neighbouring houses and out of character with the existing pattern of development.

5. The appellant has suggested that the extension would meet the requirements of Key Principle HS4 of the Council's Design Guidance Supplementary Planning Document (2018) (SPD) in that it would not extend more than 3.5m beyond the line of the original outrigger which has since been demolished. However, the Key Principle also suggests that regard should be given to the established rear building lines of adjoining properties when determining applications for rear extensions. Even if the proposed development would not exceed the 3.5m guideline, I have found that it would substantially exceed established building lines and be out of character with surrounding development. The proposed development would therefore conflict with Policies DC1 and DC4 of the Hammersmith & Fulham Local Plan (2018) (LP) and the Key Principle HS4 of the SPD which require good design which is compatible with existing development.

Living conditions

6. I understand that the neighbouring property, No 48, includes a basement flat. It has 2 rear windows. One is on the side of a rear wing and faces towards the appeal property side wall. As a result, the outlook from it and access to daylight to it is already severely impeded. It would not be significantly affected by the proposal. The other window is on the back wall of No 48. The appeal property's side walls project forward of it on one side and No 48's rear wing projects forward of it on the other side creating a sense of enclosure when looking out of the window and limiting access to daylight and sunlight to the room it serves. Nonetheless, it is the only basement rear window with some views of the garden.
7. The proposed development would abut the boundary with No 48. The boundary wall comprises the side wall of the existing extensions and then steps down to a lower brick wall with a lattice wooden fence above it. The proposal would replace more than 3m of this lower wall with a higher solid wall. The appellant's Daylight and Sunlight Assessment Report was based on the proposal including a first storey extension. It concluded that the first floor extension would significantly reduce the level of sunlight entering the back wall window at No 48. That element of the scheme was subsequently removed. No further assessment of the amended scheme has been provided. Nonetheless, the proposed development would lead to some minor increase in overshadowing to No 48's rear garden but it would not significantly alter access to daylight and sunlight to the basement rooms. Overall, I do not consider that the effect on the living conditions of occupiers of No 48, in terms of overshadowing or loss of sunlight, would be significant enough to withhold planning permission.
8. Similarly, the sense of enclosure and limited outlook that would arise from replacing the existing fence and wall with a higher solid wall would not be significantly greater than already exists. I therefore conclude that the living conditions of occupiers of the basement flat at No 48 would not be harmed to an unacceptable degree. The proposal would therefore comply with Policies DC1, DC4 and HO11 of the LP and Key Principle HS7 of the SPD which require that development should have no detrimental impact on daylight, sunlight and outlook from the windows of adjoining properties.

Other matters

9. The appellant identified extensions at Nos 54 and 58 as being of a similar depth to the proposed development. However, no details of those developments have been provided to me and I am therefore unable to assess any direct comparability with the current appeal proposal. In any case, I have come to my own view regarding the development rather than relying on the approach the Council may have taken elsewhere.

Conclusion

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

P D Sedgwick

INSPECTOR