



Appeal Decision

Site visit made on 3 May 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2023

Appeal Ref: APP/H5390/W/22/3307771

1a Cobbold Road, London W12 9LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Paul Maguire against the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2022/00234/FUL, is dated 27 January 2022.
 - The development proposed is change of use of the ground floor from commercial (Class E) into a single dwellinghouse (Class C3); erection of a two storey extension at first and second floor level; installation of new door and windows, and a new access gate to the front elevation.
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Decision

1. The appeal is dismissed and planning permission for change of use of the ground floor from commercial (Class E) into a single dwellinghouse (Class C3); erection of a two storey extension at first and second floor level; installation of new door and windows, and a new access gate to the front elevation is refused.

Applications for costs

2. An application for an award of costs was made by Mr Paul Maguire against the Council of the London Borough of Hammersmith and Fulham. This application will be the subject of a separate decision.

Preliminary Matters

3. I have determined this appeal on the basis of the Council's failure to determine the planning application within the statutory timescale. However, I have had regard to the Council's statement, in so far that it provides clarity on the reasons why the Council would have refused planning permission had it been able to do so.
4. In the absence of any evidence from the Council to indicate otherwise, it would appear that there is no dispute between the parties as to the acceptability of the other elements of the proposal. I shall therefore confine my detailed considerations to character and appearance and living conditions.

Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the area, and the living conditions of future occupiers, with particular regard to ceiling heights, outlook, sunlight, daylight and privacy.

Reasons

Character and appearance

6. The appeal site is located at one end of Cobbold Road which is largely characterised by rows of brick built two storey terraced dwellings. The majority of homes on the street have various features in common including bay windows, pitched tile roofs and recessed doorways. While the architectural detailing at roof level does differ, building heights are broadly consistent.
7. Immediately to the east of the appeal site there are taller buildings that front onto Askew Road. Despite this proximity, Askew Road has a quite different character to Cobbold Road, given that it is much busier and contains a range of uses including buildings that predominantly have retail space at ground floor level, with residential or commercial premises above. Given the orientation of Askew Road compared to Cobbold Road, and their clearly contrasting characters, the proposal would very much be seen in the context of the existing residential dwellings on Cobbold Road.
8. The building that currently occupies the appeal site is single storey and therefore does not conform with the prevailing character of the area. However, given its limited size, it does not dominate the street scene and therefore does not detract from the existing vista along Cobbold Road. By contrast, the proposed dwelling would be significantly taller than the existing terraced homes on that street, being three storeys in height. It would therefore appear to dominate the smaller two storey dwellings that are nearby. In addition, while the dwelling would be of brick construction and have a pitched roof, its design would be quite different to other houses in the immediate vicinity, with details including a first-floor balcony, aluminium window frames, and 'dummy windows' on the principal elevation. The appearance of the proposed dwelling, including its height and overall design, would therefore appear to be out of place and incongruous with its surroundings, and would clearly disrupt the general rhythm and uniformity of buildings that currently exists along Cobbold Road.
9. The height of the proposed dwelling would partially screen the rear elevations of the taller buildings that front onto Askew Road. However, the appearance of these buildings is not unattractive or out of keeping with the area, and so screening does not provide a benefit that weighs in favour of the proposal.
10. As a result, I find that the proposed development would cause harm to the character and appearance of the area. It therefore conflicts with Policies DC1, DC2 and DC4 of the Hammersmith and Fulham Local Plan, February 2018 (the Local Plan), as well as Policies D1, D3, D4 and D6 of The London Plan, March 2021 (the London Plan). Taken together, the relevant aspects of these policies seek to prevent development, including extensions, that are not well designed and would not preserve or enhance character and appearance. In addition, it is in conflict with Paragraph 134 of the National Planning Policy Framework which also requires development to be of a high quality design.

Living conditions

11. Both parties are in agreement that the floor to ceiling heights of the proposed dwelling would be 2.5 metres or more for 75% of the gross internal area. This meets the metric requirement set out in Policy D6 of the London Plan.

However, as a result of the proposed layout and design, only a small proportion of the bedroom on the second floor would have a floor to ceiling height of 2.5 metres. Indeed, due to the pitched roof, the ceiling height in parts of the room would be significantly less than this figure. As a result, the bedroom would likely feel cramped and would appear to lack spaciousness. This would be compounded by the fact that it would be the sole bedroom in the house, leaving occupants with no choice but to use it on a daily basis. The proposal would therefore result in harm in this regard.

12. The property would be north facing. However, each of the rooms would be served by at least one window on different elevations, as well as three roof lights on the second floor. This would ensure that the proposed dwelling would receive sufficient daylight and sunlight. Two of the windows at first floor level would be at a high level. However, the patio doors would provide an adequate outlook from this room. The ground floor windows on the principal elevation would provide an outlook onto the street which is not unusual.
13. While the proposed balcony would be facing Cobbold Road, it would be set above street level, and therefore passers-by would only be able to view it from an oblique angle. As a result, it would not result in an unacceptable level of privacy. The balcony would be north facing but would still likely receive sunlight for part of the day.
14. Therefore, while I find that the proposed development would be acceptable in respect of outlook, sunlight, daylight and privacy, it would cause harm to the living conditions of future occupants in relation to ceiling heights. This element of the proposed development conflicts with Policies HO4 and HO11 of the Local Plan, which taken together, seek to ensure that development provides high quality residential environments, including room sizes. The proposal is in conformity with Key Principle HS1 of the Planning Guidance Supplementary Planning Document, February 2018, which requires private amenity space to be well designed and of a sufficient size.

Other Matters

15. The appellant has provided evidence to outline the conversations that have taken place with the Council over a long period of time, including discussing a variety of designs for a residential dwelling on the site. The principle of providing a new dwelling in this location is not unacceptable in itself, and would not be an unusual form of development. However, I am required to provide a decision on the proposal before me and I have set out why, in this instance, it would cause an unacceptable level of harm.
16. The proposal would deliver one new dwelling in an area of significant housing need. However, one dwelling would make a very limited contribution to the overall housing need. As such, it does not outweigh the harm that I have identified.
17. The appellant has objected to the consideration of comments made by a third party, given that they were submitted anonymously. It is for the Council to determine whether any comments made are valid. However, even if I were to discount the objection, this would not have led me to alter my decision.

Conclusion

18. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR