



Appeal Decision

Site visit made on 27 October 2023

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2023.

Appeal Ref: APP/H5390/D/23/3324881

9 Haarlem Road, Hammersmith and Fulham, London W14 0JL

- 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 Bertolini Architects against the decision of the London Borough of Hammersmith & Fulham Council.
 - The application Ref 2022/03092/FUL, dated 22 October 2022, was refused by notice dated 11 April 2023.
 - The development is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 9 Haarlem Road, Hammersmith and Fulham, London W14 0JL, in accordance with the terms of the application APP/H5390/D/23/3324881, dated 22 October 2022, and the plans submitted with it.

Procedural Matters

2. The appeal relates to an application for planning permission for development that has been implemented, therefore, the application is retrospective, and I have determined the scheme accordingly.
3. I have used the description of development from the Council's decision notice, as this is a concise and accurate description that has also been used by the appellant for their statement.

Main Issues

4. The main issue is the effect of the development on the living conditions of neighbouring residential occupiers.

Reasons

5. The appeal dwelling is a two storey house that sits in the middle of a terrace group of 6 similarly scaled palisaded houses, all with relatively small rear gardens, which sits in a street of properties of varying scale and design. The street is located in the Brook Green Conservation Area (the CA), the significance of which is in its coherent townscape, fundamentally reflecting its 19th Century development. In line with my duties, I find that, given the appeal extension's limited scale, matching materials and location to the rear of the appeal dwelling,

it preserves the character and appearance of the CA and results in no harm to its significance.

6. The rear appeal extension is approximately 2900mm tall, 685mm deep and slightly narrower than the appeal dwelling, being set in approximately 500 to 600mm from the side boundaries with neighbouring properties. The construction of the extension follows a previous planning permission¹ for extension and alteration of the appeal dwelling, however, the extension as implemented is approximately 200mm greater in height than approved.
7. Whilst the appeal extension is visible from the side window in the single storey rear outshoot at 8 Haarlem Road (No.8), which faces onto the proposed extension, the existing boundary fence operates as a substantial screen between the two properties. It is therefore only the upper part of the appeal extension that is visible from this window.
8. Given the small scale and tightly developed terraced nature of these adjacent houses, height of the boundary fence and limited depth of the extension, I do not find that the height of the appeal extension results in any significant effect on enclosure, as experienced from the side window in the outshoot at No.8. The appeal extension, therefore, complies with key principles HS4, and HS6 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2018) (the SPD), which seek development that does not infringe on outlook from neighbouring property.
9. The submitted drawings indicate that the top of the appeal extension is below a line drawn at 45 degrees through the middle of the window in the single storey outshoot at No.8. It would also appear to be below a line drawn at 45 degrees one metre up from ground level adjacent to the flank wall of the single storey outshoot extension at No.8.
10. From my site visit it was apparent that, due to the orientation of the terrace of which the appeal dwelling forms part, the rear extension and tall roof fence at 10 Haarlem Road (No.10) has a significantly greater effect on light reaching the side window in the side of the outshoot at No.8 than the appeal extension. The appeal extension would not appear to block sunlight from reaching the window, including towards the latter part of the day when the appeal extension sits substantially in the shadow of the extension and tall roof fence at No.10 . Consequently, there is no significant loss of daylight or sunlight to the side window in the single storey rear outshoot at No.8 and, therefore, the implemented extension complies with key principle H7 of the SPD.

Other matters

11. Other interested parties have raised concerns with regard to the height of the fence between the appeal dwelling and No.8. This fence does, however, form part of the previous approval and appears to have been implemented in line with that approval. Whilst this may have replaced a shorter fence, it does not form part of the development that is subject of this appeal.
12. For the reasons given above, I do find that the proposal does not result in a loss of outlook or light, to the extent that it causes any significant harm to the living

¹ Planning Ref: 2021/03328/FUL

conditions of neighbouring residential occupiers. The proposal is, therefore, in accordance with Policy DC4 of the Hammersmith and Fulham Local Plan (2018), Policies D3 and D6 of the London Plan (2021) and paragraph 130 of the National Planning Policy Framework (2023). These collectively seek development that does not undermine quality of life.

Conditions

13. I have had regard to the Council's suggested conditions should I allow the appeal. As the development has been implemented, there is no reason to attach conditions regarding the timing of the development or materials.

Conclusion

14. For the reasons given above and having regard to all matters raised, the appeal is allowed.

Victor Callister

INSPECTOR