



Appeal Decision

Site visit made on 20 May 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2024

Appeal Ref: APP/H5390/W/23/3332663

Flat 3, 3 Allestree Road, Hammersmith and Fulham, London SW6 6AD

- 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 Sam Saidak against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2023/00962/FUL.
 - The development proposed is single storey rear pod extension over the existing terrace portion.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear extension at second floor level, over part of the existing two storey back addition at Flat 3, 3 Allestree Road, Hammersmith and Fulham, London SW6 6AD in accordance with the terms of the application, Ref 2023/00962/FUL, subject to the following 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:

PR_001; PR_005; PR_006; PR_007; PR_008; PR_009; PR_010; and PR_011.
 - 3) The development hereby approved shall be carried out and completed in accordance with the material details (including colour and finish) specified below:
 - Second floor / roof extension: Natural or artificial slates which shall match the colour, shape and size of those on the existing roof;
 - Grey Aluminium bi-fold doors.

The development shall be permanently retained in accordance with the approved details. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

Preliminary Matters

2. The description of the development in the banner heading is taken from the application form. However, the wording used on the decision notice and appeal form is "*Erection of a rear extension at second floor level, over part of the existing two storey back addition*". I consider this to be a more accurate description of the appeal proposal, and I have therefore used it in my formal decision.
3. Subsequent to the Authority issuing its decision the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Both parties, within their respective submissions had an opportunity to comment on the revised Framework. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area, including the appeal property; and
 - the living conditions of the occupiers of neighbouring properties at 5 Allestree Road, and 2 and 4 Kingswood Road, with regard to outlook, privacy, daylight, sunlight, noise and disturbance.

Reasons

Character and appearance

5. 3 Allestree Road is a three-storey mid terrace property which has been subdivided into three flats, one on each floor. The appeal relates to Flat 3 which is on the second (top) floor. Flat roofed, two storey rear outriggers are a very common feature within this terrace row with a significant number of properties also having second floor extensions of varying design, and / or roof terrace areas, above these outriggers. The appeal property currently has a roof terrace, used by the occupants of Flat 3, above its two-storey outrigger.
6. Furthermore, a number of properties in the terrace row directly to the rear, fronting onto Kingswood Road, have flat roofed, two storey outriggers, with some of these also having second floor extensions and / or terraces above. Overall, these various extensions and alterations create an irregular pattern to the rear of the properties within this row, as well as within the terrace row situated directly to the rear.
7. The appeal proposal seeks to erect a second floor extension above the existing two storey outrigger. The proposed extension would be as wide as the existing outrigger, but would not project its full length, retaining a small outdoor terrace to the rear of the extension with a privacy screen that sits above the existing parapet wall to the rear of the existing outrigger.
8. The Council's Officer Report states that guidance prefers that pods have a mansard design with a pitch roof of 70 degrees on the side slope and that the proposed extension would have a 90 degree pitch, and therefore does not comply with this criteria. Nevertheless, I observed on my site visit that a significant number of properties within this terrace row, and the terrace row

directly to the rear, have second floor and roof extensions with a 90 degree pitch on both the side and rear elevations.

9. Furthermore, I observed a significant number of second floor extensions, balustrades and privacy screens, of varying design and size in the immediate locality, some of which were very similar in size, scale and design to the appeal proposal. These similar extensions are clearly visible from, and viewed in the same context and setting as, the appeal site.
10. Whilst I have not been provided with all the planning history details of these multiple nearby extensions, and each application must be judged on its own merits, these nearby extensions have significantly altered the character and appearance to the rear of this terrace row.
11. As such, when viewed within the surrounding context, I conclude that the proposal would not represent an overly dominant, incongruous, inappropriate and discordant feature to the rear of this property, and therefore would not detract from the character and appearance of the host property or surrounding area.
12. I therefore find no conflict with Policies DC1 and DC4 of the Hammersmith & Fulham Local Plan (2018) (LP), insofar as they together seek to ensure, amongst other things, that developments respect and enhance townscape context; be compatible with the scale and character of existing development, neighbouring properties and their setting; and be subservient and not dominate the host building.

Living conditions

13. The surrounding 3-storey buildings, along with the existing outriggers and various extensions above, already have some influence upon the outlook and levels of both daylight and sunlight received within the outdoor spaces and windows to the rears of surrounding properties in this row, and the row directly to the rear.
14. In respect of the properties directly to the rear at No. 2 and No. 4 Kingswood Road (Nos. 2 and 4), the proposed second floor extension would breach a 45 degree line when drawn from the rear boundary and thus does not comply with the requirements of Key Principle HS6 criterion (i) of the Hammersmith & Fulham Planning Guidance Supplementary Planning Document (2018) (SPD). However, HS6 criterion (iii) details that where this line is breached an on-site judgement will be a determining factor in assessing the impact of the extension upon the amenity of neighbouring properties.
15. In this regard, I note that the rear elevation of the existing two storey outrigger at the appeal property already breaches a 45 degree line in relation to the rear boundary of the properties at Nos. 2 and 4. Furthermore, the rear elevation of the proposed second floor extension is set back from the rear elevation of the existing outrigger and therefore the proposed extension would not have a significantly greater impact upon the outlook from the rear of Nos. 2 and 4, than that which they currently experience as a result of the existing two-storey outrigger.
16. As such, the proposed second floor extension would not result in an unacceptable increase in the sense of enclosure, loss of outlook, or loss of daylight, to the rear of the properties at Nos. 2 and 4. Furthermore, given that the orientation of the appeal property, which is situated to the northwest of the properties at Nos. 2 and 4, the proposed extension would not result in any loss of sunlight.

17. To the west of the appeal site is the adjoining neighbouring property at number 5 Allestree Road (No.5). This adjoining property has a glazed door at ground floor level, and a window at first floor level, in its rear elevation. The appeal proposal would breach the 45-degree angle when measured from the centre of both these openings, therefore failing to adhere to the guidance within Key Principle HS7 of the SPD.
18. However, both these openings are already significantly impacted in terms of outlook, overbearing impact, sense of enclosure and the levels of both daylight and sunlight they receive, by the rear elevation of the appeal property extending further back than this adjoining property, and the existing two storey outriggers to the rear of both the appeal site and No.5 itself. Consequently, the second-floor extension would not have an unacceptable greater impact on the levels of daylight and sunlight received through, and the outlook from, these rear openings at No. 5.
19. No. 5 also has two windows at ground floor, and one window at first floor, in the side elevation of its outrigger facing towards the appeal site. Again, these windows are already significantly impacted by the existing two storey outrigger at the appeal site, particularly the ground floor windows which do not currently benefit from an unobstructed 45 degree angled view over the existing outrigger at the appeal site. As such the appeal proposal would not have any greater undue impact on the outlook from, and levels of daylight and sunlight received through, these ground floor windows.
20. Furthermore, I observed on site that the first-floor window in the side of No. 5 is obscure glazed and thus the proposal would not result in any loss of outlook from this window. I acknowledge that this first-floor window may be subject to some loss of daylight and sunlight, as a result of the proposal, however given that it is obscurely glazed I do not consider the appeal proposal would unduly impact the room served by this window.
21. With regard to overlooking towards neighbouring properties, the appeal property currently has an existing external roof terrace area at second floor level. This roof terrace would be partially replaced by the proposed extension, with a smaller roof terrace area retained to the rear. The proposed extension, and retained element of the roof terrace, would not provide any greater levels of overlooking than those which are currently provided by the existing roof terrace at the appeal site, and the existing windows in the rear elevation of the existing two storey outrigger. As such, the appeal proposal would not result in a loss of privacy for any neighbouring occupiers.
22. Whilst not raised as an issue of concern by the Council, I note that interested parties have expressed concerns in respect of noise and disturbance arising from the appeal proposal. In this regard, the proposed extension would be for residential use associated with the existing residential use of the flat, and Flat 3 already has an external roof terrace area at second floor level. As such, the appeal proposal would not result in greater levels of noise and disturbance for neighbouring occupiers, than that which could be experienced from the existing second floor flat and roof terrace area.
23. In view of all the above, I conclude that the appeal proposal would not result in harmful living conditions for neighbouring occupiers. I therefore find no conflict with Policies DC4 and HO11 of the LP, insofar as they together seek to ensure, amongst other things, that developments would not be unduly detrimental to the

amenities enjoyed by surrounding occupiers by way of loss of daylight, sunlight, privacy, noise and outlook.

24. I note that the Council's reasons for refusal in relation to the impact of the appeal proposal on the living conditions of neighbouring occupiers makes reference to LP Policy DC1. This policy relates to design and conservation and does not specifically refer to the living conditions of neighbouring occupiers. Therefore, this policy is of less relevance than the other policies I have referred to above.

Other Matters

25. The appeal site is not located within a conservation area, however the boundary of the Central Fulham Conservation Area (the CA) is situated to the south and east the appeal site. The appeal site is not visible from public vantage points within the CA as it is screened by the intervening terrace properties fronting onto Munster Road.
26. The appeal site therefore makes a very limited contribution to the setting of the CA, and consequently the appeal proposal would have a very limited affect upon the significance of the heritage asset as a whole, and would not harm the setting of the CA.

Conditions

27. In addition to the standard time limit condition, I have attached a condition specifying the approved plans to provide certainty. I have also attached a condition specifying the materials that are to be used on the external finish of the proposed development, in order to safeguard the character and appearance of the area.

Conclusion

28. For the reasons given above, and having regard to all matters raised, the proposed development would accord with the development plan when taken as a whole and there are no material considerations that indicate it should be determined other than in accordance with it. I therefore conclude that the appeal should be allowed.

R Major

INSPECTOR