



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: 18 June 2025

Appeal Ref: APP/H5390/W/24/3357962

11 Gowan Avenue, Hammersmith and Fulham, London SW6 6RH

- 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 Mrs Varuni Dharma against the Council of the London Borough of Hammersmith and Fulham.
- The application Ref is 2024/02115/FUL.
- The development proposed is described as 'Extension at second floor level, over existing first floor rear addition. Mansard roof extension to the front, including raising the ridge by 200mm with associated front dormers and modifications to existing rear mansard.'

Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The Council did not determine the planning application. It has indicated that, had it been in a position to do so, it would have refused planning permission for two reasons. These reasons are outlined in the officer's report which was submitted as the Council's statement of case. The main issues below reflect those reasons informed by the officer report.

Main Issues

3. There is no dispute between the parties as to the acceptability of the proposed works and alterations to the main roof. On the basis of the evidence before me I am satisfied that this aspect of the proposal would cause no material harm and would not conflict with any development plan policies. My decision therefore focuses on the acceptability of the proposed rear extension at second floor level.
4. Therefore, the main issues are the effect of the proposed second floor extension on:
 - the living conditions of the occupants of No 13 Gowan Avenue, with particular regard to natural light and outlook; and
 - the character and appearance of the area.

Reasons

Living conditions- natural light

5. The appeal site is a two-storey mid terrace dwelling in a residential area. Most dwellings in the area benefit from sizeable rear additions. There is an extant permission at the appeal site (Ref: 2024/01981/FUL) which granted permission for

a second-floor rear extension, amongst other things. The approved second-floor rear extension however is of a reduced depth, in comparison to the scheme before me where the second-floor extension would extend the full depth of the existing rear addition. The approved scheme represents a fallback position which has a real prospect of being implemented if this appeal is dismissed.

6. There is a ground floor window at No. 13 Gowan Avenue (No.13) which serves a bedroom, in close proximity to the shared boundary with the appeal site. The Council outline how this is the only opening to the bedroom.
7. The proposed extension would project further outwards in comparison to the existing approval. By virtue of the proposed extensions height and increased depth, it would result in a loss of both daylight and sunlight to this window. Whilst I acknowledge that natural light to this window is already affected by the ground floor rear extension at No.13, and the existing two storey rear addition at the appeal site, the additional storey would worsen this relationship and reduce the overall amount of natural light reaching the bedroom. The loss of sunlight would be particularly evident during the morning/early afternoon time given the rear of the properties face broadly southeast. Given the increased depth of the proposed extension, in comparison to the fallback position, it would have a more harmful impact on natural light.
8. With regard to the first-floor kitchen window at No.13, this window is similarly the only source of light to this room and sits in close proximity to the shared boundary with the appeal site. Given the height and increased depth of the extension, in comparison to the fallback position, it would reduce the amount of sunlight and daylight reaching this room and again the loss of sunlight would be particularly evident during the morning/early afternoon time.
9. However, this room is not considered to be a primary habitable room in policy terms as it falls short of the 13 square metre floor space required to be a habitable room by the LP. Nonetheless, a kitchen can still be an important room and is often used as the main room in a flat or dwelling for eating, socialising and relaxing, therefore any effect on its natural light is still potentially important, even if it falls slightly short of the policy size requirement for a habitable room. However, it is unclear from the evidence before me as to whether this room is used solely for meal preparation or if it is also used as a place to eat and relax. Given this uncertainty, I am therefore unable to determine if there would be material harm through loss of natural light to this window. Nonetheless, I have identified harm to the ground floor window as outlined above.
10. The rear extension would not breach a 45-degree line of sight drawn from the centre point of the nearest habitable room and therefore would not appear overbearing or result in a material loss of sunlight or daylight. However, as outlined by the Council, the 45 degree test, as set out in Key Principle HS7 of the SPD, is primarily designed to apply to side facing windows. In any case, no concerns regarding the impact on side facing windows of neighbouring properties has been raised.
11. For the reasons given above, I therefore conclude that the scheme would adversely affect the living conditions of the occupiers of No. 13 by way of loss of natural light. The scheme is contrary to Policies DC4 and HO11 of the LP in this regard. Amongst other things, these policies seek to ensure that development

does not detrimentally impact neighbouring amenity. It would also be contrary to the aims of the Framework in this regard.

Living conditions- outlook

12. Regarding the effect on the outlook from the ground floor bedroom window at No.13, I note that outlook from this window is already somewhat impeded by an existing single storey rear extension at No.13. Nonetheless, it is evident that the proposed extension, by virtue of its height and depth, would worsen the outlook from this window by reducing the angle of unobstructed visibility. This would also exacerbate the sense of enclosure from this window to the detriment of the neighbouring occupants. This impact would be more harmful than that of the fallback position due to the increased depth of the proposed extension.
13. The Council outline how the 15-degree test as set out in Key Principle HS7 of the SPD is only partly applicable in this instance given the nature of the proposed works. Nonetheless, it still provides an indication of the potential extent of loss of outlook. They explain how the extension would reduce the angle of unobstructed visibility from approximately 50 degrees to approximately 17 degrees, representing a loss of approximately 33 degrees of unobstructed visibility, a 66% reduction. This significantly exceeds the 15% reduction limit outlined in Key Principle HS7 and illustrates the loss of outlook.
14. Concerns are also raised regarding outlook from the first-floor kitchen window at No.13. As outlined previously, this window provides the only outlook to this room and whilst it falls below the policy size requirement for a habitable room, any effect on its outlook is potentially still important. Given the lack of evidence relating to the nature of its use, I am again unable to determine if there would be material harm through loss of outlook to this window. Nonetheless, I have identified harm to the ground floor window as outlined above.
15. For the above reasons, the proposed rear extension would adversely affect the living conditions of the occupants of No.13 through loss of outlook. The scheme is contrary to Policies DC4 and HO11 of the LP in this regard. Amongst other things, these policies seek to ensure that development does not detrimentally impact neighbouring amenity. It would also be contrary to Key Principle HS7 of the SPD and the aims of the Framework in this regard.

Character and appearance

16. The existing dwelling benefits from an existing two-storey rear addition, with a small second floor rear extension. Surrounding development mainly comprises of residential dwellings of a similar size and scale. Development along Gowan Avenue has a dense urban grain and most properties benefit from sizeable rear additions.
17. As mentioned previously, there is an existing approval at the scheme which represents a fallback position. The proposed rear extension would extend outwards for the full depth of the existing two storey rear addition, replacing an existing smaller second floor extension. It would sit above the existing eaves but below the main ridge level and broadly at a similar height to other second floor rear extensions in the area. The roof would also be slanted, in keeping with other second floor extensions along Gowan Avenue.

18. Whilst I accept that No.9 Gowan Avenue (No.9) does not benefit from a second-floor extension, there are numerous other pairs of dwellings along Gowan Avenue which differ in their form to the rear. Some properties have second floor extensions whilst others only have first floor extensions. Therefore, whilst I do accept that the proposal would result in differences in scale and form to the rear between the appeal property and No.9, the proposed extensions would be viewed in the context of numerous other rear extensions within the area. In addition, given the extensions positioning to the rear of the dwelling and below the main ridge of the dwelling, any impact of this on the street scene would be limited.
19. I acknowledge the group of properties with three storey outriggers (No's 17-27 Gowan Avenue) for which there is no planning history. Despite their proximity to this group, the approved extensions at No's 15 and 29 Gowan Avenue further illustrate the varied form of rear elevations within the area.
20. The Council have drawn my attention to an allowed scheme at No. 31 Gowan Avenue, stating that its materially different given its proximity to the aforementioned group of properties. Again, whilst I do accept that the scheme would result in a difference in scale and form to the rear with No 9, given the volume of second floor rear extensions and variation in form to the rear of properties along Gowan Avenue, I am not satisfied that the scheme would be out of keeping with surrounding development.
21. I have also noted the comment with regard to an extension at No. 35 Gowan Avenue, with the Council outlining how it represents poor design and should not be replicated. However, I have limited information regarding this scheme and was unable to see it on my site visit due to its positioning to the rear of the site, existing boundary treatment and distance away from the appeal site. I am therefore unable to draw any meaningful comparison between it and the appeal scheme.
22. The Council also state that proposals to extend atop existing rear additions are normally restricted to half the depth of the back addition, referencing a recent approval at No. 5 Gowan Avenue as an example of this. I have not, however, been referred to any policy or guidance basis for the 50% restriction. As a result, I give this matter limited weight as a consequence.
23. For the reasons given above, I therefore conclude that the proposal would not harm the character and appearance of the area. As such, it would be in accordance with Policies DC1 and DC4 of the Hammersmith & Fulham Local Plan (2018) (LP) in this regard. Collectively, amongst other matters, these policies require development proposals to respect and enhance townscape context and be compatible with the scale and character of existing development, neighbouring properties and their setting. The development would also comply with the aims of the Hammersmith & Fulham Supplementary Planning Document (2018) (SPD) in this regard.

Other Matters

24. An allowed appeal for a rear extension at second floor level at No. 31 Gowan Avenue has been cited in support of the appeal. However, I have limited information regarding this appeal, including no plans. I was unable to see the rear extension at this property on my site visit due to its positioning to the rear of the property, existing boundary treatment and its distance away from the appeal site. I also note that this scheme was assessed against a different local plan context and

I do not have details of this policy context before me. I am therefore unable to draw any direct comparison between this scheme and the appeal scheme.

25. Details of an approved application at No.15 Gowan Avenue have been provided by the appellant. However, this second-floor extension does not extend the full depth of the first-floor addition and is instead set back at second floor level, thereby reducing the effect to neighbouring properties. In addition, this scheme was assessed under a different local plan context, and I do not have details of this policy context before me. The appeal scheme is therefore not directly comparable to this approved scheme.
26. I acknowledge the appeal site is not located within a conservation area, nor is it a listed building. I also note that no objections were received from neighbours at application stage. I acknowledge that the scheme would not result in material harm by way of loss of privacy to neighbouring occupiers, and its compliance with the test set out in Key Principle HS6 of the SPD. However, these matters or any others raised are not sufficient to outweigh the harm that I have identified.

Conclusion

27. For the reasons outlined above, it is clear that the scheme before me would have a more harmful impact on neighbouring amenity in comparison to the approved fallback position.
28. Notwithstanding my findings with regard to character and appearance and, the harm that would be caused to the living conditions of the occupiers of No.13, and the resulting conflict with the development plan is such that the proposed scheme would not comply with the development plan considered as a whole. There are no material considerations of sufficient weight to indicate that a decision should be taken other than in accordance with the development plan. The appeal should be dismissed and planning permission is refused.

S Burch

INSPECTOR