



Appeal Decisions

Site visit made on 22 July 2024

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an Inspector appointed by the Secretary of State

Decision date: 18 September 2024

Appeal A- Ref: APP/H5390/W/24/3340120

281-283 Uxbridge Road, London, W12 9DT

- 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 Freeds 2000 Ltd against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2023/03163/FUL.
 - The development proposed is described as "Erection of a single storey rear extension, to the rear of the existing closet wing of No 283 Uxbridge Road at lower ground floor level. Erection of rear extensions at lower ground, upper ground, first and second floor levels and installation of 2 windows and 1 door to the side of lower ground floor of No. 281 Uxbridge Road".
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Appeal B- Ref: APP/H5390/W/23/3333424

281-283 Uxbridge Road, London, W12 9DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Freeds 2000 Ltd against the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2023/00600/FUL.
 - The development proposed is described as "Erection of side, rear and roof extensions to residential buildings".
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Decisions

1. **Appeal A** is allowed and planning permission is granted for a development described as "Erection of a single storey rear extension to the rear of the existing closet wing of No 283 Uxbridge Road at lower ground floor level. Erection of rear extensions at lower ground, upper ground, first and second floor levels and installation of 2 windows and 1 door to the side of lower ground floor of No. 281 Uxbridge Road" at 281-283 Uxbridge Road, London, W12 9DT in accordance with the terms of the application, reference 2023/03163/FUL, subject to the conditions set out in the Schedule at the end of this Decision.
2. **Appeal B** is dismissed.

Procedural Matter

3. I refer to the different cases as Appeal A and Appeal B. I have dealt with each appeal on its individual merits, but to avoid duplication both proposals are considered together in this decision.

Main Issues

4. The main issues in these cases are:

- the effect of the proposals on the living conditions of the residential occupiers of Nos 279, 281, 283 and 285 Uxbridge Road, having particular regard to outlook and privacy.
- the effect of the proposals on the character and appearance of the area.
- whether the proposals would make adequate provision for fire safety.

Reasons

Living conditions- Appeal A

5. The proposed lower ground floor extension to No 283 would be built along the boundary of No 285, the neighbouring property in the terrace. While the extension would be close to rear windows in this neighbouring property, it would maintain a relatively low profile and there is already a high boundary wall separating the adjoining gardens. As such, the outlook from the nearest windows in No 285 would not change substantially.
6. There is a gap between No 281 and No 279, the neighbouring property on the other side. Nonetheless, the proposed lower ground floor, upper ground floor, first floor and second floor extensions would be constructed near rear windows in this neighbouring property. The proposed lower ground floor extension would be the largest element, though due to its low height it would have little impact on rear facing windows in No 279. There is already a boundary wall and hedge separating the two properties and the lower ground floor extension would not project very much above this.
7. The proposed extensions to the upper ground, first and second floors would have a greater impact on rear facing windows in No 279 due to their height and projection forward of the rear elevation. However, these extensions would be relatively modest in size and the gap between No's 281 and 279 would retain a sense of openness. It therefore seems to me that the outlook from rear facing windows in No 279 would remain acceptable.
8. I am aware that Unit 6 of No 281 would contain side windows that would directly overlook parts of the neighbouring property. Although viewing angles into the windows of No 279 would be tight, it would be possible for future occupants of Unit 6 to look downwards in to the neighbouring garden. Hence, in the event of the appeal being allowed, a condition would be necessary to ensure these windows are obscure glazed and fixed shut.
9. The flank wall of the proposed upper ground floor, first floor and second floor extensions to No 281 would be close to the rear windows of Units 2, 5 and 8 in No 283. To some extent, Unit 2 is already somewhat enclosed and the proposal would not substantially alter this arrangement. While the proposed extensions may increase the degree of enclosure, I am satisfied that the outlook from within the unit would remain acceptable.
10. Similarly, there would be some reduction in outlook in Units 5 and 8 as there would be projecting walls on either side of the rear facing windows. However, having seen the property from the inside, I do not consider that the proposed

extensions would diminish outlook to the extent that it would undermine living conditions within these particular units.

11. My attention has been drawn to the proximity of the proposed garden wall to rear facing windows in Unit 3 of No 281 and Unit 3 of No 283. While the plans show that this wall would be at a similar distance from the rear facing windows as it is at present, a condition could be imposed requiring further details of the wall to ensure a reasonable outlook is maintained.
12. In reaching this decision, I have considered the comments from neighbours with regard to complaints of noise and disturbance from within the appeal properties. However, the proposed development would not substantially increase the residential capacity of the appeal properties and so would be unlikely to exacerbate any existing issues of this nature.
13. I therefore conclude on this issue that the development proposed in Appeal A would have an acceptable effect on the living conditions of the residential occupiers of Nos 279, 281, 283 and 285 Uxbridge Road. The proposal would be compatible with the aims of Policies DC4, HO4 and HO11 of the Local Plan¹ and Key Principle HS7 of the SPD² with regard to amenity.

Living conditions- Appeal B

14. Although the proposed lower ground floor extension to No 283 would project further from the rear elevation than in Appeal A, the effect on outlook from the neighbouring windows in No 285 would be minimal due to the low height of the extension. However, it is also proposed to extend the upper ground and first floor levels. While these extensions would not project from the rear elevation as much as the lower ground floor extension, they would be more evident from adjacent windows in No 279 due to their height and proximity. In my view, the cumulative effect of these rear projections would harm the outlook from windows in No 279, particularly those at lower levels.
15. The proposed lower ground floor extension to No 281 would extend further from the rear elevation than in Appeal A but, due to its relatively low height, would have little effect on outlook from the neighbouring windows in No 279. However, the upper ground floor extension would be more evident from these windows due to the extent to which it would project from the rear elevation above the existing boundary wall and hedge. In combination with the proposed first and second floor extensions, it would result in a far more substantial development than proposed in Appeal A. It seems to me that the extensions would loom large over the windows and outdoor space of the neighbouring property, leading to a sense of enclosure.
16. The increased size of the proposed extensions in comparison to Appeal A would also have a greater effect on living conditions in Units 2 and 5 of No 283, leading to a more perceivable 'tunnelling effect' and loss of outlook. Although the proposal would provide more spacious accommodation for some residents, this does not outweigh the harm I have identified above.
17. I therefore conclude on this issue that the development proposed in Appeal B would harm the living conditions of the occupiers of Nos 279, 283 and 285

¹ Hammersmith & Fulham Local Plan, February 2018

² Hammersmith & Fulham Planning Guidance Supplementary Planning Document, February 2018

Uxbridge Road. There would be conflict with Policies DC4, HO4 and HO11 of the Local Plan and Key Principle HS7 of the SPD.

Character and appearance- Appeal A

18. The appeal properties form part of a small terrace. Like other terraces in this part of Uxbridge Road, they are older style buildings which retain most of their original features, despite evidence of modern alterations. As such, the street scene in this location maintains a degree of consistency.
19. Because the proposed development would be at the rear of the properties, it would have little impact on the Uxbridge Road street scene. Even from the rear, the development would not be widely exposed within the surroundings because the housing in St Elmo Road runs perpendicular to Uxbridge Road. Nonetheless, the proposed extensions would still be visible from rear windows and roof terraces of housing in St Elmo Road as well as from the gardens of neighbouring dwellings in Uxbridge Road.
20. The largest part of the development would be the lower ground floor extension which would run the whole width of No's 281 and 283. While extensions of this type are not reflective of those seen elsewhere in the area, the lower ground floor extension would not be an unduly prominent feature due to its low height and flat roof. There are already walls and structures in this part of the garden and the extension would occupy part of the same footprint.
21. The proposed upper ground floor, first floor and second floor extensions would be more noticeable due to their height. However, from the perspective of nearby dwellings, they would not substantially change the appearance or the overall proportions of the appeal properties. The rear elevation has already been extended and the character of surrounding development at the back of the terraces is more varied than it is along the street frontage.
22. I am conscious that Policy HS4 of the SPD says that planning permission will not normally be granted for any extension if it is more than 3.5 metres in length beyond the rear building line as originally built. Although the proposal would exceed the size recommended in the SPD, I do not consider that it would be harmful in this particular case for the reasons given above. In my view, the development would appear subservient to the host properties.
23. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. The proposal would be compatible with Policies DC1 and DC4 of the Local Plan, which seek to achieve acceptable standards of design.

Character and appearance- Appeal B

24. Although the proposed roof extension would be visible from Uxbridge Road, it would be partially hidden behind the parapet and would not be a particularly prominent feature from the street frontage.
25. However, the built environment is experienced from both private and public viewpoints. The development would be more extensive than in Appeal A, with sizeable extensions to the lower ground floor, upper ground floor, first floor, second floor and roof. Seen from the rear, the cumulative scale of these alterations would be very noticeable. This would markedly change the appearance of the appeal properties, altering their proportions in relation to the

neighbouring properties in Uxbridge Road. The buildings would assume a bulky appearance, out of character within their local setting.

26. I recognise that the area behind the appeal properties has a varied appearance and many nearby buildings feature rear extensions, including several at roof level. However, even within this context, the proposed development would appear out of place due to its scale.
27. Other examples of developments have been referenced by the appellant in support of the proposal but, based on the information provided, I am not convinced that these are similar to the current case. As such, they have little bearing on my decision in this appeal.
28. I therefore conclude on this issue that the proposal would harm the character and appearance of the area. There would be conflict with Policies DC1 and DC4 of the Local Plan, which seek to achieve acceptable standards of design.

Fire safety- Appeal A

29. Policy D12 of the London Plan³ states that all development proposals must achieve the highest standards of fire safety. Key Principle DA14 of the SPD says that *how a building will function in terms of fire, emergency evacuation and the safety of all users should be considered at the outset to ensure the most successful outcomes are achieved*.
30. The appellant submitted a fire safety report after the Council had refused the application. This shows how the proposal would address policy requirements. Were the appeal allowed, a condition could be imposed to ensure that the recommendations of the report are incorporated into the development.
31. A neighbouring occupier on the top floor of No 285 Uxbridge Road has raised concerns that the proposal would prevent them escaping onto the flat roof of No 283 in the event of a serious fire. I have been supplied with photographs of the roof in question as well pictures of a previous fire in a similar property. However, according to the plans for Appeal A, the flat roof of the first floor of No 283 would remain in its present form. As such, I do not consider that the proposal would be hazardous in this regard.
32. I therefore conclude on this issue that the proposal would make adequate provision for fire safety.

Fire safety- Appeal B

33. I am not aware that a fire safety report has been provided in Appeal B. Although fire safety is addressed by Building Regulations, local planning policy (including Key Principle DA14 of the SPD) requires fire safety issues to be considered from the outset. The matter cannot be dealt with by way of planning condition as this would be a retrospective action. It would not be possible to determine in advance of granting planning permission whether the proposal would comply with fire safety policies. However, had the proposal been acceptable in other regards, it would have been possible for me to have requested a fire safety report before issuing this decision.
34. Based on the evidence before me, I conclude on this issue that proposal would not make adequate provision for fire safety.

³ The London Plan, Mayor of London, March 2021

Conclusion and Conditions

Appeal A

35. For the reasons given above, I conclude that Appeal A is allowed.

36. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. To protect the character and appearance of the area, conditions have also been imposed requiring details of external materials. To protect the amenity of local residents, there is a condition requiring a Construction Logistics Plan and a condition requiring obscure glazing in Unit 6. For similar reasons, there is also a condition preventing the flat roofs being used as private outdoor space. So as to ensure an appropriate outlook from the units, there is a condition requiring further details of the garden wall. For safety reasons, there are conditions relating to flood and fire prevention. Finally, there is a condition which requires details of cycle storage. This is to help promote sustainable modes of transport.

Appeal B

37. For the reasons given above, I conclude that Appeal B is dismissed.

C Cresswell

INSPECTOR

(Schedule of conditions attached)

Schedule of Conditions (APPEAL A)

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1210-PA2-001, 1210-PA2-002, 1210-PA2-010, 1210-PA2-020, 1210-PA2-100 REV A, 1210-PA2-101 REV A, 1210-PA2-200 REV A, 1210-PA2-201.
- 3) Prior to the commencement of the development hereby permitted, details of external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved details.
- 4) Prior to the commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be in accordance with Transport for London Guidance on Construction Logistics Plans and shall include, but not be limited to, the following details: (i) construction vehicle routing; (ii) details of the estimated number, size, times and routes of construction vehicles per day/week; (iii) details of delivery locations for construction materials.
- 5) Prior to the commencement of the development hereby approved, details (including the number of cycle parking spaces, dimensions, design and materials) of the proposed cycle storage shall be submitted to, and approved in writing by, the local planning authority. The approved details shall be implemented prior to occupation of the development hereby approved and shall be permanently retained for the lifetime of the development.
- 6) Prior to the occupation of Unit 6, No.281 Uxbridge Road, the flank windows at upper-ground floor level in the east elevation as shown in drawing 1210-PA2-100 REV A (Proposed Lower Ground to First Floor Plan) hereby permitted shall be fitted with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, and shall be non-opening and fixed shut up to a height of 1.7m above the finished floor level. The windows shall thereafter be permanently retained as approved.
- 7) Notwithstanding Condition No 2, prior to the commencement of the development hereby permitted, further details of the wall separating the private amenity space of Unit 3, No 283 Uxbridge Road and Unit 3, No 281 Uxbridge Road from the rear communal garden (as shown in drawing 1210-PA2-100 Rev A) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved details.
- 8) The development shall be carried out and completed in full accordance with the details contained within the Flood Risk Assessment (ref. 315 FRA-001, Mar-23) prepared by Urban Water. No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the submitted details and the development shall be retained in this form and maintained as necessary thereafter.

- 9) Other than the existing terrace (serving Unit 6 of No.283 Uxbridge Road), no part of any roof of the proposed rear extensions shall be converted into or used as a terrace or other open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to the property to form access onto the roofs.
- 10) The development shall be completed in accordance with the recommendations of the fire safety report (Fire Statement Compliant with Policy D12(A) by Fire Safety South East, dated 20 February 2024). No part of the development hereby approved shall be occupied until all of the recommendations have been implemented in full. The development shall be retained in this form and maintained as necessary thereafter.