

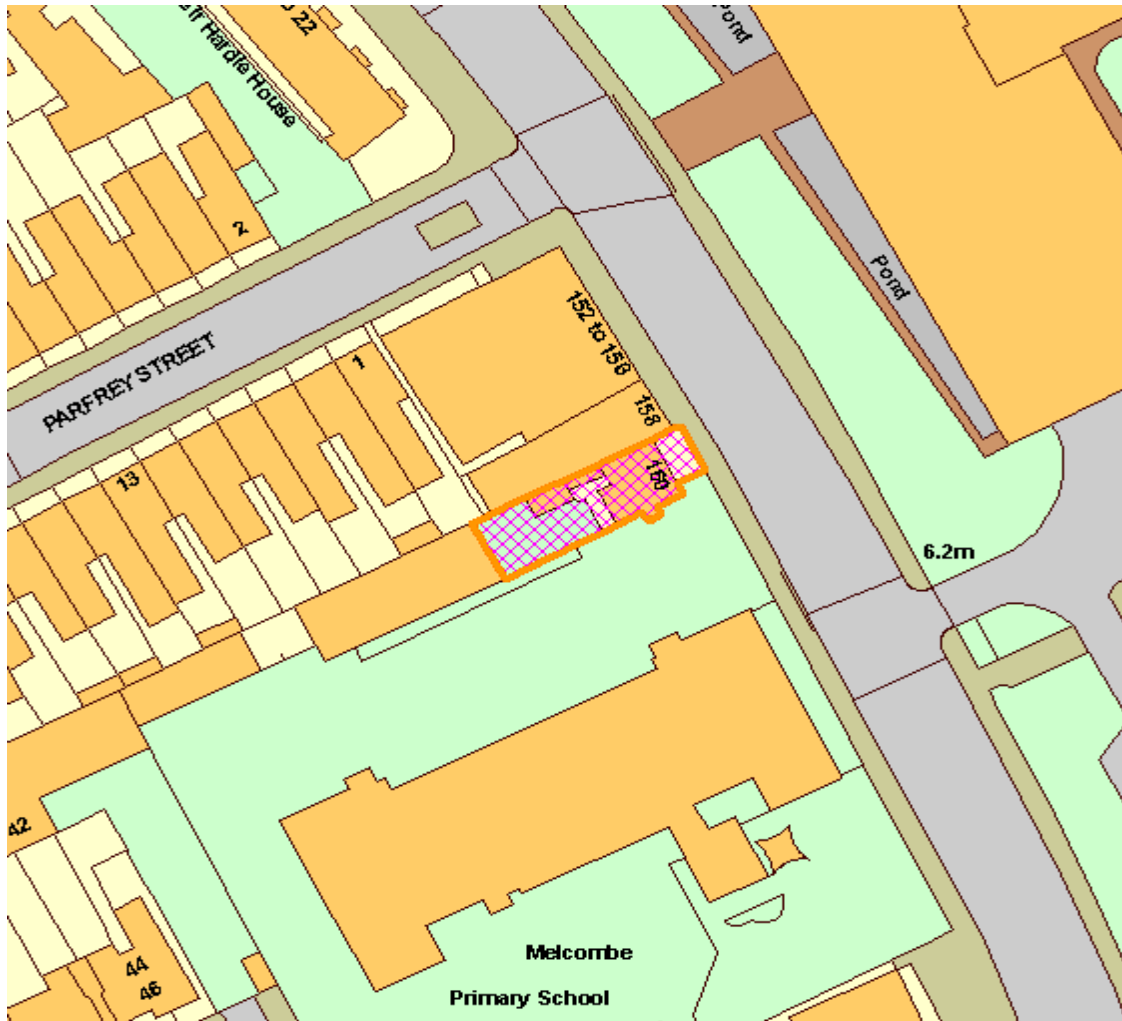
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**Ward:** Fulham Reach

**Expiry Date:** 31st August 2020

**Site Address:**

School Caretaker's House, Melcombe Primary School,  
160 Fulham Palace Road, London W6 9ER



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**For identification purposes only - do not scale.**

**Reg. No:**

2020/01500/FR3

**Date valid:**

06.07.2020

**Recommendation Date:**

16.09.2020

**Committee Date:**

13.10.2020

**Case Officer:**

Graham Simpson

**Conservation Area:**

Constraint Name: Crabtree

Conservation Area - Number 28

**Applicant:**

Mr Kevin Gordon  
LBHF London SW6 1JU

**Description:**

Change of use of the existing property from (Class D2) into a small house of multiple occupation for up to 3 people (Class C4); formation of a new pedestrian access to the front elevation; infilling of existing entrance door and installation of new entrance door to the front porch; associated landscaping.

Drg. Nos: 100 Rev 02; 101 Rev 02; 102 Rev 02; 200 Rev 02; 500 Rev 02; 501 Rev 02; 502 Rev 02; 800 Rev 03; FRA Rev 02

**Application type:**

Full Regulation 3 - LBHF is Developer

**Officer Recommendation:**

That the Chief Planning Officer be authorised to determine the application and grant permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the condition(s) listed below:

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.

- 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 shall only be carried out and completed in accordance with the following approved drawings:

100 Rev 02; 101 Rev 02; 102 Rev 02; 200 Rev 02; 500 Rev 02; 501 Rev 02; 502 Rev 02; 800 Rev 03; FRA Rev 02

To ensure a satisfactory external appearance and to prevent harm to the significance of the Building of Merit and character of the street scene, in accordance with Policy DC1, DC4, and DC8 of the Local Plan 2018.

- 3) The development hereby approved shall be occupied as a use falling within Use Class C4 of the Town & Country Planning (Use Classes) Order 1987 (as amended) by no greater than three permanent teachers.

The use of the property as a larger house of multiple occupation would raise materially different planning considerations that the Council would wish to consider at that time, in accordance with Policies DC1, HO1, HO2, HO4, HO5, HO8, and HO11 of the Local Plan (2018).

- 4) Rooms within the Use Class C4 (House of Multiple Occupancy) use hereby approved shall not be let or rented on a tenancy period of less than 90 days, and none of the rooms shall be owner occupied.

To ensure that the property is used for its intended purpose as defined within the application as deviations could have negative impact on neighbouring residential amenity and housing supply, in accordance with Policies HO1, HO2, HO8, HO11, DC1, DC4, and CC11 of the Local Plan (2018).

- 5) The external materials shall match the type, colour, texture, and finish of the materials to the existing building. Any other 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.

To ensure a satisfactory external appearance and preserve the significance of the Building of Merit, in accordance with Policies DC1, DC4 and DC8 of the Local Plan 2018.

- 6) The development hereby approved shall not be occupied until the Council has been notified in writing (and has acknowledged such notification) of the full postal address of the property/properties. Such notification shall be to the Council's Head of Development Management and shall quote the planning application number specified in this decision letter.

In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the development hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policies T1, T3 and T4 of the Local Plan (2018).

- 7) No occupiers of the new development hereby approved (falling within Use Class C4 of the Use Class Order 1987 (as amended), with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued it shall be surrendered to the Council within seven days of written demand.

In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy T1, T3 and T4 of the Local Plan (2018).

- 8) The new development hereby approved (falling within Use Class C4 of the Use Class Order 1987 (as amended) shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to ensure that all occupiers, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the Council and to ensure that occupiers are informed, prior to occupation, of such restriction. The new dwellings shall not be occupied otherwise than in accordance with the approved scheme unless prior written agreement is issued by the Council.

In order that the prospective occupiers of the development concerned are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of onstreet car parking stress in the area, in accordance with Policies T1, T3 and T4 of the Local Plan (2018).

- 9) Prior to occupation of the development hereby approved, details of the provision of the 4no cycle parking spaces within an enclosed or covered structure are to be submitted to and approved in writing by the Council. No part of the development hereby approved shall be occupied prior to the provision of adequate cycle storage in accordance with the approved details, which shall thereafter be retained in perpetuity.

In order to promote alternative, sustainable forms of transport, in accordance with Policy T3 of the Local Plan 2018.

- 10) Prior to commencement of the development hereby approved, details of refuse and recycling stores for the development are to be submitted to and approved in writing by the Council. No part of the development hereby approved shall be occupied prior to the provision of adequate storage of refuse and recyclables in accordance with the approved details, which shall thereafter be retained in perpetuity.

To ensure that the use does not give rise to smell nuisance and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policy CC7 of the Local Plan 2018.

- 11) All refuse generated by the development hereby approved shall be stored internally or in the approved refuse stores and shall only be brought to the front of the premises on the day of collection.

To ensure that the use does not give rise to any prejudicial highway conditions in terms of pedestrian / motorist safety or convenience and flow of traffic, in accordance with Policy CC7 of the Local Plan (2018).

- 12) No new plumbing, pipes, soil stacks, flues, chimneys, vents, ductwork, ventilation fans, extraction equipment, air-conditioning units, grilles, security alarms, lighting, cameras or other items shall be fixed to the external surfaces of the building unless shown on the drawings hereby approved or submitted to and approved in writing by the Local Planning Authority.

In order to preserve the significance of the Building of Merit in accordance with Policy DC8 of the Local Plan 2018.

- 13) Prior to occupation of the development, details of the installation of the Air / Water Source Heat Pumps or Electric Boilers to be provided for space heating and hot water shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To ensure that the amenity of occupiers of the development site and neighbouring occupiers is not adversely affected by poor air quality, in accordance with Policy CC10 of the Local Plan 2018.

- 14) Prior to occupation of the development hereby approved the windows in the south-east elevation facing the playground at ground and first floor levels, shall be obscured glazed and permanently maintained thereafter.

To protect the existing amenities of the occupiers of the neighbouring school, as a result of overlooking and loss of privacy, in accordance with Policy HO11 and DC4 of the Local Plan 2018 and SPD Housing Standards Key Principle 8 of the Planning Guidance Supplementary Planning 2018.

- 15) Details of the proposed alterations to the metal gates and railings to the front boundary on Fulham Palace Road including a method statement for the proposed alterations; a scheme of repair for the existing railings; samples of materials of boundary treatment and detailed drawings in plan, section and elevation of the proposed gates and railings including junctions with any existing boundary treatment, at a scale of not less than 1:20 shall be submitted to and approved in writing by the Council prior to the commencement of the relevant part of the development. The development shall be carried out in accordance with such details as have been approved. The proposed alterations to the metal gates and railings shall be permanently retained thereafter in accordance with the approved details.'

To preserve the significance of this listed building, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 16) The existing front entrance door on the south western elevation of the building shall be removed and must be sealed with matching brickwork prior to occupation, and the development shall be permanently retained as such. Any areas of new brickwork shall match the existing adjacent brickwork in respect of colour, texture, bond, pointing style, mortar colour and mortar mix.

In order to create full separation between the proposed HMO and the school grounds in the interests of community safety in accordance with Policy DC1 of the Local Plan 2018.

- 17) The HMO use hereby permitted shall only be carried out by the London Borough of Hammersmith and Fulham.

The use of the property in an alternative ownership as a house in multiple occupation would raise materially different planning considerations that the Council would wish to consider at that time, to protect the existing amenities of the occupiers of the neighbouring school, as a result of overlooking and loss of privacy, in accordance with Policy HO11 and DC4 of the Local Plan 2018 and SPD Housing Standards Key Principle 8 of the Planning Guidance Supplementary Planning 2018.

- 18) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value  $D_{nT,w}$  and  $L_{nT,w}$  of at least 5dB above the Building Regulations value, for the

floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site is not adversely affected by household/neighbour noise transmission to adjoining dwellings at unreasonable levels due to unsuitable layout and arrangement of rooms and communal areas, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

- 19) Prior to commencement of above ground works in the development a Ventilation Strategy Report for C4 use class to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following information:
- a) Details and locations of the air ventilation intake locations at rear roof level
  - b) Details of non-openable windows (except for emergency purge ventilation) for habitable rooms (Bedrooms, Living Rooms) with front elevations with Fulham Palace Road (A219)
  - c) Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes, openable windows.
  - d) Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To ensure that the amenity of occupiers of the development site and neighbouring occupiers is not adversely affected by poor air quality, in accordance with Policy CC10 of the Local Plan 2018.

- 20) Prior to occupation of the development, details of a post installation report of the approved ventilation strategy for condition 19 to mitigate the impact of air pollution existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To ensure that the amenity of occupiers of the development site and neighbouring occupiers is not adversely affected by poor air quality, in accordance with Policy CC10 of the Local Plan 2018.

## Justification for approving application:

- 1) The proposed development is considered acceptable with regards to the change of use from Use Class D1 (Non-Residential Institution) to Use Class C4 (Small HMO), with the proposed extensions and alterations considered acceptable in respect of the visual amenities of the property, streetscene, the significance of the Building of Merit and the settings of the Crabtree Conservation Areas. Moreover, the proposals would provide an acceptable standard of accommodation. Subject to conditions the proposals would not result in an undue impact upon the amenities of neighbouring residential properties, would not have an unacceptable impact upon on-street parking in surrounding streets, and would not contribute toward increased local flood risk or surface water run-off. In this respect the proposal is acceptable with regards to the relevant provisions of the NPPF (2018), the London Plan (2016) and Policies DC1, DC4, DC8, H01, HO2, HO4, HO8, H011, CC3, CC4, CC7, CC9, CC10, CC11, T1, T3, and T4 of the Hammersmith and Fulham Local Plan (2018) and relevant Heritage/Building of Merit, Housing Standards, Noise, Transport, Waste Management, and Flood Risk Key Principles of the Planning Guidance Supplementary Planning Document (2018).

## Officer Report

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### LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

#### **All Background Papers held by case officer named above:**

Application form received: 15th 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:	Dated:
Historic England London Region	10.07.20
Crime Prevention Design Advisor - Hammersmith	24.07.20

#### **Neighbour Comments:**

Letters from:	Dated:
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## 1.0 SITE DESCRIPTION

- 1.1. The application site (0.0127ha) is owned by the London Borough of Hammersmith and Fulham and has been vacated since around 2011-12, forms part of the group of buildings of Melcombe Primary School, a London Board School dating from 1901 and designed by T S Bailey. The caretaker's property, main school building and boundary walls, gates and fences are all Grade II Listed.
- 1.2. The two-storey caretaker's building is located on the north-east corner of the wider school site and has a frontage to Fulham Palace Road. Entry to the School House property is currently shared with the School, through a car park area.
- 1.3. The Melcombe Primary School building is a Grade II Listed building within the Crabtree Conservation area. The School House building sits on the same site and therefore, lies within the curtilage of the listed school building. The building therefore falls under the listing. The site has a PTAL rating of 4 and is within Flood Risk Zones 2 and 3.

## 1.4 PLANNING HISTORY

- 1.5 In 1994 Listed building consent was granted (Ref. 1994/00684/LBC) for demolition and rebuilding of 12 chimney stacks removal and rebuilding of balustrading; and minor roof repairs.
- 1.6 In 1995, planning permission was granted (Ref. 1995/01157/FUL) for an extension of nursery playground (within existing primary school playground) including provision of log fencing seating new planter and hard and soft landscaping.
- 1.7 In 1995, listed building consent was granted (Ref. 1995/01159/LBC) for internal alterations in connection with conversion of an existing classroom for use as Head Teachers Office removal of the chain-link fencing together with posts and kerbs (including gates) and timber screen to toilets together with concrete base and steps.
- 1.8 In 1999, listed building consent was granted (Ref. 1999/01062/LBC) for repair and refurbishment of main school building, comprising recovering of roofs; demolition and rebuilding of one chimney stack; repair/replacement of terracotta dressings/balustrades; repointing of defective terracotta joints; replacement of defective brickwork and repointing where necessary; cleaning of brickwork and terracotta; replacement of defective gutters, rainwater pipes and soil pipes to match existing and repair/replacement of windows.
- 1.9 In 1999, listed building consent was granted (Ref. 1999/02907/LBC) for renewal of lightning protection system to roof of school.
- 1.10 In 2004, listed building consent was granted (Ref. 2004/02201/LBC) for the replacement of existing flush panel doors to first floor kitchen with panelled doors to match the originals.
- 1.11 In 2008, listed building consent was granted (Ref. 2008/00498/LBC) for the conversion of gym outbuilding to a children's centre; demolition and rebuilding of two chimneys in the north elevation; installation of a door to replace existing



window in the east elevation and replacement of a window and a door in the west and the south elevations; installation of two solar panels on the south elevation roof slope; removal of three roof lights and re-instatement of roof covering; erection of a metal handrail and ladder to facilitate roof access; internal alterations.

- 1.12 In 2010, planning permission and listed building was granted (Ref. 2010/00162/FUL and 2010/00163/LBC) for the installation of railings and access control to improve security in the area of the main school playground; erection of a buggy shelter and safety surfacing in the creche playground

Current proposal

- 1.13 The current application is for the change of use of the existing property from (Class D2) into HMO for up to 3 people (Class C4); formation of a new pedestrian access to the front elevation; infilling of existing entrance door and installation of new entrance door to the front porch; associated landscaping.

## 2.0 PUBLICITY AND CONSULTATION:

- 2.1 The application has been advertised by means of a site notice and a press advert. Individual notification letters were sent to the occupiers of 14 neighbouring properties. In response, no representations have been received.

- 2.2 Historic England: No objection.

## 3.0 PLANNING CONSIDERATIONS

- 3.1 The main planning considerations in light of the London Plan 2016, and the Local Plan 2018 (hereafter referred to as Local Plan 2018) and the Planning Guidance Supplementary Planning Document 2018 (hereafter referred to as Planning Guidance SPD), include: the principle of the development in land use terms; quantum and intensity of development; design and appearance; impact on significance of heritage assets; existing residential amenities of neighbouring properties; traffic impact on the highway network; environmental sustainability and planning obligations.
- 3.2 The draft London Plan was published for public consultation in 2017. Following an Examination in Public of the draft Plan from January to May 2019, the Panel issued their report and recommendations to the Mayor in October 2019. In December 2019, the Mayor of London submitted his "Intend to Publish" version of the London Plan to the Secretary of State for his consideration. The 'Intend' version includes a schedule of which recommendations the Mayor is intending to accept or not. The Secretary of State responded to the Mayor on 13 March 2020 setting out a schedule of further amendments he is minded to direct upon that he considers are necessary to bring the new London Plan into conformity with National Policy. These proposed changes are being considered by the Mayor with a view to further discussions with the Secretary of State on finalising the wording to go into the final document. Once adopted, the new London Plan will supersede the current London Plan. As the document is in its late stages towards adoption, it is considered that relatively significant weight should be applied to the 'Intend to Publish' draft policies that the Secretary of State has not sought directions upon in determining this application.

## LAND USE

- 3.3 Policy 3.3 and Policy 3.8 of the London Plan respectively relate to borough housing supply targets and housing choice. To inform local application of Policy 3.3 on housing supply and taking account of housing requirements identified at regional, sub-regional and local levels, boroughs are required to work with the Mayor and local communities to identify the range of needs likely to arise within their areas and ensure that: new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these.
- 3.4 Policy HO1 of the Local Plan (2018) relates to the boroughs housing supply for which there is a target (minimum of 1031 net additional dwellings per year up until 2035). This target is achieved through various means including: the development of windfall sites and the change of use of buildings where there is no reasonable prospect of that site and/or premises being used for that purpose; the provision of new homes through conversions; the retention of existing residential accommodation; and working to ensure that all new homes are occupied and vacant homes are returned to use to meet local and London needs.
- 3.5 Policy CF1 (Supporting Community Facilities and Services) of the Local Plan 2018 supports the community facilities and services, including improvements of primary schools. Under Policy CF2 of the Local Plan 2018 the Council seeks the enhancement and retention of community uses including schools.
- 3.6 Policy HO8 (Houses and Hostels in Multiple Occupation) of the Local Plan 2018 asserts that acceptability of planning applications for new houses in multiple occupation (HMOs) or hostels or for the loss of existing HMOs or hostels will be considered in relation to the following criteria: a. the quality of the accommodation that is proposed or might be lost; b. the impact of the accommodation on the locality; and c. the local need for the proposed or existing HMO or hostel accommodation. Council also recognises the role that hostels, and HMOs play in providing accommodation for single people who cannot afford self-contained accommodation.

### Loss of Educational space (former Caretaker's House)

- 3.7 The former caretaker's house forms part of Melcombe Primary School and its established use is an ancillary residential use to the main educational use of the site. The proposal would result in the loss of a vacant ancillary caretaker's house that is currently only accessible through the school grounds. The existing building is falling into a poor condition as the building has been vacant for approximately 9 years with the caretaker living off site. The school building is therefore considered surplus to the school's requirements. The loss of the existing ancillary use would not harm the continued use of the remainder of the site as a school. The proposals are in accordance with CF1, CF2 of the Local Plan (2018).

### Proposed House of Multiple Occupation (HMO)

- 3.8 This application seeks to convert the vacant caretaker's house to a three-bedroom HMO to provide separate accommodation for teachers. The proposed internal reconfiguration of the layout and refurbishment would modernise the

accommodation so that it is habitable for teachers and would be targeted at teachers employed in this borough.

- 3.9 The provision of this form of accommodation would address a particular need in providing more affordable/accessible accommodation for use by teachers in the borough, affording some contribution toward the Council's aims to improve school provision which includes the improvement and/or expansion of primary and secondary schools, by enabling teachers to live closer to their place of employment.
- 3.10 Overall, the proposed change of use is satisfactory with regards to Policies HO1 and HO8 of the Local Plan (2018) and is acceptable in land use terms subject to compliance with other relevant provisions discussed in further detail below.

#### QUALITY OF ACCOMMODATION

- 3.11 Policy HO4 of the Local Plan (2018) specifies that all housing development should respect the local setting and context of the application site, provide a high quality residential environment and be well designed internally and externally. Policy HO8 of the Local Plan (2018) specifies that the quality of the proposed accommodation is a consideration when assessing the acceptability of proposals for HMOs.
- 3.12 The Council's 'Standards and Guidance for Houses in Multiple Occupation' sets out the Council's requirements for HMO landlords, including minimum room sizes. The submitted drawings indicate that the two bedrooms at first floor level would be served by a bathroom, with another accessible bathroom at ground floor for the bedroom at that level, with a communal kitchen/living/dining room on the ground-floor of the property, as well as access to a communal rear and front garden.

-7sqm for a single, 1-person bedroom.

-8.5sqm for a lounge/living room.

-4sqm for a kitchen.

- 3.13 The submitted drawings demonstrate that the rooms within this HMO would have the following floorspaces:

Room 1 at Ground floor: 12.2sqm (Single)

Room 2 at First floor: 11.8sqm (Single)

Room 3 at First floor: 11.5sqm (Single)

Living room: 9sqm

Kitchen/dining room: 8.2sqm

- 3.14 The proposed 3 bedrooms and kitchen/living/dining rooms would meet the minimum floorspace requirements set out within the Council's 'Standards and Guidance for Houses in Multiple Occupation'.
- 3.15 Key Principle HS2 of the Supplementary Planning Document states that north facing properties should be avoided where possible. The HMO will continue to have dual aspect between the bedrooms and primary living spaces. It is considered the proposed accommodation would provide suitable outlook, natural daylight, and sunlight by utilising the existing window arrangement of the

caretaker's house (except where to prevent overlooking into the school playground).

- 3.16 Policy HO4 of the Local Plan 2018 and Key Principle HS1 of the Supplementary Planning Document require dwellings resulting from conversion benefit from suitable and appropriate external amenity space. However, this is dependent on the potential impact to neighbours in terms of residential amenity. The proposals would benefit from the retention of the existing rear yard area (20sqm) which would be fenced off and separated from the remainder of the school site, and another existing 31sqm garden to the front.
- 3.17 Local Plan Policies HO11 and CC11 are aimed at ensuring that residents of future housing are not unduly affected by noise and disturbance from adjoining sites or the wider setting. The Council's Public Protection Team have reviewed the proposals and have raised no objections subject to a condition on sound insulation.
- 3.18 Overall, the proposed development would provide an acceptable standard of residential accommodation for future occupiers, in accordance with Policies HO4, HO11, and CC11 of the Local Plan 2018, and relevant Housing Standards and Noise Key Principles of the Planning Guidance SPD 2018.

#### Accessible and inclusive design

- 3.19 Policy HO7 (Meeting the Needs of People Who Need Care and Support) of the Local Plan 2018 encourages applications for new special needs and supported housing, including specialist housing for older people.
- 3.20 Although the proposed HMO conversion does not include accommodation suitable for a wheelchair user as a resident, it will be modified to allow visitors that require ground level access. From the Fulham Palace Road frontage, a new separate direct pedestrian access will be created through the front garden to the front/eastern elevation of the building to ensure a level and direct access from the street and a new gated entrance. This will involve some alterations to this elevation of the property that will be discussed later in the report.

#### DESIGN AND HERITAGE

- 3.21 The NPPF states that development should respond to local character and history and the surrounding environment and setting, whilst not preventing innovation but extends this to recognise a role for change and increased densities. The NPPF advocates a positive strategy for conserving and enhancing the historic environment, taking account of (amongst other things) the desirability of new development to make a positive contribution to local character and distinctiveness. The NPPF state that economic, social and environmental gains are to be sought jointly and simultaneously in order to deliver positive improvements in the quality of the built, natural and historic environment.
- 3.22 In determining applications, Paragraph 192 of the NPPF states that LPAs should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character

and distinctiveness. Paragraph 193 requires great weight to be given to an asset's conservation (and the more important the asset, the greater the weight should be) when considering the impact of a proposed development on the significance of a designated heritage asset, irrespective of the amount of harm. Paragraph 196 states that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal 'including, where appropriate, securing its optimum viable use'. Paragraph 201 recognises that 'Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance'."

- 3.23 Policies 7.1, 7.2, 7.4, 7.5 and 7.6 of London Plan 2016 require all new development to be of high quality that responds to the surrounding context and improves access to social and community infrastructure, contributes to the provision of high quality living environments and enhances the character, legibility, permeability, and accessibility of the surrounding neighbourhood.
- 3.24 Policy DC1 (Built Environment) and DC4 (Alterations and Extensions) of the Local Plan 2018 state that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets.
- 3.25 As the caretaker's house and the main school building are Listed Buildings, Policy DC8 is relevant and states that any development affecting heritage assets, including alterations and extensions to buildings, will only be permitted if the significance of the heritage asset is preserved or enhanced or if there is clear and convincing justification for any harm.

#### Heritage designations

- 3.26 Key considerations include the impact of the proposed changes on the significance (including the setting) of Melcombe Primary School, listed buildings and designated heritage asset (in terms of the NPPF). In addition, the potential impact of the proposals on the character and appearance of the Crabtree Conservation Area, along with the impact on the Site (the School House) itself (both designated heritage assets in terms of the NPPF) need to be assessed.
- 3.27 The application property forms part of the group of buildings of Melcombe Primary School. The caretaker's property, main school building and boundary walls, gates and fences are all Grade II Listed.
- 3.28 The caretaker's house is on the north-east corner of the site and comprises two storeys which front Fulham Palace Road. The ground floor is red brick with a white rendered first floor, a shallow hipped roof and timber sash windows.
- 3.28 Unlike the school itself, which is one of T.J. Bailey's more ornate and later works, the School House is a small modest building, compared to the design and quality of the school. It is a functional and purpose-built later addition to the site. It does, however, have an aesthetic relationship with the school making use of the same materials and style references, albeit on a much reduced and domestic scale.
- 3.29 The HMO conversion mainly involves internal refurbishment works and as well as a small number of external works which include the following: -

- Install new access gate from Fulham Palace Road,
- Remove existing entrance door to entrance porch facing the playground
- installation of new entrance door to the porch, to the north east elevation
- install obscure glazing to porch and first floor window in south-east elevation
- additional boundary treatment in order to securely separate the property from the school and to secure the school site,
- landscaping to the front garden of the property.

3.30 The proposed internal alterations are kept to a minimum and, as far as possible, retain and improve on the existing arrangement to provide better access and circulation space. The internal changes will bring about an improvement to the building with no notable loss of historic fabric and no harm to heritage significance.

3.31 A condition would be attached to ensure the removal of the existing entrance door and that the openings are sealed with matching bricks, so that there can be no access from the property to the school playground (Condition 16).

3.32 The front railings are within the curtilage of the listed building. A condition is proposed to require the restoration of the existing railings. The new gate would match the existing railings and will also be secured by condition (Condition 15).

3.33 Overall, it is considered that the proposed internal and external changes would not cause harm to the significance of the listed buildings or its setting.

3.34 The character of the Crabtree conservation is predominantly residential, comprised of terraces with mixed use along Fulham Palace Road. Officers consider that the minor external alterations would result in less than substantial harm to the significance of the listed building. Harm is measured on a spectrum and the harm identified would be at the lower end of less than substantial harm.

3.35 The harm has been minimised through careful consideration of the significance of the listed building and by making as few changes as possible. Officers consider that the proposed external changes are minor and that these would be compatible with the surrounding existing development and the character and appearance of the Crabtree Conservation Area would be preserved. Overall, the external works would not detrimentally affect the appearance and significance of the buildings, their group value or the wider Crabtree Conservation Area. The proposals are therefore considered acceptable with regards to Policies DC1, DC4, and DC8 of the Local Plan 2018.

#### Optimum Viable Use

3.36 The Planning Practice Guide states that:

"The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation.

Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation. It is important that any use is viable, not just for the owner, but also the future conservation of the asset. It

is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.

The optimum viable use may not necessarily be the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long-term conservation of the asset. However, if from a conservation point of view there is no real difference between viable uses, then the choice of use is a decision for the owner."

3.37 Where a proposal causes harm to designated heritage assets, there is a need to consider whether there is a viable alternative scheme which would cause less harm, but which could achieve the same or greater public benefits. The building is no longer required as a caretaker's house, has been vacant for some years and the new use is required to secure its future conservation. The proposals would cause less than substantial harm to the significance of the listed building, but the harm would be at the lower end of the spectrum of less than substantial harm. The harm to the significance of the listed building has been minimised and the proposals would not cause any harm to its setting.

3.38 The proposed HMO is considered to be a use capable of being sustained and which has the potential to secure the conservation of the listed building in the long term. The Council's sole intention for the change of use is to secure long-term accommodation for school teachers within the borough. Officers consider that it is unlikely that any other scheme could deliver the same or greater public benefits and cause less harm to the listed building. Furthermore, the public benefits would be the provision of accommodation for teachers within the borough, and the repair and improvements to the gates, landscaping and general upkeep of the building, bringing it back into use. When weighing the public benefits of the proposals against the harm to the listed identified above, the merits of the proposals in providing extended, modernised accommodation, are considered to outweigh the less than substantial harm identified.

3.39 Officers therefore consider that these proposals involving the minor alterations to facilitate a change of use to an HMO would represent the optimum viable use of the listed building.

#### IMPACT ON NEIGHBOURING AMENITY

3.40 Local Plan Policy HO8 also requires that new HMO proposals are considered in terms of their impact on the locality. SPD Housing Key Principles HS6, HS7, HS8 contain safeguards against sense of enclosure, loss of outlook, loss of privacy, loss of daylight and disturbances against neighbouring occupiers.

- 3.41 Policies CC11 (Noise) and CC13 (Control of Potentially Polluting Uses) also deal with environmental nuisance and requires all developments to ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties.
- 3.42 The proposal site is bounded by one commercial property to the north west, at No. 158 Fulham Palace Road. The school car park is located to the south east and the playground and main school building.

#### Noise and Disturbance

- 3.43 The proposed change of use to a 3 bedroom HMO is comparable to single family dwellinghouse. The Council's Public Protection team has been consulted on the application and raises no objection subject to conditions for enhanced sound insulation where the application side adjoins the neighbouring restaurant (Condition 18).

#### Privacy

- 3.44 Key Principle HS7(iii) of the H&F Supplementary Planning Document states that 'Any new windows should be positioned at least 18 metres from existing habitable room windows. This will be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure there is no loss of privacy'. No new windows are proposed, and no alterations are proposed to the existing window openings at first and second floor level, where existing openings within the side and rear elevation serve habitable rooms.
- 3.45 The windows serving the existing porch and first floor window in the south eastern elevation would be obscured glazed to prevent overlooking – and this would be secured by condition. The remaining ground floor windows, face into the existing rear garden area and would be set behind a retained high boundary fence that would obscure views and thereby prevent overlooking. The first floor window in the south west elevation serves a bedroom which has partial views to the playground. To maintain an acceptable level of outlook from that first floor bedroom within this HMO, in this instance the windows should remain clear glazed, so long as the accommodation is used solely for teachers employed by the London Borough of Hammersmith and Fulham (secured by condition 17). Subject to these conditions the proposals accord with Key Principle HS7 (iii) of the Planning Guidance SPD.

#### Outlook and Daylight/Sunlight

- 3.46 Key Principle HS6 of the H&F Supplementary Planning Document requires that all new development enables an unobstructed angle of 45 degrees from a point at 2 metres above ground floor level on the boundary of the site, or at ground level where rear gardens are less than 9m in depth. Where the proposed building infringes an angle of 45 degrees on site judgement will be the determining factor. In this case, no proposed extensions are proposed, and the property would not therefore be enlarged. On this basis, the proposals would have no adverse impact in terms of outlook or daylight on the nearest residential property at 158 Fulham Palace Road. The proposals would accord with Key Principle HS6 of the Planning Guidance SPD.



- 3.47 Overall, in terms of residential amenity, the proposals accord with Policies HO11 and DC4 of the Local Plan, and relevant Housing Standards Key Principles of the Planning Guidance SPD.

#### HIGHWAYS MATTERS

- 3.48 Policies 6.1, 6.3, 6.9, 6.10, 6.11 and 6.13 of The London Plan set out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards and cycle standards.
- 3.49 Policy T1 (Transport) of the Local Plan 2018 supports The London Plan and seeks to improve transportation within the borough, by working with strategic partners and relating the size of development proposals to public transport accessibility and highway capacity. Policy T4 of the Local Plan 2018 sets out vehicle parking standards, which brings them in line with London Plan standards and circumstances when they need not be met. LP Policy T3 'Increasing the Opportunities for Cycling and Walking' seek to ensure that satisfactory cycle space is provided for all developments.

#### Car parking

- 3.50 The site has a PTAL of 4 meaning it has good access to public transport. According to The Local Plan 2018 Policy T4, the council will only consider issuing of permits for on street parking in locations where the PTAL level is considered 2 or lower (TfL's public transport accessibility level). In accordance with Policy T4 of the Local Plan 2018 there should be little reliance upon private car parking, and as such the proposed development would be car permit free, and this would be secured by condition.

#### Cycle parking

- 3.51 London Plan 2011 Policy 6.9 and Table 6.3. Policy T3 of the Local Plan 2018 encourages increased cycle use by seeking the provision of convenient and safe cycle parking facilities.
- 3.52 The plans indicate provision of 4 cycle parking spaces would be made at ground floor level within the front garden area. However, to comply with policy a sheltered/covered area is required to prevent weather damage and theft - a condition would be attached to secure this (Condition 9).

#### Refuse and Recycling

- 3.53 Local Plan Policy CC7 states that new developments, including conversions should aim to minimise waste and should provide convenient facilities for future occupiers. Officers consider that there is sufficient space within the site for refuse and recycling storage provision, though further details of such provision would be secured by condition 10.

## ENVIRONMENTAL QUALITY/ SUSTAINABILITY

### Air Quality

3.54 The whole borough is designated as an Air Quality Management Area (AQMA) and the development site is in an area of existing poor air quality that exceeds the annual mean AQO for NO<sub>2</sub> and World Health Organisation (WHO) targets for Particulate Matter (PM<sub>2.5</sub> and PM<sub>10</sub>), due to the road traffic emissions from Fulham Palace Road. The development will introduce residential receptors into an area of poor air quality. As such, further mitigation measures will be required to make sure the development is acceptable in accordance with Policy CC10 of the Local Plan (2018) and London Plan Policy 7.14. Conditions are proposed regarding a Ventilation Strategy; and Zero Emission Air/Water Source Heat Pumps or Electric boilers.

### Flood Risk / SUDs

3.55 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 Policy 5.11, 5.12, 5.13, 5.14 and 5.15 requires new 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. Local Plan Policies CC3 and CC4 DM H3 which relate to Flood Risk and Sustainable Urban Drainage requires development proposals to reduce the use of water and minimise existing and future flood risk and the adverse effects of flooding on people by implementing a range of measures such as Sustainable Drainage Systems (SUDS) (where feasible) and also the use of water efficient appliances.

3.56 This site is in Flood Zone 3 and just outside the breach extent area. It is in an area where surface water is evident. As required an FRA has been submitted. This confirms that flood mitigation measures will be included. Although no details were provided, as this proposal is for a change of use with limited external alterations this is acceptable in this instance.

3.57 Although not in the breach extent zone the site is in close proximity to this area. The FRA confirms that a Flood Management Plan will be provided and that in the event of a breach there is access to the first floor where occupiers will be able to wait in safety until help arrives. It has also been confirmed that the occupiers will be encouraged to sign up to the EA's (free) Early Warning Flood System.

3.58 Local Plan Policy CC4 requires the inclusion of sustainable drainage measures where possible. This is particularly important in this instance given this scheme is the council's own development, the corporate objective for a greener borough and that the landscaping plan shows new paving. It is also proposed that permeable paving will be installed in the front yard and new planter boxes in the rear yard area. Given the limited scope of external alterations these proposed SuDs methods are acceptable.

3.59 In addition, the revised FRA confirmed that in accordance with Policy CC3 water

efficient fixtures and fittings will be installed, and new occupiers will be asked to sign up to the EA's early flood warning system as part of a flood management plan.

- 3.60 The Council's Environmental Policy team have considered the proposals and have raised no objections, as no specific flood resilience measures are required. Water efficiency and sustainable drainage measures should be included where possible (an informative has been included). The proposals are in line with Local Plan Policy CC3 and CC4.

#### Contamination

- 3.61 Policy 5.21 of the London Plan and Policy CC9 of the LP 2018 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.

- 3.62 The Council's Land Contamination Officer has reviewed the application and raises no objections subject to the imposition of an informative. The proposals are therefore in accordance with Policy CC9 of the Local Plan 2018.

#### Mayoral and Local CIL

- 3.63 The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012 and new fee rates came into effect in April 2019. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3. This development would be subject to a London wide community infrastructure levy.

- 3.64 The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015.

#### 4.0 CONCLUSION

- 4.1 The proposed change of use from a caretaker's house (Class D1) to a 3 bedroom HMO (Class C4) is acceptable in principle and would help support teachers residing in the borough. The proposed alterations are modest in scale and acceptable in visual terms and would not harm the significance of the listed building, the settings of surrounding listed building, the character and appearance of the streetscene or the setting of the Crabtree Conservation Areas. The quality of the proposed accommodation, the impact on the neighbouring amenities and highways impacts on parking in surrounding streets are satisfactory. The proposals are in accordance with the NPPF (2018), the London Plan (2016) and the Local Plan (2018).

#### 5.0 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. 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.