



Appeal Decision

Site visit made on 8 June 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/H5390/D/23/3321333

39 Waterford Road, Hammersmith & Fulham, London, SW6 2DT

- 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 R Holmes against the decision of the London Borough of Hammersmith & Fulham.
 - The application Ref 2023/00235/FUL dated 1 February 2023, was refused by notice dated 13 April 2023.
 - The development proposed is erection of a rear extension at second floor level, on top of the existing back addition; alterations to existing window at rear roof level; replacement of existing door at rear roof level with 1no timber window.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of a rear extension at second floor level, on top of the existing back addition; alterations to existing window at rear roof level; replacement of existing door at rear roof level with 1no timber window at 39 Waterford Road, Hammersmith & Fulham, London, SW6 2DT in accordance with the terms of the application ref 2023/00235/FUL dated 1 February 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
 - 2) The development shall not be carried out except in complete accordance with the details shown the following approved plans: (undated) site location plan drawing and drawing no. 4977/2 (proposed elevations and drawings) dated 15/12/22;
 - 3) The development hereby approved shall be carried out and completed in accordance with the material details (including colour and finish) specified below:
 - Wall and Party Walls: Brick to match existing building in terms of brick-and-mortar colour and bond pattern.
 - Faces of Extension: Slate tiles to match existing.
 - Windows: Timber painted white to match existing.
 - Doors: Timber, painted white to match existing;
 - 4) Other than the area shown as terrace on the approved plans, no part of the roof of the rear extension at second floor level hereby approved shall be converted or used as a terrace or other open amenity space. No alterations shall be carried out, nor planters or other chattels placed on the remaining

roof. No railings or other means of enclosure shall be erected around the remaining roof and no alterations shall be carried out to the property to form an access onto this roof;

- 5) No water tanks, water tank enclosures or other structure shall be erected upon the roof of the extension hereby permitted.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development than that on the original application form. The appellant has done the same within their appeal form.

Main Issue

3. The main issue is the impact of the proposal upon the character and appearance of the of the host property, the immediate surroundings and the Moore Park Conservation Area with regard to visual amenity and overdevelopment.

Reasons

4. The appeal site is a mid-terraced dwelling which stands within the Moore Park Conservation Area (CA). Section 72 of the Planning (Listed Buildings in Conservation Areas) Act requires that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the CA. In this context, preserving can also be taken to mean doing no harm.
5. The appeal site benefits from an existing permission (2022/00836/FUL) – details of which have been submitted by the appellant to enable me to take this into account. The appeal proposal is broadly similar to the existing approval, however, the key change within the appeal proposal now before me is a total depth of three metres compared to the previously approved two metres. The existing planning permission is extant and is therefore a material consideration within this appeal.
6. The Council's Planning Guidance Supplementary Planning Document 2018 (SPD) is noted to outline guidance which states that rear extensions atop existing back extensions should not occupy any more than 50% of the existing back addition. The reasoning for this guidance is to ensure that such extensions remain subservient to the host property. SPDs are guidance and should be applied as such against the overarching objectives of that guidance on a case-by-case basis. In this case, whilst the Council discuss the 50% limit, and the SPD, within their delegated report conflict with this guidance has not been specifically referenced within the refusal reason itself.
7. Whilst I acknowledge the 50% stated within the SPD, the main considerations, against the overarching objectives of that SPD, are design and neighbouring amenity. The Council have assessed neighbouring amenity and based upon this, and my site visit, I have no reason to conclude differently and indeed there are no refusal reasons based upon neighbouring residential amenity.
8. At the time of my site visit, I noted that the rear elevations of the terrace within which the appeal site stands are varied in terms of alterations and additions, with some properties benefitting from development on top of

- outriggers. It is acknowledged that the examples, discussed by the Council, do not exceed 50% for back additions but I do not find that this should automatically warrant refusal.
9. The proposed second floor rear extension would still facilitate access into the remainder of the existing roof terrace; however, it is a material consideration that the previous permission already in place (albeit a metre shorter) would also have facilitated such access to the roof terrace and that this was not considered sufficient to warrant refusal previously. The proposal is to all intents and purposes, the same with an additional one metre depth and I do not find, in this case, that a combination of the bulk of the extension now proposed alongside the existing roof terrace would further erode the visual amenity of the application property, immediate surroundings or the CA.
 10. I do not find that the proposal would, cumulatively, with the existing roof terrace at the appeal site, result in unacceptable impacts to visual amenity by virtue of its combined overall size and elevated position. Nor do I find that that it would constitute over development of the back addition causing it to appear as an overly dominant and discordant feature out of keeping with the established architectural character and appearance of the application property, its immediate surroundings and the CA.
 11. The proposal would evidently create the appearance of an additional floor at this level; however, in the event this appeal failed the appellant has the ability to construct the previous approval which would result in the essentially the same impacts in terms of design and visual amenity. An addition to the existing permission, by one metre by comparison, would create a more functional space and high-quality addition as a result of the proposal without additional impact for the reasons outlined.
 12. Overall, the appearance of the scheme which is the subject of this appeal would largely reflect the existing planning permission. Taking into account the existing permission, as a fall-back position, and the proposals limited visibility as well as the overall mixed character of property alterations in the immediate area, I find that the proposal would have a neutral impact upon the CA.
 13. In accordance with paragraph 199 of the National Planning Policy Framework 2021, when considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. I do not find that the proposal would negatively impact or cause harm to the character or appearance of the appeal property, its immediate surroundings or the wider CA and it would, on the basis of doing no harm, preserve the character and appearance of the CA.
 14. The proposal would be consistent with Hammersmith and Fulham Local Plan 2018 (LP) Policy DC1 which requires all development within the Borough to create a high-quality urban environment that respects and enhances its townscape context and heritage assets and LP Policy DC4 which requires all alterations and extensions to be compatible with the scale and character of existing development, neighbouring properties and their setting as well as being subservient and not dominating the parent building in bulk, scale, materials or design.
 15. The proposal would also be consistent with LP Policy DC8, which requires proposals to conserve the significance of the Borough's historic environment by

protecting, restoring, and enhancing its heritage assets. Applications affecting designated heritage assets, will only be permitted if the significance of the heritage asset is conserved or enhanced.

Conditions

16. The Council have suggested conditions within their questionnaire which I have taken into account. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. Conditions relating to materials are required to ensure a satisfactory external appearance.
17. A condition requiring no water tanks, water tank enclosure or other structures is required to ensure the proposal is maintained not only in accordance with the approved plans, but also in a manner which is appropriate for the location within a CA, by preventing further cumulative development without appropriate consideration within a formal application. A condition preventing use of the newly approved roof as a terrace or other open amenity space is required to allow the impact of any further proposed changes upon the amenities of neighbouring occupants with regard to overlooking, privacy, and potential noise and disturbance.

Conclusion

18. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR