



Appeal Decision

Site visit made on 13 September 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2024

Appeal Ref: APP/H5390/W/23/3317963

Maisonette First and Second Floors, 791 Fulham Road, Hammersmith and Fulham, London SW6 5HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Davis against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2022/03292/FUL.
 - The development proposed is described as "alterations to the top floor and a new two storey rear outreach extension."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no party's interests would be prejudiced by my taking this approach.
3. The address on the planning application form is '791 Maisonette First and Second Floors'. However, in the interests of accuracy, I have used the amended address, taken from the Council's decision notice, in the banner heading above.
4. In addition to the items listed in the description above, various other matters are shown on the plans. Given the Council's chosen description of development, they clearly considered these other matters as part of the proposal and so no injustice will arise if I do too.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property, terraced row and the area, and
 - the living conditions of the occupiers of 793 Fulham Road, with particular regard to outlook.

Reasons

Character and appearance

6. No 791 is a mid-terraced, four storey building with a basement. It has a commercial use at ground floor and a single residential apartment within the upper floors. The appeal relates to the residential apartment. Fulham Road and nearby streets are characterised predominately by terraced properties, some of which have roof and rear extensions of varying design. Materials in the area are largely consistent and predominately comprise brick and tile, with some render.
7. Several of the buildings within the terraced row in which No 791 is located have been extended to the rear. These extensions have broadly uniform depths and heights. In addition, while of varied design, most of the buildings within the terraced row, including No 791, benefit from modest and subordinate roof extensions. It is the broad uniformity and rhythm of No 791 and the terraced row which contribute towards the character and appearance of the area.
8. The terraced row in which No 791 sits is located between Whittingstall Road and St Maur Road. As a result of its orientation, the rear of the terraced row is visible from both these streets. The appeal site is particularly prominent when viewed from Whittingstall Road.
9. The appeal scheme seeks to extend No 791 through the erection of a two storey rear extension and alterations to the roof. The proposed rear extension, although two storeys, would be raised from ground level, thereby increasing its overall height and bulk. It would result in a dominant form of development that would not be subordinate to the host property. Moreover, the proposal would project significantly above the adjacent rear extensions, thereby disrupting the uniformity of the terraced row.
10. The proposed roof alterations seek to extend the footprint of the existing roof extension. While the roof would be no higher than the existing addition and would align with neighbouring roof extensions, these proposed works would largely erode the existing setback to the rear of No 791.
11. The appeal scheme also includes two windows to the rear of the host building, which would protrude from the rear of the roof extension. While the proposal has been amended following a previously refused planning application and the amount of glazing is comparable to the existing opening and those within neighbouring properties, nevertheless, the proposed window proportions are significantly larger than, and therefore at odds with, the typically modest roof openings within the area.
12. The retained height of the roof, combined with the increased footprint and substantial windows, would create an imposing, highly prominent and bulky form of development. As such, the roof alterations would not be subordinate to the host property and would unbalance the uniformity of the terraced row.
13. The harm identified in respect of the proposed rear extension and roof alterations would be further exacerbated due to the prominent location of the appeal site, to the detriment of the character and appearance of the area.
14. While zinc is a high quality material, it is not prevalent in the area. In this context, the introduction of zinc would result in an incongruous building

material, in a prominent position. However, the appellant confirms that they would be willing to replace zinc with bricks and would accept a condition to secure this. I am satisfied that such a condition would secure an appropriate brick which respects the prevailing materials within the area. This approach would overcome the Council's concerns in respect to this matter.

15. Examples of two and three storey rear extensions have been drawn to my attention. I do not have the details of the planning background for each example. Although these examples are close to the appeal site, the proposed development would largely be viewed in the context of the rear extensions within the terraced row that No 791 sits. As such, these examples are viewed in a different context to the appeal scheme and are not directly comparable. In any case, I have considered the appeal proposal on its own merits.
16. For these reasons, while the Council's concerns in respect of materials could be addressed, the proposed development would have an unacceptable impact upon the character and appearance of the host property, terraced row and area, contrary to Policies DC1 and DC4 of the Hammersmith and Fulham Local Plan February 2018 (LP). Collectively, these seek, among other things, to ensure that development within the borough respects and enhances its townscape context and that alterations and extensions to existing buildings are compatible with the scale and character of existing development, neighbouring properties and their setting and are subservient and never dominate the parent building in bulk, scale, materials or design.

Living conditions

17. The appeal property adjoins 793 Fulham Road. No 793 does not benefit from a rear extension. It has a number of windows within its rear elevation, including a habitable room window at first floor, which is located close to the shared boundary with No 791. The occupiers of No 793 have a largely unobstructed outlook from the first floor window over land to the rear of the terraced row.
18. The appeal scheme would provide a two storey extension to the rear of No 791. It would be stepped away from the shared boundary with No 791. Although two storeys in height, the extension would be elevated from ground floor level and would extend the full height of the first floor window serving No 793. As such, there would be oblique views of the appeal scheme from this window.
19. The proposed extension would conflict with a line of 45 degrees when applied to the first floor window at No 793. However, this conflict would be marginal. Having regard to the depth of the extension and the distance from the shared boundary, the appeal scheme would not result in a significantly increased sense of enclosure. As such, it would not materially affect the outlook for the occupiers of No 793.
20. To conclude, the proposed development would not harm the living conditions of the occupiers of No 793, with regard to outlook. This accords with LP Policies DC4 and HO11 and Key Principle HS7 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document February 2018 (SPD). Collectively, these seek, among other things, to ensure development demonstrates good neighbourliness and has no detrimental impact on the outlook from windows in adjoining properties.

Other Matters

21. The Council mentions in the delegated report that the living conditions of the occupiers of No 789 would be affected by the two storey rear extension. However, this matter was not included as a reason for refusal and the appellant has not referenced No 789 within their appeal statement.
22. No 789 benefits from a substantial two storey rear extension, which the evidence suggests includes a roof terrace. The proposed development would extend to approximately half the depth of No 789's rear extension and would be noticeably taller. Having regard to the depth and width of the extension at No 789, the appeal scheme would not result in an unacceptably overbearing form of development. As such, there would be no material loss of outlook for the occupiers of No 789. Therefore, the proposal would comply with LP Policies DC4 and HO11 and Key Principles HS7 of the SPD, as listed above.
23. A number of positive benefits associated with the appeal scheme have been submitted. These include providing additional residential accommodation, removing the rear balcony and associated overlooking of neighbouring properties, providing a high quality finish, refurbishing the property frontage and providing privacy and wind protection to a neighbouring roof terrace. Given the scale of the proposed development, even cumulatively these benefits attract limited weight.
24. The appeal scheme would not result in any harmful impacts in respect of daylight, sunlight and overshadowing of neighbouring buildings. However, the absence of harm is a neutral matter that weighs neither for nor against the proposed development.
25. I have had regard to the other elements of the appeal scheme, to which the Council raised no issues. Having regard to the amount of development proposed, its design and relationship with neighbouring properties and commercial units, I see no reason to disagree.
26. Concerns have been raised in respect of the pre-application advice and how the Council handled the planning application, including differing views between planning officers. In determining the appeal, I am required to have regard to the planning merits of the proposal, and these are therefore matters between the appellant and the Council.

Conclusion

27. For the above reasons, I conclude that while the appeal scheme would not harm the living conditions of the occupiers of No 793, with regard to outlook, the harm I have identified in respect of the character and appearance of the host property, terraced row and the area, is determinative. Therefore, the appeal proposal would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR