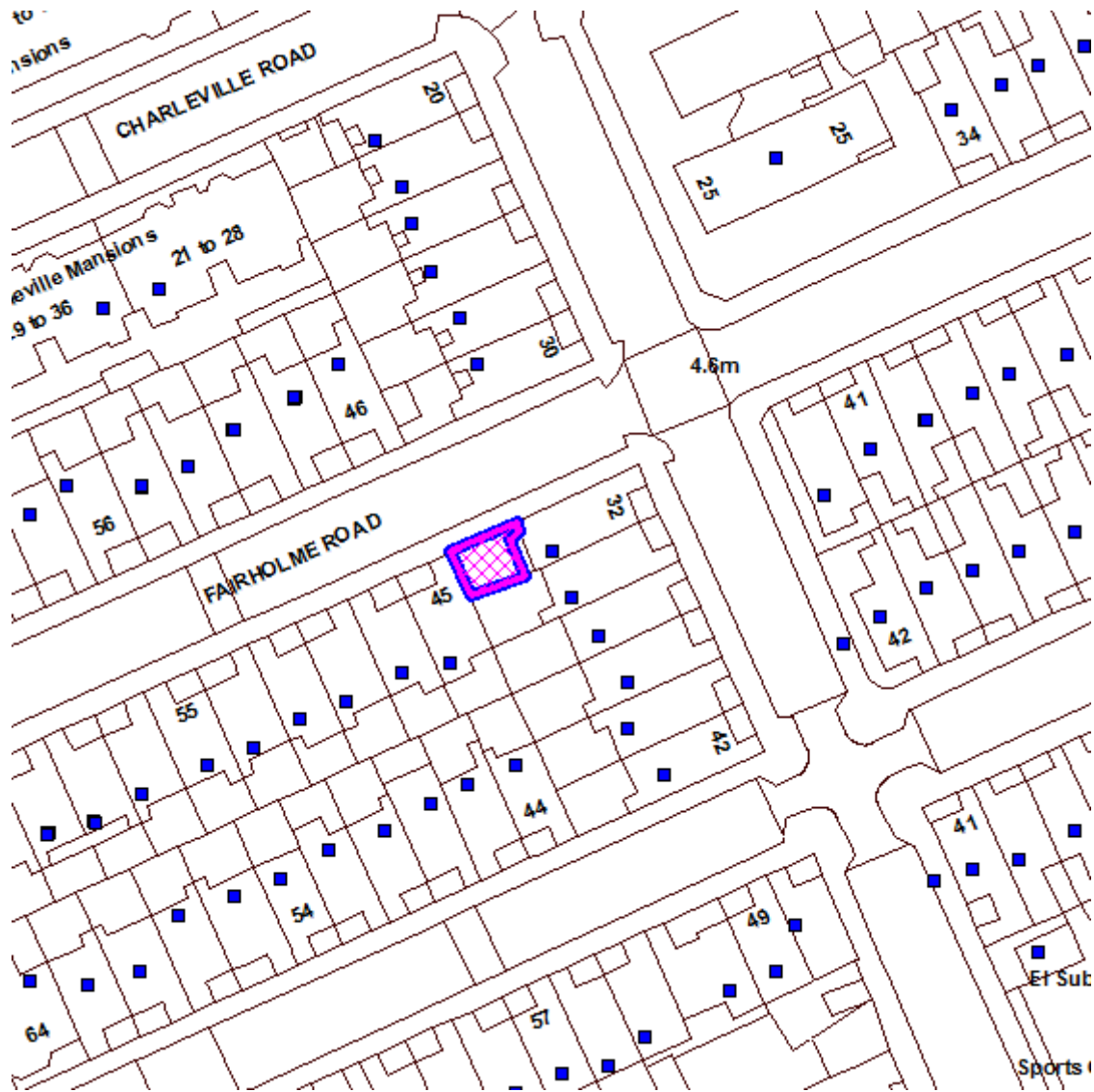


Ward: North End

Site Address:

32A Vereker Road London W14 9JS



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For identification purposes only - do not scale.

Reg. No:
2020/01566/FUL

Case Officer:
Graham Simpson

Date Valid:
22.06.2020

Conservation Area:
Constraint Name: Baron's Court Conservation Area
- Number 27

Committee Date:
08.09.2020

Applicant:

Mr Joseph Asombang
32A Vereker Road London W14 9JS

Description:

Replacement of existing roof with new raised mansard roof to be no greater than the existing ridge line, with rooflights; excavation of the basement to provide accommodation at lower ground floor in connection with an existing residential unit; Repairs to the brickwork, parapet and doorway portico and replacement of the existing window with double glazing and replacement of front door to Fairholme Road.
Drg Nos: GA-03; GA-04; GA-05; EL-02; EL-03; EL-04 Proposed Rear Elevation; SC-02; DET-01 (All drawings dated 18 June 2020)

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Strategic Director, The Economy, be authorised to determine the application and grant permission subject to the condition(s) listed below:

To authorise the Strategic Director, The Economy, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor changes to the proposed conditions which may include the variation, addition or deletion of the conditions, any such changes shall be within their discretion.

- 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.

Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The development hereby permitted shall be built in complete accordance with the submitted drawings hereby approved:

GA-03; GA-04; GA-05; EL-02; EL-03; EL-04 Proposed Rear Elevation; SC-02; DET-01 (All drawings dated 18 June 2020)

In order to ensure full compliance with the planning permission hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 3) A detailed structural engineer's report and method statement bespoke to the site for the development hereby approved, including details of any temporary works required to facilitate the excavation and construction works, the proposed means of protection of the structure of the retained elements of the existing building during excavation and construction works, and confirmation that there will be no damage to the structure of the elements of the existing building to be retained as a result of the excavation and construction works, shall be submitted to and approved in writing by the Council prior to the commencement of development. The works shall be carried out in accordance with the approved details.

In order to protect the structure of the building and to safeguard the special architectural or historic interest of the Barons Court Conservation Area in accordance with policy DC1 and DC8 of the Local Plan (2018).

- 4) Prior to commencement of the development hereby approved, a Construction Logistics Plan (in compliance with TfL Construction Logistics Plan Guidance) and a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The details shall also include the numbers, size and routes of demolition and construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the project period.

To ensure that demolition and construction works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policy CC13 of the Local Plan (2018).

- 5) Any alterations to the elevations of the existing building (including works of making good) shall be carried out in the same materials as the existing elevation to which the alterations relate, and any repairs to the existing brickwork shall be carried out using matching second hand bricks with mortar colour and pointing style to match the existing.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 6) The unglazed pitched faces of the roof extension hereby approved shall be clad in slates, and shall thereafter be permanently retained as such.

In order to ensure a satisfactory external appearance, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 7) Prior to commencement of the development hereby permitted details of the material and finishes and detailed elevational and section drawings at a scale of 1:20, of the double glazed window to be inserted into the front elevation of the building shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

To ensure that any replacement window on the front elevation has a similar appearance to the existing and is in keeping with the appearance of the

surrounding area, in accordance with Policies DC1, DC4, DC6, and DC8 of the Local Plan (2018).

- 8) The new roof lights hereby approved shall not protrude more than 150mm from the existing roof slope.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 9) No water tanks, water tank enclosures or other structures shall be erected upon the flat roof of the extension hereby permitted.

To ensure a satisfactory external appearance and to prevent harm to the street scene in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 10) No plumbing, extract flues or pipes, other than rainwater pipes, may be fixed on the front elevation of the building.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 11) The basement floorspace hereby approved shall not be converted to use as a separate dwelling, and shall only be used in connection with, and ancillary to, the use of the remainder of the application property as a single dwellinghouse.

The use of the basement accommodation as a self-contained flat, separate from the use of the remainder of the application property as a single dwelling house, would raise materially different planning considerations that the council would wish to consider at that time, in accordance with Policies DM H1, T2 and CC3 of the Local Plan (2018).

- 12) Prior to occupation of the development hereby permitted, flood mitigation/proofing measures shall have been implemented in accordance with the details contained within the approved Flood Risk Assessment, and a non return valve and pump device should be installed to prevent sewage 'back-surfing' into the basement in times of heavy rain and to allow the property's sewage to continue to flow properly into the sewer network. The measures shall thereafter be retained in perpetuity.

To protect the dwelling from flooding, as recommended by Thames Water and in accordance with Policy CC3 of the Local Plan (2018), London Plan (2011) Policy 5.12 and Part 10 of the NPPF.

- 13) No mezzanine floors or additional floorspace may be added.

In granting this permission, the Council has had regard to the special circumstances of the case. Additional floorspace within the building may be unacceptable due to the effect on the proposed standard of residential accommodation, and the existing residential amenities of neighbouring properties, in accordance with Policies HO11, CC9, CC11, CC13, DC1 and DC4 of the Local Plan (2018).

- 14) No alterations shall be carried out to the external appearance of the building, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the plans, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.

To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policy CC11 of the Local Plan (2018).

Justification for Approving the Application:

- 1) It is considered that the proposal would not have an unacceptable impact on the existing amenities of the occupiers of neighbouring residential properties, and would be of an acceptable visual appearance. Further it is considered that the development would preserve the character and appearance of the conservation area in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this respect the development is judged to be acceptable when assessed against Policies HO11, DC1, DC4, DC6, DC8, DC11, and CC3 of the Local Plan (2018), and Key Principles HS6, HS7, AH1, AH2, CAG3, FR1, FR3, and FR6 of the Planning Guidance SPD (2018).

**LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS**

All Background Papers held by Andrew Marshall (Ext: 4841):

Application form received: 20th June 2020
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2016
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:
London Underground Limited

Dated:
21.07.20

Neighbour Comments:

Letters from:

Dated:

36 Vereker Rd London W149JS
34a Vereker Rd Barons court W149js
Kansakouluatu 5A2 Helsinki 00100
62a Lillie Road London SW6 1TN
7 Margravine Gardens London W6 8RL

29.07.20
03.08.20
23.07.20
18.07.20
10.08.20

70 Stormont road London SW11 5EL	22.07.20
ODSTOCK MARINE PARADE INSTOW EX39 4JN	12.08.20
3 Jessel Mansions Queens Club Gardens, W14 9SH	27.07.20
Odstock Marine Parade NEAR BIDEFORD EX39 4JN	12.08.20
6 Cloncurry Street London SW6 6DS	09.08.20
28 Vereker Road LONDON W14 9JS	06.08.20
14 The Limes South Cerney Cirencester GL7 5RF	23.07.20
34 Vereker Road 1st & 2nd Floor Flat London W14 9JS	21.07.20
3 Challoner Crescent LONDON W14 9LE	07.08.20
The Spinney Holly Bank Road Woking GU22 0JW	02.08.20
19D Charleville Road London W14 9JJ	04.08.20
45 Osborne Road Eastbourne BN20 8JJ	04.08.20
32 Vereker Road London W14 9JS	06.08.20

OFFICER'S REPORT

1.0 BACKGROUND

1.1 The application site relates to the single storey building at the rear of No.32 Vereker Road, known as 32A Vereker Road. The building occupies the whole site and is accessed from Fairholme Road. The site is surrounded by residential properties. Immediately to the west is No.45 Fairholme Road, the rear gardens of No.34 and No.36 Vereker Road are to the south, with No.32 Vereker Road to the east.

1.2 The site is situated within the Barons Court Conservation Area and within Flood Risk Zones 3, but is not subject to any Article IV directions. None of the buildings on or immediately surrounding the site are listed buildings or locally listed Buildings of Merit.

1.3 Relevant Planning History:

1.4 In February 2017 planning permission was refused (2016/05386/FUL) for the replacement of the existing roof with a new raised mansard roof; excavation of the basement to provide accommodation at lower ground floor; alterations to the Fairholme Road elevation in connection with the formation of a 2-bedroom self-contained unit, on the grounds of inadequate living environment for future occupiers.

1.5 In April 2017 a Certificate of Lawfulness was refused (2017/00841/CLE) for the continued use of the building as a single studio dwellinghouse, on the grounds of insufficient information. This application is currently subject to an appeal.

1.6 In April 2017 planning permission was refused (2017/00855/FUL) for the replacement of the existing roof with a new raised mansard roof; excavation of the basement to provide accommodation at lower ground floor; alterations to the Fairholme Road elevation in connection with the formation of a 2-bedroom self-contained unit, on the grounds of inadequate living environment for future occupiers.

1.7 In July 2017 a Certificate of Lawfulness was refused (2017/02152/CLE) for the continued use of the building as a single studio dwellinghouse, on the grounds of insufficient information.

1.8 In July 2017 planning permission was refused (2017/02159/FUL) for the replacement of the existing roof with a new raised mansard roof; excavation basement

to provide accommodation at lower ground floor; alterations to the Fairholme Road elevation in connection with the formation of a 2-bedroom self-contained unit, on the grounds of inadequate living environment for future occupiers.

1.9 In November 2017 a Certificate of Lawfulness was granted (2017/03557/CLE) for the continued use of the building as a single dwellinghouse.

1.10 In December 2017 planning permission was refused (2017/03558/FUL) for the demolition of front elevation and removal of roof of existing building and erection of a two storey plus basement building in connection with the formation of a 2-bedroom self-contained unit, on the grounds of inadequate living environment for future occupiers.

1.11 In March 2018 planning permission was refused (2017/04889/FUL) for extensions and alterations to the building in connection with the existing residential unit to include the replacement of the existing roof with a new raised mansard roof with skylights; the excavation of the basement to provide additional habitable accommodation; repairs to the brickwork, parapet and doorway portico; and; replacement of the existing window with double glazing and replacement of the front door to the Fairholme Road elevation. This application was refused by the Council's Planning Committee on the grounds of:

- the siting, design, and elevated position in close proximity to the rear of No. 32 Vereker Road would result in an unacceptable light pollution, overlooking and loss of privacy
- an overdevelopment which results in a substandard accommodation - no outlook at basement level and unsatisfactory levels of light to the basement due to restricted light through the glass structural floor of the ground floor.

1.12 Applications 2017/03558/FUL and 2017/04889/FUL were subject of appeal under refs: APP/H5390/W/18/3193560 and APP/H5390/W/18/3198570 respectively, with both appeals dismissed by the Planning Inspectorate in September 2018. In concluding on the main issues, in paragraph 43 of his appeal decision, the Inspector stated that "Appeal A (ref: 3193560) would result in harm to the conservation area (CA) and inadequate living conditions for future occupants. Although Appeal B (ref: 3198570) would not result in harm to the living conditions of neighbours or future occupants it would harm the CA. The harm that would arise from the proposals would outweigh the benefits. Thus, the proposed developments would not accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, neither appeal should succeed."

1.13 The grant of a Certificate of Lawfulness under application 2017/03557/CLE establishes the lawful use of the site as a dwellinghouse.

1.14 An application was refused planning permission in February 2019 (2019/00006/FUL) following the refusal and subsequent dismissal at appeal of application 2017/04889/FUL (appeal ref: 3198570) for alterations to a residential building to include the following elements: the replacement of the existing flat roof with a raised mansard roof, including skylights; excavation of the basement to provide accommodation at lower ground floor in connection with the existing residential unit; repairs to the brickwork, parapet and doorway portico and replacement of the existing window with double glazing and replacement of the front door to the Fairholme Road elevation. The application was refused on the grounds of loss of visual amenity due to

the proposed rooflights, by reason of their number and prominent siting, and insufficient details on the appearance and finish of the proposed elevation on Fairholme Road.

1.15 An application was submitted in April 2019 (2019/01256/FUL) for the replacement of existing roof with a new raised mansard roof, with rooflight, excavation of the basement to provide accommodation at lower ground floor in connection with the existing residential unit, repairs to the brickwork, parapet and doorway portico, replacement of the existing window with new double glazing window, and replacement of front door to the Fairholme Road elevation. The application was appealed on the grounds of non determination and was dismissed in November 2019 (Appeal ref. APP/H5390/W/19/3232410) on the grounds of:-

- The height of the roof would be increased as a result of the proposal meaning that the new rooflights would terminate at a higher level. They would also be larger than those which they would replace. While sympathetic materials would be used in timber and lead finishing, they would be openable and this would differentiate them significantly from those existing. While the appeal scheme seeks to replicate the existing rooflights, it fails to do so. By reason of their size and height they are of a different design and would have significantly greater prominence which would adversely affect the appearance of the property which would only be greater when in an open position. The appeal proposal would therefore detract from the appearance of the property. Consequently, it would detract from the heritage significance of the conservation area which is in part derived from it being a relatively well-preserved section of Victorian urban development.

1.16 In August 2019, planning permission (2019/01729/FUL) was refused for the replacement of the existing roof with a new raised mansard roof, with rooflight, excavation of the basement to provide accommodation at lower ground floor in connection with the existing residential unit, repairs to the brickwork, parapet and doorway portico, replacement of the existing window with new double glazing window, and replacement of front door to the Fairholme Road elevation. Although the number of opening rooflights had been reduced in response to the December 2019 appeal decision, the application was refused on the grounds that:

"...the size and height of the openable rooflight windows in the front elevation would have significantly greater prominence than the existing due to their increased height when in an open position and would detract from the appearance of the property and conservation area".

1.17 In September 2019 the Planning Committee refused planning permission for an amended application (2019/01730/FUL) for the replacement of existing roof with a new raised mansard roof, with rooflight, excavation of the basement to provide accommodation at lower ground floor in connection with the existing residential unit, repairs to the brickwork, parapet and doorway portico, replacement of the existing window with new double glazing window, and replacement of front door to the Fairholme Road elevation.

1.18 The proposals included a reduced the number of rooflights - the windows facing No.32 Vereker Road were excluded and the proposed number of front rooflights facing the street were reduced from 7 to 4 (openable windows) which is no more than the existing number. Also, the design of the windows was changed from a heavy framed dormer windows set within a solid tiled roof to a more lightweight glazed roof akin to the

existing design. The proposed grey slate replacement roof raised the height of the existing flat roof by 800mm above the height of the existing parapet wall. The reasons for refusal were:

- the increase in ridge height and unsympathetically designed roof extension
- the siting, design, and elevated position close the rear of 32 Vereker Road would result in unacceptable light pollution, overlooking and loss of privacy
- substandard quality of accommodation

An appeal against this Committee's decision is pending, with a decision likely to be made in the autumn of 2020.

1.19 In April 2020 planning permission (2019/03879/FUL) was refused for the replacement of the existing roof with a new raised mansard roof, with rooflights, excavation of the basement to provide accommodation at lower ground floor in connection with the existing residential unit, repairs to the brickwork, parapet and doorway portico, replacement of the existing windows with new double glazing windows, and replacement of front door to the Fairholme Road elevation.

1.20 The proposal had been revised during the course of the application including a reduction in height of the proposed roof extension to be no greater than the existing ridgeline. The proposal which has no rooflights facing No. 32 Vereker Road, and no openable additional windows in the front elevation, and is therefore essentially a refurbishment of the front elevation, with a raised roof to the height of, and to the rear of, the existing front ridgeline.

1.21 Although the original submissions were considered to have overcome two reasons (design and residential amenity) included in the 2019 Committee refusal, no amendments had been made to address the remaining objections relating to substandard quality of accommodation. The application was therefore refused for this one remaining reason. The Planning Inspectorate has received an appeal against the refusal, but a start date has not yet been set.

1.22 In June 2020 planning permission was granted for an application which followed on from the previous refusal which included revisions to the proposal to overcome the one remaining reason for refusal. The application was for the replacement of existing roof; Insertion of No. 8 skylights on flat section of the replaced roof, excavation of the basement to provide accommodation at lower ground floor in connection with an existing residential unit. Repairs to the brickwork, parapet and doorway portico and replacement of the existing window with double glazing and replacement of front door to Fairholme Road. The proposals were amended to alter the internal floor plans to omit the first floor mezzanine level - aside of the lowering of the floor level at basement the resulting dwelling would remain two storey as existing. The permission is the subject of a judicial review regarding drawings numbers erroneously included within a condition attached to the permission.

1.23 This application also follows on from the most recent refusal in April 2020, and the approval in June 2020. Similar to the June 2020 approval, the proposal omits the first floor mezzanine level in order to overcome the remaining reason for the April 2020 application being refused. The application differs from the recent approval in that it proposes to raise the height of the flat roof, to match the height of the existing front pitched roof. The application is therefore for the replacement of existing roof with new raised mansard roof to be no greater than the existing ridge line, with rooflights;

excavation of the basement to provide accommodation at lower ground floor in connection with an existing residential unit; Repairs to the brickwork, parapet and doorway portico and replacement of the existing window with double glazing and replacement of front door to Fairholme Road.

1.24 Several representations received include comment on the ability of the Local Planning Authority to decline to determine the application given the previous planning history of the site. Section 70A(8) of the Town and Country Planning Act 1990 defines applications for planning permission as 'similar' if the local planning authority thinks that the development and the land to which the applications relate are the same or substantially the same. The legislation states that where an authority considers that an application is similar, it is not automatically obliged to decline to determine the application. The purpose of these powers is to inhibit the use of 'repeat' applications that the local planning authority believes are submitted with the intention of, over time, wearing down opposition to proposed developments. They are, however, designed to be flexible and to give local planning authorities the discretion to entertain 'repeat' planning applications where they are satisfied that a genuine attempt has been made to overcome the planning objections which led to rejection of the previous proposal or there has been a material change in circumstances.

1.25 In this case, Officers consider that the current scheme is materially different from the previous refusals owing to the alterations made at roof level and the omission of the proposed internal first floor mezzanine level which seek to address the reasons for refusal.

1.26 As a result of the Covid-19 pandemic, this application has been determined without a site visit. In considering this application, officers have reviewed photos, web-based image and relied on site visits undertaken for previous applications for the same site and are satisfied that this has enabled a full assessment of the proposals.

2.0 PUBLICITY AND CONSULTATION RESPONSES

2.1 The planning application was advertised by letters sent to 237 properties. Site and press notices were also published to advertise the application.

2.2 A total of 29 objections from residents received (11 of these from individuals outside of the borough), including a letter of objection from the Fulham Society.

2.3 The objections can be summarised as follows:

- Substandard quality of accommodation for future occupiers, including lack of disabled access;
- Inadequate daylight/sunlight, outlook, and internal/external amenity space;
- Overdevelopment in terms of intensification of use, form, and height;
- Extent of the basement excavation;
- Demolition has already taken place;
- Design of fenestration and roof form;
- Siting and number of extract flues/ventilation that would be required;
- Not in keeping with the conservation area - or the existing appearance of the building as a small Victorian artist studio and its design features (windows, 'north lights', brick detailing);
- Proposal is not the optimum viable use;

- Unneighbourly due to light pollution, loss of daylight/sunlight, outlook, privacy/overlooking and noise;
- Local parking concerns;
- Siting of waste/recycling;
- Lack of cycle parking
- Flood risk and drainage issues;
- Structural damage and/or subsidence to neighbouring properties;
- Noise and disturbance during the construction phase;
- Quality/accuracy of the submitted drawings and associated documents;
- Number and similarity of planning applications submitted for development of this site;
- Land ownership and Party Wall agreement matters.
- If the development should be permitted, a condition to prevent insertion of a new storey or mezzanine should be attached.

Objections raising material planning considerations are addressed in the Planning Considerations section below. A number of other issues raised are not considered planning considerations, such as structural and building implications, Party Wall matters and land ownership issues. It is also worth noting that a certificate of lawfulness has already been granted for the application site which establishes its continued use as a single dwellinghouse (2017/03557/CLE).

Regarding whether the securing of a heritage asset's optimum viable use is appropriate in planning terms in this instance, it is noted that the application site is neither a designated nor non-designated heritage asset in its own right. 'Area-based' designated heritage assets such as World Heritage Sites and conservation areas will not themselves have a single use. Therefore, securing the optimum viable use of the area-based asset as a whole, in this case the Baron's Court Conservation Area, is not a relevant consideration in assessing the public benefits of the development proposal affecting such heritage assets.

2.4 Thames Water were consulted and raise no objection to the application subject to informative.

3.0 PLANNING CONSIDERATIONS

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.2 In this case, the previous planning history of the site, particularly application: 2017/04889/FUL and the subsequent appeal decision under: 3198570, and application: 2019/01256/FUL and subsequent appeal decision under: 3232410 are material planning considerations to be afforded a degree of weight in the assessment of the current application.

3.3 Based on the above the main planning issues to be considered include: the standard of accommodation proposed; the impact of the development on the character appearance of the host property, streetscene, and Barons Court conservation area; the

impact upon neighbours' residential amenity; and; the impact of the development on the environment.

QUALITY OF ACCOMMODATION

3.4 Policy 7.6 of the London Plan 2016 (Architecture) states that buildings and structures should, amongst other things, provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces.

3.5 Previous planning applications 2019/01730/FUL and 2019/03879/FUL were refused on the grounds of inadequate living environment for future occupiers for the following reason:

"The proposed development is considered overdevelopment in the interest of residential amenity for future occupiers. More particularly, the proposed layout over three floors including the lower ground floor together with the small plot and the physical constraints of the site combine to provide a residential unit that would have an unacceptable level of amenity for prospective occupiers in terms of substandard levels of outside amenity space, direct sunlight and daylight, outlook and prospect to, or from the principal habitable rooms. In this respect the proposal is contrary to Policy 7.6 of the London Plan 2016."

3.6 Significant amendments have been made to the current application to address the above reason for refusal, with the previously proposed first floor mezzanine level being omitted. The proposal retains two floors (basement and lower ground) which are comparable to the existing (lower ground and upper ground), whereas the previous refusals included a basement, lower ground and mezzanine.

3.7 Given the nature of the amended proposals the proposed dwelling includes less floorspace and results in a less intensive use that is considered acceptable and would overcome the Council's concerns regarding the quality of the accommodation for future occupiers.

HERITAGE, CHARACTER, AND APPEARANCE

3.8 London Plan Policies 7.4 and 7.8 require development to have regard to the pattern and grain of the existing site context, to contribute positively toward the character of a place, be informed by the surrounding historic environment, and be adaptable to the changing needs of users and the neighbourhoods in which the developments are located.

3.9 Local Plan (2018) Policies DC1 (Built Environment) and DC4 (Alterations and Extensions) require a high standard of design in all alterations, and that extensions to existing buildings be compatible with the scale and character of existing and neighbouring development and their setting, integrated into the architectural design of the existing building, and subservient in terms of its bulk, scale, materials, and design. Policy DC6 (Replacement Windows) states that replacement windows should respect the architectural character of the building with regards to their design and use of materials, matching the original windows as closely as possible. Policy DC8 (Heritage and Conservation) seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's historic environment including its conservation areas and is supported by Key Principle CAG3 of the Planning Guidance SPD (2018).

3.10 The site lies within the Barons Court conservation area, and as such, the Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, together with the requirements set out in the NPPF.

3.11 In assessing the prevailing character and interest of the Barons Court conservation area, the Inspector noted that the conservation area was 'largely developed as a Victorian suburb between 1865 and 1895. As such, much of its significance derives from it being a relatively well-preserved section of Victorian urban development' (paragraph 14).

3.12 Local planning authorities are required to assess the significance of any heritage asset affected by development proposals, including effects on their setting. This assessment shall be taken 'into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal' (NPPF, para 190).

3.13 When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 193 of the NPPF states that "...great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be". Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...any harm or loss should require clear and convincing justification.

3.14 Where a proposal would result in harm to the significance of a designated heritage asset it should be identified whether the harm is substantial or less than substantial. If the harm is substantial the proposed development should be considered in respect of paragraph 195 of the NPPF and if the harm is less than substantial the development should be considered in respect of paragraph 196 of the NPPF.

3.15 The designated heritage asset that stands to be affected by the proposals is the character, appearance, and setting of the Barons Court conservation area.

Context:

3.16 The site is within the Barons Court Conservation Area, where the Conservation Area Character Profile (para 6.17) notes that properties should be retained in their original condition, and existing brick elevations...should be maintained and appropriately repointed where necessary (para 6.18). In discussing windows, para 6.21 states that original architectural features, to include windows, should be maintained wherever possible. Where renewal is unavoidable it is encouraged that these are replaced with exact replicas.

3.17 As with the 'Appeal B' scheme previously determined under 2017/04889/FUL, and appeal ref: 3198570, the current application no longer includes the demolition of the existing front elevation, rather its retention together with repairs, and a new raised roof to replace the existing flat roof, with a larger basement to provide additional living accommodation.

3.18 No.32A Vereker Road was erected as an artist's studio extension to No.32 Vereker Road towards the end of the nineteenth century. Therefore, whilst not part of the original architectural composition of the surrounding terraces, it is contemporary with the Victorian growth of the area. Commenting on the existing building, paragraph 15 of the Inspectors decision states that 'Although tired in appearance the building is not without interest. It is finished in materials that broadly match the terraces nearby and the brickwork includes some attractive detailing at eaves level. The large street facing window and 'northern lights' in the roof distinguish the building as an artist studio. The Studio was associated with, and probably built by, the apparently well renowned local artist...and this adds additional local interest. There are other clusters of Victorian artist studios with distinctive architectural features within the conservation area and the scheme should be understood in this context. As such, the building is of local interest and significance and worthy of retention.'

Basement:

3.19 Local Plan Policy DC11 (Basements and Lightwells) states that new basement accommodation will be permitted only where [inter alia] it does not extend into or underneath the garden greater than 50% of the depth of the host building, or garden; does not comprise more than one storey; there is no unacceptable impacts on the amenities of adjoining properties or the historic or natural environment during and post construction; and does not increase the chance of flood risk.

3.20 The lower ground floor level of the original building was already 'sunk' by approximately 1.7m below street level and was accessed via a staircase inside the front door - in addition there was also an existing 1.3m deep void below the lower ground floor level. The proposal involves excavation below the 'original void' below the lower-ground floor by 1.3m so that the newly created basement floor level would be 3.6m below the pavement level. As the excavation remains within the footprint of the existing basement, and would provide one additional storey of accommodation below the original lowest floor level, the excavation works are acceptable and accord with Policy DC11 of the Local Plan (2018).

Roof alterations

3.21 From the main Fairholme Road elevation the existing building has a single storey appearance and is situated between Nos.32 Vereker Road and 45 Fairholme Road which are both three storey end-terrace properties. The building comprises a mostly flat roof which rises to a sharp pitch towards the northern elevation nearest the street. In the previously refused schemes it was proposed to raise the height of the existing roof above the height of the pitched roof. The current application proposes to raise the height of the roof to the rear of, and no higher than, the existing pitched roof fronting Fairholme Road. The raised roof would therefore not be visible from public vantage points within Fairholme Road. The raised roof would project 0.25m above the existing parapet wall to the side and rear. This is considered to be a modest increase in height which would not have any significant impact on the existing character and appearance of the application site or surroundings. Two roof lightlights are proposed on the raised flat roof. A series of roof lights are also proposed in the pitched slope adjacent to the rear boundary wall. The rooflights on the flat roof would only project about 0.05m above the height of the existing flat roof (and would not be visible from the street). Overall, the form of the roof would be subservient to the parent building and visually acceptable.

3.22 With regards to the proposed alterations to the front elevation's windows and rooflights, the Inspector concluded in the decision for appeal ref. 3198570 that 'the insertion of roof lights is not essential to achieve these [identified] benefits as the existing property could be renovated in its current form as a studio dwelling' (paragraph 21). Whereas the Inspector found harm with the previously proposed extended roof form being 'overwhelmed with roof windows' (paragraph 18), particularly at the Fairholme Road elevation, under the current application the proposed replacement windows and rooflights to the front elevation would be no greater in number or size than the existing.

3.23 The proposals include two additional opening panes in the main street facing window in the north elevation matching the two existing opening panes. This is considered to be a modest alteration, which would be in keeping with the existing character and appearance of the application building.

3.24 The proposed rooflights to the rear of the existing ridge would not be visible from the street. Considering the wider setting of the Barons Court conservation area heritage asset, at street level the rooflights would only be visible from restricted views within the conservation area. The proposed alterations are considered modest in scale and subservient to the parent building. Given the location and scale of the proposed development at the front and the obscured views of the rooflights which is also small in scale, the proposed scheme would have less than significant harm to the heritage asset overall.

3.25 The proposed development is acceptable in the interests of visual amenity and would not harm the character and appearance of the building, or the Barons Court Conservation Area which it is desirable to preserve in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The less than substantial harm identified to the significance of the Barons Court Conservation Area would be outweighed by public benefits and the proposals are therefore considered to comply with the NPPF (2019), Policies DC1, DC4, DC6, and DC8 of the of the Local Plan (2018), and Key Principle CAG3 of the Planning Guidance SPD (2018).

Other External Alterations:

3.26 The existing front elevation of the property has a 'run-down' appearance. The submitted plans show that the proposal includes the retention and repair/restoration of the brickwork to this elevation, to include the soldier course capping and decorative brick banding (over three courses). Other alterations to this elevation include the repair of the entrance architrave, and the installation of double glazed windows of the same design as the existing single glazed frames. All of these alterations are modest and would improve the appearance of the building. A condition would be imposed to ensure the retention of the front elevation and that the brickwork to this elevation is repaired with matching (reclaimed) bricks, and utilising matching pointing etc. The replacement window to the front elevation would retain the same 'slim' profile of the existing window frame and mullions/glazing bars, and details are to be secured by condition.

Conclusion:

3.27 When weighing the public benefits of the proposals against the harm to the conservation area identified above, the merits of the proposals in providing extended, modernised accommodation, are considered to outweigh the less than substantial harm

identified to the conservation area. Therefore, the proposed development complies with Policies DC1, DC4, DC6, and DC8 of the of the Local Plan (2018), and Key Principle CAG3 of the Planning Guidance SPD (2018).

RESIDENTIAL AMENITY

3.28 The borough has a high density of development and it is necessary to ensure that the amenities of existing residential occupiers are not unduly affected. Local Plan Policies HO11 and DC4 require that development proposals be formulated to respect the principles of good neighbourliness, and seek to protect the amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance. The above is supported by Key Principles HS6 and HS7 of the Planning Guidance SPD (2018).

Outlook and daylight:

3.29 Key Principles HS6 and HS7 (i) acknowledge that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. To test this, the Council use a reference line produced at an angle of 45 degrees from a point at ground level on the boundary of the site, or a point of 2 metres above ground level where rear gardens exceed 9 metres. If any part of the proposed building extends beyond these lines, then on-site judgement will be a determining factor in assessing the effect which the extension will have on the existing amenities of neighbouring properties.

3.30 As there is an existing high boundary wall surrounding the site for the existing building located on the subject site, a line of 45 degrees has been taken from the top of the existing wall. The proposed raised roof has been set back from the boundaries and sloped away from the sides at an angle in order to avoid transgressing a notional 45 degree line. It is considered that in this form, the proposal would not worsen the existing situation in terms of outlook to any of the neighbouring properties. The bulk and massing of proposed development would be set away from the site boundaries and sits below an angle of 45 degrees taken from the top of the existing boundaries of all adjoining boundaries, and would therefore acceptable with regards to SPD Key Principle HS6. Officers are satisfied that the development would not be overbearing for neighbours and would not lead to an increased sense of enclosure to their homes and gardens. The building would be subservient to the surrounding buildings in terms of height.

Privacy and Overlooking:

3.31 SPD Key Principle HS7 (iii) states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window. Policy CC12 (Light Pollution) seeks to limit the impact of light pollution from artificial light on local amenity. Policy CC12 is supported by Key Principle NN7 (Environmental Pollution) of the Planning Guidance SPD (2018).

3.32 Previous application 2017/04889/FUL was refused by the Council owing to the impact of the proposed roof extension, by reason of its siting, design, and close proximity to the rear of No. 32 Vereker Road, upon the amenities of neighbouring occupiers in terms of light pollution, overlooking and loss of privacy. Unlike the previous

application, no additional windows would be within any new pitched roof facing east towards No.32 Vereker Road. There would therefore be no additional impact on the neighbouring properties from this side in terms of overlooking or loss of privacy.

3.33 While the new windows to the front elevation would be transparent, rather than obscured as existing, they are rooflight windows that would be no closer to the opposing properties than the existing windows within the adjoining properties. In this respect, the proposal complies with Key Principle HS7(iii).

Light Pollution:

3.34 In respect of the omission of artificial light, this matter was considered within paragraph 36 of the Inspectors decision notice where he stated that 'outside daylight hours... (the impact) could be mitigated to an acceptable extent if the windows were fitted with blinds that could be pulled to limit light spillage. Moreover, the occupants of 32 Vereker Road would probably pull their own bedroom curtains in the evening and this would limit light penetration from the roof windows at the appeal site.' It is also noted that this current application has omitted most of the rooflights closest to 32 Vereker Road.

3.35 Officers consider that the additional openings would not result in such adverse light pollution to No.32 Vereker Road so as to warrant refusal of the application on this basis.

Noise and Disturbance:

3.36 Some of the representations received raised concern over the impact of the intensified use of the premises, including lightwell/external space, upon the generation of additional noise and disturbance. This matter was covered by the Inspector within paragraph 41 of their decision, which stated that whilst 'there may be some additional activity associated with the occupation of the property following the proposed works, including a greater use of the light well between No.32 and 32A, such activity is unlikely to be so great as to be harmful given the lawful fall-back position of the property as a studio dwelling.'

3.37 Planning conditions are proposed to be attached to any permission requiring details of any external extraction equipment, and the submission of a construction management and logistics plan.

3.38 Given the above, and subject to condition, the proposed development is considered to preserve the living conditions of neighbours in accordance with Policies HO11, DC4, and CC12 of the Local Plan (2018) and Key Principles HS6, HS7, and NN7 of the Planning Guidance SPD (2018).

HIGHWAYS AND PARKING

3.39 Local Plan Policy T1 (Transport) supports the London Plan, with Policy T2 (Transport Assessments and Travel Plans) stating that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion, with Policy T4 setting out vehicle parking standards.

3.40 No off-street parking has been included with the proposal. As a certificate of lawfulness has already been granted which establishes the continued use of the

building as a single dwellinghouse (2017/03557/CLE), the Council is unable to exercise any planning control with regards to parking restrictions upon this property.

Waste Management

3.41 During the application consultation period, representations have been received regarding the provision of appropriate facilities for the storage and disposal of refuse and recycling. As noted above, as a certificate of lawfulness has been granted for the continued use of the building as a single dwellinghouse (2017/03557/CLE), the residential use of the property has been established and the Council is unable to exercise any planning control with regards to the waste management arrangements of this property. Nonetheless, the submitted drawings detail the provision of a 'bin store' at lower ground floor level, accessed via the existing lightwell/external space.

Impact of building work

3.42 Local Plan Policy CC13 (Control of Potentially Polluting Uses) states that 'all proposed developments will be required to show that there will be no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'. This is supported by Key Principle NN6 (Construction and demolition works) of the Planning Guidance SPD (2018) which requires consideration of the impact of demolition and construction works upon the amenity (noise, vibration and dust) of neighbouring properties through the submission of a Demolition Method Statement and/or Construction Management Statement.

3.43 A condition will be attached to any permission securing the submission of a Construction Management Plan and a Construction Logistics Plan to ensure that the amenities of local residents were protected as far as possible during the construction phase.

FLOOD RISK

3.44 The NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere'. London Plan Policies 5.11, 5.12, 5.13, 5.14 and 5.15 require development to comply with the flood risk assessment and management requirements of national policy, including the incorporation of sustainable urban drainage systems, and specifies a drainage hierarchy for new development.

3.45 Local Plan Policy CC3 (Minimising Flood Risk and Reducing Water Use) of the Local Plan requires that new development is required to reduce the use of water and to minimise current and future flood risk. This is supported by Policy CC4 (Minimising Surface Water Run-off with Sustainable Drainage Systems) which seeks that developments manage surface water run-off and to promote the use of water efficient fittings and appliances.

3.46 The site is in the Environment Agency's Flood Zone 3. Flood Risk Zone 3 indicates a high level of flood risk from the Thames. However, a high level of flood protection is provided by the Thames Barrier and local flood defences. In this part of the borough, if the defences failed or if a breach occurred, the site could be affected by rapid inundation.

3.47 As required, a Flood Risk Assessment (FRA) has been submitted with the application, which provides details of adequate flood proofing measures to the proposed basement accommodation and notes the use of water efficiency measures. Following review by Officers of the Council's Environmental Policy team, and having regard to the assessment under previous applications 2017/04889/FUL (appeal ref: 3198570), the submitted FRA outlines adequate flood protection and water efficiency measures, the implementation of which are to be secured by condition. Subject to such a condition the proposed development is considered compliant with Policy CC3 of the Local Plan (2018).

LAND CONTAMINATION

3.48 Local Plan Policy CC9 (Contaminated Land) states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place.

3.49 Although potentially contaminative land uses (past or present) are understood to occur near to this site, having regard to the assessment under previous applications 2017/04889/FUL (appeal ref: 3198570), where no objections were raised in respect of land contamination, it is considered appropriate to attach an informative to any consent.

4.0 RECOMMENDATION

1) That the Committee resolve that the Chief Planning Officer be authorised to grant planning permission subject to the conditions listed below; and

2) To authorise that the Chief Planning Officer after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.