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# Appeal Decision

Site visit made on 28 April 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

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**Appeal Ref: APP/H5390/W/24/3357236**

**Flat B First Floor, 1 Byam Street, London SW6 2RB**

- 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 Ms Arbalova against the decision of the Council of the London Borough of Hammersmith and Fulham.
  - The application Ref is 2024/01601/FUL.
  - The development proposed is described as a 'proposed mansard loft conversion with a terrace and changing from a hipped to a gable roof with raising of the ridge.'
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have amended the address provided in the application form for reasons of clarity. The address provided in the banner heading above matches that listed on the decision notice and the appeal form.
3. The appellant has submitted revised plans with the appeal which removes the terrace and replaces the door originally serving the terrace with a window. In this case, the revisions would represent a substantial difference to the proposal, no longer in line with the proposed description of development, which specifically references the terrace. The appeal must be determined based on the plans as originally submitted to the Council and upon which it based its decision, and which have been subject to consultation. To do otherwise would prejudice the interests of other parties, who have not been consulted on the revised scheme and who may have observations to make. I have therefore proceeded to determine the appeal based on the plans as originally submitted.
4. There have been changes to the National Planning Policy Framework (the Framework) since the determination of the planning application. I am satisfied that as far as their substance relates to the main issue in the appeal, further consultation has not been necessary since they have not materially affected or prejudiced the cases of the parties. I have proceeded on this basis, with reference to the 2024 version of the Framework.

## Main Issues

5. The main issues are the effect of the proposed development on:
  - the character and appearance of the area; and;

- the living conditions of the occupiers of neighbouring properties along Stephendale Road, with particular regard to outlook.

## Reasons

### *Character and appearance*

6. The appeal site relates to a two-storey end of terrace dwelling in a predominately residential area of Fulham. The property comprises two flats and this appeal relates to the first floor flat. The property has a hipped roof and an existing two storey rear addition. Surrounding development comprises mainly terrace dwellings of a similar size and style. The area is characterised by hipped end of terrace roofs, and original rooflines which creates a sense of uniformity within the wider terrace group.
7. The proposed development would result in the creation of a hip to gable roof extension which would involve increasing the ridge height, and the erection of an extension and roof terrace over the existing two storey rear addition. The proposed second floor extension and terrace, which would appear somewhat solid given the proposed privacy screens, would cover approximately three quarters of the existing rear addition.
8. The proposed hip to gable extension and increase in ridge height would result in the loss of the original character of the host property and disrupt the uniformity and balance evident within the wider terrace group. The second-floor rear extension would further disrupt the symmetry and balance along this part of Byam Street and would be at odds with surrounding development which mainly includes unaltered two storey rear additions. Whilst there are a number of roof extensions in the area, these do not extend out as far from the roof and in any instance are a minority and do not reflect the prevailing character of the area.
9. The proposal, particularly the hip to gable extension and increase in ridge height, would be readily apparent from the street scene and their visual impact would be accentuated by the sites prominent position at the end of the terrace, close to the junction with Stephendale Road. The second-floor extension would also be readily visible in views from Broughton Road and when entering Byam Street from Stephendale Road. Overall, the proposal would therefore dominate the host property and be out of character with the established form and roofscape of the wider terrace, harming the character and appearance of the area.
10. In reaching these conclusions, I have considered the numerous other schemes put before me. I note that 2 Byam Street comprises of a gable roof extension. However, the information provided shows that this was constructed through a lawful development certificate, which is subject to a more limited set of considerations than a planning application and as such, I do not find this example directly comparable. In any instance, this roof does not reflect the prevailing character of the area which is characterised by hipped end of terrace roofs and original rooflines.
11. 37 Byam Street, in my view, its gable roof is not reflective of the prevailing character of the area. Furthermore, this roof does not appear to have undergone an increase in ridge height, nor does it benefit from a large roof extension. As such, this scheme is also not considered to be directly comparable to the appeal scheme and reference to it carries limited weight in favour of the appeal.

12. Numerous other properties and approved schemes are referenced by the appellant in support of the scheme. The properties at 9, 19, 21, 23, 27, 29, 31 and 35 Byam Street, 21 and 25 Glenrosa Street and 122 Stephendale Road are not considered to be directly comparable to the appeal scheme as they are mid terrace properties, and the circumstances are therefore different. Furthermore, given these properties are mid terrace these schemes did not include a hip to gable extension.
13. Turning to the approved scheme at 1 Edenvale Street, whilst I accept this approval is somewhat similar to the appeal scheme, it did not include a terrace. Furthermore, this scheme was considered under a different development plan context, and I do not have details of this policy context before me. In any instance, the fact that apparently similar developments have been granted permission is not a reason, on its own, to allow unacceptable development. I have considered the appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above. This development is therefore of limited weight in favour of the proposal.
14. Approved applications at 1A and 2 Althea Street and 150 Stephendale Road are also referenced. However, I do not find these examples directly comparable as the detailed designs of these dwellings are different to the prevailing design along Byam Street. Furthermore, these permissions pre-date the adopted local plan and were therefore assessed under a different policy context.
15. Images of hip to gable extensions at 1 Hamble Street and 74 Stephendale Road have been submitted in support of the appeal. However, I do not know the circumstances under which they were constructed or their status with regard to planning permission and therefore cannot draw any direct comparison with the proposal that would weigh in its favour. An image of the property at 168 Stephendale Road has also been submitted, however this property is completely different in design to the appeal scheme and is therefore not directly comparable.
16. Regarding the aerial images showing roof extensions along Querrin Street, Glenrosa Street, Althea Street and Edenvale Road, whilst I accept there are roof extensions within the surrounding area, I am not satisfied that such extensions form part of the prevailing character around the appeal site. Instead, they are a minority within the area surrounding the appeal site, which is characterised by two storey rear additions. Furthermore, the scheme before me does not solely seek permission for a roof extension. Reference to these images has not altered my view with regards to the appeal scheme.
17. I have also noted that materials matching the existing building would be utilised, however this would not overcome the harm that I have identified.
18. For the reasons outlined above, I therefore conclude that the scheme would harm the character and appearance of the area. It would be contrary to Policies DC1 and DC4 of the Hammersmith & Fulham Local Plan (2018) (LP), which require development proposals to, amongst other things, respect and enhance townscape context and be compatible with the scale and character of existing development, neighbouring properties and their setting. It would also be contrary to the Framework in this regard which seeks to achieve the same aims.

### *Living conditions*

19. I note that the Council's refusal reason references 130, 132 and 134 Fullerton Road. However, the case officer report also raises concerns regarding the effect of the development on the occupiers of 128 Fullerton Road. I have therefore considered the effect on the closest neighbouring properties along Fullerton Road, namely No's 128, 130, 132 and 134.
20. The rear gardens of 128, 130, 132 and 134 Fullerton Road sit perpendicularly to the appeal site. Given the dense urban grain, these gardens are relatively short in length. Policy HO11 of the LP outlines how proposals for extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact on outlook from windows in adjoining properties. Key principle HS6 of the Hammersmith & Fulham Planning Guidance- Supplementary Planning Document (2018) (SPD) requires extensions to not infringe upon an angle of 45 degrees to the rear boundary. The information before me advises that the existing dwelling already infringes upon the 45-degree line from the rear of these properties, however the impact is offset as the hipped roof is angled away from the rear gardens.
21. The proposed hip to gable extension would bring the main roof level of the property closer to the boundary with these neighbours, in particular No's 128 and 130. This element of the proposed works would therefore significantly impinge upon this 45-degree line. This would create a sense of enclosure and overbearing impact from rooms with rear facing windows and the rear amenity space of No's 128 and 130, detrimentally impacting the outlook from these properties. This impact would be more severe than the current situation. The small size of these gardens would also exacerbate this impact, affecting the enjoyment of the occupier's outdoor amenity space. However, the boundaries of No's 132 and 134 do not sit directly adjacent to the extent of the hip to gable extension, I am satisfied that these properties would not be detrimentally impacted by this element of the proposed scheme.
22. The rear extension and terrace would be set back from the boundary with No's 128, 130, 132 and 134. Whilst the information before me outlines how the existing rear addition already infringes upon the 45-degree line from the boundaries with these neighbours, the pitch of the rear extension and glazed boundary of the terrace, which in my view would have a lesser impact than built form, would reduce the impact of this extension upon the neighbours along Fullerton Road. I am therefore satisfied that this element of the proposed scheme would not materially harm the occupiers of neighbouring properties along Fullerton Road, with regards to outlook.
23. However, for the above reasons, the proposed scheme would cause unacceptable harm to the living conditions of the occupiers of No's 128 and 130 Fullerton Road, having particular regard to outlook. Accordingly, it would conflict with the aims of Policy HO11 of the LP which, amongst other things, seeks to ensure that development does not detrimentally impact neighbouring amenity, including outlook. It would also be contrary to the aims and objectives of the SPD and the Framework in this regard.

## **Other Matters**

24. I note that no objections were received from neighbours at application stage. The appellant's contracted development partner also has a positive reputation for building extensions in London.
25. The appeal site is not a listed or locally listed building, nor is it located in a Conservation Area. The proposed development would create a suitable space for the appellant's growing family and would make effective use of land. It also may potentially improve the Council's housing stock through creating additional rooms in an existing dwelling.
26. However, these matters are insufficient to outweigh the harm I have identified.
27. The appellant outlines how the Framework states that planning policies and decisions should support opportunities to use the airspace above existing residential properties to create new homes. However, the scheme does not create a new home. They also state that the proposed development would align with the government's commitment to 'get Britain building again,' however this is of limited weight given the harm identified.

## **Conclusion**

28. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

*S Burch*

INSPECTOR