



Appeal Decision

Site visit made on 15 April 2024

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9TH May 2024

Appeal Ref: APP/F5540/D/23/3335665

35 Fairfax Road, Chiswick, London, W4 1EN

- 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 Adam Shah and Katie McGlynn against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00430/35/P3, dated 2 August 2023, was refused by notice dated 2 November 2023.
 - The development proposed is the enlargement of the existing basement including a front lightwell.
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Decision

1. The appeal is allowed and planning permission is granted for the enlargement of the existing basement including a front lightwell, at 35 Fairfax Road, Chiswick, London, W4 1EN, in accordance with the terms of the application, Ref: 00430/35/P3, dated 2 August 2023, subject to the conditions set out in the Schedule below.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the host property and the wider Bedford Park Conservation Area.

Reasons

3. No 35 is a three-storey, brick-built, mid-terraced house situated on the western side of Fairfax Road. Fairfax Road lies within the Bedford Park Conservation area. Houses along the road are of varied design and all have modest sized front gardens. At the time of my visit, the appeal property was undergoing renovation work and the front garden was fully used for storage of waste materials, with security fencing all around. The appeal proposal involves the extension downwards of the existing cellar, remaining as a single floor, to become a larger basement area, both in terms of height and depth, along with the provision of a lightwell with a surface grille beneath the front window.
4. Policy CC1 of the Council's Local Plan Volume One (LP) indicates that new development should conserve or enhance particular qualities that contribute to an area's character. Policy CC2 indicates that new development should respond meaningfully and sensitively to the site, its characteristics, and its surroundings. Policy CC4 indicates that proposed extensions to a heritage asset should be in keeping with the character of the building and harmonious with its surroundings and the wider character of the area. Policy SC7 indicates that

- residential extensions should complement the original building; harmonise with adjoining properties; maintain the character of the general street scene; and have regard to the character, materials and scale of the principal building.
5. The Council's Residential Extensions Guide (SPD) indicates that basements should not harm the character of the property or the surrounding area and that the depth of the basement should be no deeper than a single subterranean floor to ensure the development remains sustainable. In addition, unless visible lightwells are a characteristic of other buildings in the street, new lightwells should be of a modest depth and extend no more than 1m from the front wall of the building. Finally, front lightwells should be screened from the street by boundary treatment and landscaping to avoid changing the character of the street scene.
 6. The Council contends that the proposed basement and the excavation of a front lightwell, by reason of its position, size and scale, would be an incongruous development, out of scale, compromising character, quality and integrity of the dwelling's unique and historic scale and architectural style, harmful to the character and appearance of the terrace and streetscene.
 7. The appellants contend that, whilst most of the houses within the CA were constructed without basements, houses along Fairfax Road were built with basements. Moreover, the proposal, including the lightwell, would comply with guidelines on basements as contained in the SPD, and would preserve the character and appearance of the CA.
 8. The CA character appraisal identifies variety in the layout and the siting of individual houses. In addition, 'carefully designed front garden walls and fences also play a crucial part in the composition, where the intention appears to have been for a variety of boundaries rather than a consistent approach per street, providing interest rather than uniformity'. One of the pressures facing the CA is listed as a desire to create basements in order to extend properties, which can be detrimental to the character of country-style buildings of gaps and wide footprint rather than high-density town-houses. The appraisal also notes that excavation for cellars is not in accordance with the original philosophy and is alien to the character of the buildings and their front gardens.
 9. In the case of Fairfax Road, it would appear that most, if not all, properties already have cellars, as evidenced by the number of dwellings with small windows or vents beneath front windows. Some now also have lightwells in the front garden area, indicating that the cellars have been extended into basements. These are chiefly in the vicinity of the appeal property and include developments at Nos 28 and 31 which were granted permission subsequent to publication of the CA Character Appraisal. In each of these cases, with which the proposal at No 35 would be very similar, the Council acknowledged that the development would not be detrimental to, or adversely harm, the character and appearance of the site or the CA. Having seen these, and other similar examples in the vicinity, I concur with that perspective..
 10. The Council has made reference to a recent dismissed appeal relating to No 10 Roman Road, which also lies within the CA. In this case, the proposal concerned the excavation of a basement and the creation of two lightwells at what appears as a small cottage-style property. It would seem that, unlike the larger appeal property, No 10 does not have an existing cellar, and that the lightwell would be a more prominent and intrusive feature in its small front

garden. In the current scheme at No 35, the dwelling has an existing cellar and the lightwell would have a depth of only 0.9 metres beyond the front elevation of the house. Moreover, the visual impact of the lightwell could be minimised by planting to the front boundary, as is the case with other nearby examples. This could be secured by means of an appropriate condition.

11. In conclusion on this issue, I find that the proposed basement and lightwell would not be harmful to the character or appearance of the host property, the immediate surroundings, or the wider CA. On this basis the proposed development would not conflict with Policies CC1, CC2, CC4 and SC7 of the LP, nor with guidance on basements in the SPD.

Other Matter

12. In its decision notice, the Council referred to the proposal as having a serious and adverse effect on the amenities enjoyed by residents of the area. It is not made clear what these effects would be, but practical issues such as the means of construction and flood risk can be dealt with by way of suitable conditions, and I have added such conditions accordingly.

Conditions

13. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached further conditions relating to:
- Submission and approval of a Construction Method Statement, in the interests of protecting public safety and neighbour living conditions.
 - The lightwell and the future landscaping of the front garden area, in the interests of protecting the character and appearance of the CA.
 - Flood prevention measures and use of the basement, in the interests of minimising flood risk and protecting future occupiers of the dwelling.
14. Since there is no possibility of vehicles entering or leaving the site, I do not consider a condition relating to wheel washing necessary.

J D Westbrook

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PO1, PO3, PO3c, PO4, PO6, PO7, PO8, PO9, all Rev 1.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays where appropriate; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition and construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) The front lightwell hereby approved shall be covered with a walk-on metal grille positioned to be level with the front courtyard's ground surface level and be permanently retained as such.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping for the front garden area. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any shrubs which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) All flooding prevention measures detailed in the submitted 'amended' Flood Risk Assessment (Ref: 00430-35-P3-Amended-35-FR-FRA-151223) shall be implemented prior to the completion of development and be permanently retained and maintained as such.
- 7) The single-storey basement extension hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 35 Fairfax Road, and shall not include primary residential uses, including bedrooms and kitchens.