

Planning and Development Control Committee

Agenda

Tuesday 7 December 2021 at 7.00 pm
Main Hall (1st Floor) - 3 Shortlands, Hammersmith, W6 8DA

MEMBERSHIP

Administration:	Opposition
Councillor Rachel Leighton (Chair) Councillor Rebecca Harvey (Vice-Chair) Councillor Wesley Harcourt Councillor Natalia Perez Councillor Asif Siddique Councillor Frances Umeh	Councillor Alex Karmel Councillor Matt Thorley

CONTACT OFFICER: Charles Francis
Governance and Scrutiny
Tel 07776 672945
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Public Notice

The meeting is open to the press and public but spaces are limited due to social distancing requirements. If you would like to attend the meeting in person please contact: charles.francis@lbhf.gov.uk. You can also watch live on YouTube: <https://youtu.be/DnF1B62yd54>

Should exempt information need to be discussed the committee will pass a resolution requiring members of the press and public to leave.

For details on how to register to speak at the meeting, please see overleaf.
Deadline to register to speak is 4pm on Thursday 2nd December 2021.

A loop system for hearing impairment is provided, along with disabled access to the building.

For queries concerning a specific application, please contact the relevant case Officer

PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Members of the public are welcome to attend the Planning and Development Control Committee meeting.

Who can speak?

Only the applicant or their agent and people who have commented on the application as part of the planning department consultation process in support or against will be permitted to speak at the meeting. They must have been registered to speak before addressing the committee. Ward Councillors may sometimes wish to speak at meetings even though they are not part of the committee. They can represent the views of their constituents. The Chair will not normally allow comments to be made by other people attending the meeting or for substitutes to be made at the meeting.

Do I need to register to speak?

All speakers except Ward Councillor must register at least two working days before the meeting. For example, if the committee is on Wednesday, requests to speak must be made by 4pm on the preceding Friday. Requests received after this time will not be allowed. Registration will be by email only. Requests are to be sent to speakingatplanning@lbhf.gov.uk with your name, address and telephone number and the application you wish to speak to as well as the capacity in which you are attending.

How long is provided for speakers?

Those speaking in support or against an application will be allowed three minutes each. Where more than one person wishes to speak for or against an application, a total of five minutes will be allocated to those speaking for and those speaking against. The speakers will need to decide whether to appoint a spokesperson or split the time between them. The Chair will say when the speaking time is almost finished to allow time to round up. The speakers cannot question councillors, officers or other speakers and must limit their comments to planning related issues.

At the Meeting - please arrive 15 minutes before the meeting starts and make yourself known to the Committee Co-ordinator who will explain the procedure.

What materials can be presented to committee?

To enable speakers to best use the time allocated to them in presenting the key issues they want the committee to consider, no new materials or letters or computer presentations will be permitted to be presented to the committee.

What happens to my petition or deputation?

Written petitions made on a planning application are incorporated into the officer report to the Committee. Petitioners, as members of the public, are welcome to attend meetings but are not permitted to speak unless registered as a supporter or objector to an application. Deputation requests are not accepted on applications for planning permission

Covid Guidance for Attendees

Members of the public and press are welcome to attend the meeting but unless you have to attend, we recommend watching on YouTube:

<https://youtu.be/DnF1B62yd54>

If you need to attend in person, you can do so but spaces are limited due to social distancing measures. Please contact charles.francis@lbhf.gov.uk and say which item you would like to attend for. Priority will be given to those who are participating in the meeting. Observers will be allocated seats on a first come first serve basis.

Before attending the meeting

Do not attend a meeting if you are experiencing Coronavirus symptoms.

Anyone experiencing symptoms of Coronavirus is eligible to book a swab test to find out if they have the virus. You can register for a test after checking your symptoms through the NHS website: <https://www.gov.uk/get-coronavirus-test> or by calling 119

Even if you are not experiencing Coronavirus symptoms, you should take a lateral flow test in the 24 hours before attending the meeting.

You can order lateral flow tests online or visit one of our testing centres:

<https://www.lbhf.gov.uk/coronavirus-covid-19/health-and-wellbeing-advice/covid-19-testing>

Lateral flow tests will also be available at the meeting venue but if you intend to take a test at the venue, please arrive 40 minutes early.

If your lateral flow test returns a positive result, you should follow Government guidance to self-isolate and make arrangements for a PCR test.

Attending the meeting

To make our buildings Covid-safe, it is important that you observe the rules and guidance on social distancing and hand washing. Face coverings must be worn when entering the building and in communal areas but can be removed when seated.

You must follow all the signage and measures that have been put in place. They are there to keep you and others safe.

Security staff will be waiting in reception to direct members of the public to the meeting room.

Planning and Development Control Committee Agenda

7 December 2021

<u>Item</u>		<u>Pages</u>
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS	
	<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.</p>	
3.	MINUTES	6 - 10
	<p>To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 12 October 2021.</p>	
4.	65 HARTSWOOD ROAD, LONDON W12 9NE, RAVENSCOURT PARK, 2021/02294/FUL	11 - 20
5.	63 HARTSWOOD ROAD, LONDON W12 9NE, RAVENSCOURT PARK, 2021/02330/FUL	21 - 29

6.	22 UPPER MALL, LONDON W6 9TA, RAVENSCOURT PARK, 2020/02475/FUL	30 - 43
7.	LAND AT 18 RACTON ROAD, SW6, CONFIRMATION OF TPO - T423/06/21	44 - 56
8.	4 COOMER PLACE, LONDON SW6 7EX, FULHAM BROADWAY, 2021/02110/FUL	57 - 89

Agenda Item 3

**London Borough of Hammersmith & Fulham
Planning and Development Control Committee
Minutes**

Tuesday 12 October 2021



APOLOGIES FOR ABSENCE

Apologies for absence were provided by Councillors Rachel Leighton and Alex Karmel.

DECLARATION OF INTERESTS

PRESENT: Councillors Wesley Harcourt, Rebecca Harvey (Vice-Chair), Natalia Perez, Asif Siddique and Matt Thorley.

Councillor Matt Thorley confirmed he had been contacted by local residents in relation to Item 5 - Walham Green Court and had referred residents to the relevant Planning Officers. He remained in the meeting and voted on the item.

MINUTES OF THE MEETING HELD ON 22 SEPTEMBER 2021

The minutes of the meeting held on 22 September 2021 were agreed.

ITEM 4 – 1 – 3 CHESILTON ROAD, LONDON, SW6 5AA

Please see the Addendum attached to the minutes which amended the report.

The Committee heard a representation from the Agent in support of the application.

The Committee voted on the recommendation for application 2021/01526/FUL as follows:

Officer Recommendation 1:

For:

5

Against:

0

Not Voting:

0

Officer Recommendation 2:

For:

5

Against:

0

Not Voting:

0

RESOLVED THAT:

Planning Application 2021/01526/FUL be approved, subject to:

1. That the Chief Planning Officer be authorised to grant permission subject to the condition(s) listed below:
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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

ITEM 5 – WALHAM GREEN COURT, WATERFORD ROAD, LONDON

Please see the Addendum attached to the minutes which amended the report.

Councillor Matt Thorley confirmed he had been contacted by local residents in relation to Item 5 - Walham Green Court and had refereed residents to the relevant Planning Officers. He remained in the meeting and voted on the item.

The Committee voted on the recommendation for application 2020/02525/ADV as set out in the report as follows:

Officer Recommendation

For:

4

Against:

1

Not Voting:

0

RESOLVED THAT:

Planning Application 2020/02525/ADV be approved, subject to:

That the Chief Planning Officer be authorised to grant permission subject to the condition(s) listed below:

Minutes are subject to confirmation at the next meeting as a correct record of the proceedings and any amendments arising will be recorded in the minutes of that subsequent meeting.

That 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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

ITEM 6 – TRAFFIC ISLAND LOCATED AT JUNCTION OF FULHAM PALACE ROAD AND TALGARTH ROAD LONDON - 2021/01544/FR3

Please see the Addendum attached to the minutes which amended the report.

The Committee voted on the recommendation for application 2021/01544/FR3 as follows:

Officer Recommendation 1:

For:
4
Against:
1
Not Voting:
0

Officer Recommendation 2:

For:
5
Against:
0
Not Voting:
0

RESOLVED THAT:

Planning Application 2021/01544/FR3 be approved, subject to:

1. That the Chief Planning Officer be authorised to grant permission subject to the condition(s) listed below:
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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

ITEM 7 – TRAFFIC ISLAND LOCATED AT JUNCTION OF FULHAM PALACE ROAD AND TALGARTH ROAD LONDON - 2021/02292/ADV

Please see the Addendum attached to the minutes which amended the report.

The Committee voted on the recommendation to approve the application as follows:

Officer Recommendation 1:

For:
1
Against:
3
Not Voting:
1

The Committee voted on the two reasons to refuse application 2021/02292/ADV as follows:

1. That application 2021/02292/ADV be refused due to its impact on road safety.

For:
4
Against:
0
Not Voting:
1

2. That application 2021/02292/ADV be refused due to its negative impact on the conservation area, buildings of merit and listed buildings:

For:
3
Against:
1
Not Voting:
1

Meeting started: 7:00 pm
Finished: 8:17 pm

Chair

Contact officer: Charles Francis
Committee Co-ordinator
Governance and Scrutiny
Tel 07776 672945
E-mail: charles.francis@lbhf.gov.uk

Ward: Ravenscourt Park

Site Address:

65 Hartswood Road London W12 9NE



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For identification purposes only - do not scale.

Reg. No:

2021/02294/FUL

Case Officer:

Paul Curtis

Date Valid:

19.07.2021

Conservation Area:

Constraint Name: Ravenscourt And Starch Green

Conservation Area - Number 8

Committee Date:

07.12.2021

Applicant:

Mr And Mrs James Mann
65, Hartswood Road London W12 9NE

Description:

Erection of a rear roof extension including the formation of a hip to gable roof extension and rear dormer; installation of 2no. rooflights in the front roofslope and 1no. window in the new gable end elevation.
Drg Nos: 1326-1; 1326-2.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve that the Chief Planning Officer be authorised to refuse planning permission pursuant to the Town and Country Planning Act 1990 subject to the reason listed below;
- 2) That the Committee resolve that the Chief Planning Officer, after consultation with the Assistant Director, Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed reason for refusal, any such changes shall be within their discretion.

Reasons For Refusal:

- 1) The proposed hip-to-gable roof extension is considered to be unacceptable on the grounds of visual amenity. More particularly, the total loss of the original hipped roof form and introduction of a bulky gable roof extension would result in harm to the character and appearance of the building. It would be an overly dominant feature in the street scene, and would undermine the symmetry within the subject terrace and the adjacent terrace within the grouping. The result would be detrimental to visual amenity and would fail to preserve or enhance the character and appearance of the Ravenscourt and Starch Green Conservation Area. In this respect, the proposal is considered to be contrary to s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 195, 199 and 202 of the National Planning Policy Framework (2021), Policy HC1 of the London Plan (2021) and Policies DC1, DC4 and DC8 of the Local Plan (2018).

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

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

Application form received: 12th July 2021
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2021
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

55A Hartswood Road London W12 9NE	08.08.21
63 Hartswood Road London W12 9NE	08.08.21
66 Hartswood Road London W12 9NF	07.08.21
67 Hartswood Road London W12 9NE	02.08.21
57 Hartswood Road London W12 9NE	21.08.21
9 Emlyn Road London W12 9TF	09.08.21
47 Hartswood Road Stamford Brook London W12 9NE	04.08.21
13 Stronsa Road London W12 9LB	13.08.21

OFFICER'S REPORT

1.0 BACKGROUND

- 1.1 The application premises comprise a two-storey house that sits at the south end of a short terrace of four properties, located on the western side of Hartswood Road, close to the junction with Wendell Road. The properties date from the interwar period. The application site is situated within the Ravenscourt and Starch Green Conservation Area.
- 1.2 A previous planning application (Ref. 2018/02471/FUL) for a rear roof extension, including the formation of a hip to gable roof extension and rear dormer, and installation of 2 rooflights in the front roof slope and 1 window in the new gable end elevation at the subject site was refused by the Council on grounds of visual amenity and this was subsequently dismissed at appeal by the Planning Inspector (Appeal Ref. APP/H5390/W/18/3217592). The Council's reason for refusal was as follows:

"The proposed hip to gable roof extension is considered to be unacceptable and inappropriate on the grounds of visual amenity. More particularly, the proposed development, owing to the loss of the original hipped roof form and introduction of bulky gable roof extension, would result in harm to the character and appearance of the building. The proposal would therefore undermine the architectural character of the application property and the properties within the grouping, resulting in an overly dominant feature in the street scene which would be detrimental to visual amenity and would fail to preserve or enhance the character or appearance of the property and the Ravenscourt and Starch Green Conservation Area. In these regards the proposal is considered to be contrary to

Sections 12 (Achieving well designed places) and 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2018), policies 7.4 (Local character), 7.6 (Architecture) and 7.8 (Heritage assets and archaeology) of the London Plan (2016), policies DC1 (Built environment), DC4 (Alterations and extensions) and DC8 (Heritage and conservation) of the Hammersmith and Fulham Local Plan (2018) and Key Principles AH2 and CAG3 of the Planning Guidance Supplementary Planning Document (2018)."

- 1.3 Planning permission (2021/01600/FUL) was recently approved for the erection of an extension at first floor level, together with a single storey side and rear extension.

2.0 PROPOSAL

- 2.1 This application is for the erection of a rear roof extension including the formation of a hip to gable roof extension and rear dormer; installation of 2no. rooflights in the front roof slope and 1no. window in the new gable end elevation.
- 2.2 A separate planning application (Ref. 2021/02330/FUL) is also being considered for the adjacent property at 63 Hartswood Road, which is also for a hip to gable roof extension, rear dormer, two rooflights and a new side window. No. 63 is immediately to the south of the subject site, and is also at the end of a similar terrace of four properties.
- 2.3 In support of their application (including the proposal at no.63), the applicant states that:
- the conclusion by the Inspector (2018 appeal) was only reached after it was determined the harm in fact would be 'less than substantial harm' and the unacceptability was only concluded as the proposals did not highlight the benefits to outweigh the harm.
 - the currently submitted proposals are seen as an improvement over the previously refused scheme and appear to be of better architectural quality. Therefore, the harm must be considered 'less than substantial', in line with the assessment made by the Inspector on the previous application at no. 65.
 - in accordance with paragraph 196 of the NPPF, where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this instance, the 'heritage asset' is the whole of the conservation area and not a single row of terraces.
 - Officers have also raised concern regarding not being able to guarantee the proposals at no. 63 would be implemented, and there is a degree of symmetry between the two and the terraces. Given the numerous examples provided...with regard to hip to gable extensions....demonstrate a number of properties where this symmetry has been lost previously. The harm of any such loss of this supposed symmetry is not noted by officers and in light of the Inspector's previous assessment, this must be considered 'less than substantial'.

Therefore, I would recommend that both applicants enter into a legal agreement to confirm each will implement within 12 months of the final condition discharge. Whilst officers note that each application must be assessed on its own merits, which is correct, however one can't ignore the surrounding context...Furthermore, officers have advised that these examples do not provide justification to 'override the harm to the character and appearance of the conservation area'....the Council have failed to highlight the level of harm caused by the proposals andthis must be considered to be 'less than substantial' in light of the Inspector's assessment previously. In accordance with paragraph 196 of the NPPF, I suggest the following public/planning benefits which outweigh the harm:

- Both applicants agree to a legal undertaking to implement each application, within 12 months of condition discharge, to ensure symmetry is retained in the streetscape.
- Provision of two, larger family (4 bedrooms) properties within the borough, which allows for growing families and multi-generational families whilst also allowing occupants to remain within the local area, thus providing optimum use for the sites.
- Both applications will secure the ability for the applicants to improve and enhance the existing properties, including external building improvements.
- Proposals will incorporate high quality materials to complement existing dwellings and conservation area.

3.0 CONSULTATION

3.1 The application was advertised by way of a site notice and press advert as well as notification letters sent to five neighbouring properties. Eight responses in support of the application were received from the following properties: 47, 55A, 57, 63, 66 and 67 Hartwood Road, 9 Emlyn Road, and 13 Stronsa Road. Comments raised are summarised below:

- It is important to give young growing families the space they need;
- No. 63 Hartwood Road is proposing a similar development that will preserve the symmetry of the properties;
- The extensions to both properties will be beneficial to the streetscape and the symmetry of both terraces;
- The respective architects for Nos. 63 and 65 have been liaising to make sure the proposed extensions are the same;
- The planning applications are asking for no more than other properties in the area which have received approval;
- The applicants have already invested a significant amount in improving the front of their property.

Officer comment: Support comments are noted. The previous approvals referred to in the comments will be discussed in more detail in the report below.

3.2 There were no other external or statutory consultees for this application.

4.0 PLANNING CONSIDERATIONS

4.1 The relevant planning considerations in this case are the impact of the proposal on visual amenity, including on the character and appearance of the Ravenscourt and Starch Green Conservation Area; and the impact on the amenities of neighbours. These matters will be assessed in accordance with relevant legislation and guidance including the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework (2021), the London Plan (2021) and the Local Plan (2018) and Planning Guidance Supplementary Planning Document (2018).

4.2 A site visit was undertaken in November 2021. The application was also assessed using site photographs provided by the applicant of the subject property and nearby properties.

5.0 VISUAL AMENITY/ CONSERVATION AREA

5.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. It is key to the assessment of these applications that the decision-making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF. s72 of the above Act states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

5.2 Paragraph 189 of the NPPF states: Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

5.3 Paragraph 195 of the NPPF states: Local Planning Authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.4 Paragraph 199 of the NPPF states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight

should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 5.5 Paragraph 202 of the NPPF states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.6 Paragraph 203 of the NPPF states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.7 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 202 and 203, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 5.8 Policy HC1 of the London Plan (2021) states that development proposals affecting heritage assets and their settings should conserve their significance, by being sympathetic to the asset's significance and appreciation within their surroundings.
- 5.9 Local Plan Policy DC1 requires all development within the borough to create a high-quality urban environment that respects and enhances its townscape context and heritage assets. Local Plan Policy DC8 states that the council will conserve the significance of the Borough's historic environment by protecting, restoring, or enhancing its heritage assets, including the borough's conservation areas.
- 5.10 Local Plan Policy DC4 states that the Council will require a high standard of design in all alterations and extensions to existing buildings. These should be:
 - Compatible with the scale and character of existing development, neighbouring properties and their setting;
 - Successfully integrated into the architectural design of the existing building; and
 - Subservient and should never dominate the parent building in bulk, scale, materials or design.

In considering applications for alterations and extensions the council will take into account the following:

- a. scale, form, height and mass;
- b. proportion;
- c. vertical and horizontal emphasis;
- d. relationship of solid to void;
- e. materials;
- f. impact on skyline silhouette (for roof top additions);

- g. relationship to existing building, spaces between buildings and gardens;
- h. good neighbourliness in particular the amenities of the neighbouring properties, and other properties most directly affected by the proposal; and
- i. the principles of accessible and inclusive design

Assessment

- 5.11 The property is an end-of-terrace interwar house located within the Ravenscourt Park and Starch Green Conservation Area. It forms one of four houses in the subject terrace (Nos. 65-71.) Another terrace of four houses (Nos. 57-63) in the same style are located immediately to the south. A further terrace of similar properties is located to the north west on the southern side of Wendell Road. The pair of Hartswood Road terraces and the terrace on Wendell Road form a distinctive part of the street scene, with the dwellings characterised by painted roughcast render elevations and hipped roofs at the ends.
- 5.11 The application site is situated in the Ravenscourt and Starch Green Conservation Area. In dealing with an earlier appeal for the application site (Appeal Ref. APP/H5390/W/18/3217592) the inspector helpfully characterised the character and special interest of the local area:
- "The immediate vicinity is characterised predominately by terraced and semi-detached houses with hipped roofs, although properties with gable roofs are apparent in the wider area. The roofscape at the appeal site and immediate vicinity has a regular pattern and rhythm of hipped roofs which I find to be a principal characteristic of the area."
- 5.13 Officers consider that the immediate vicinity of the site, in this regard, includes the group of terraces 57-71 Hartswood Road and 105 - 121 Wendell Road which retain their hipped appearance. Alongside the recent appeal decision at the application site the council has also refused planning consent for a hip-to-gable extension at No. 111 Wendell Road (application reference: 2008/00888/FUL).
- 5.14 The design of the current proposal would create a hip-to-gable development which, due to its scale and bulk, would appear as an incongruous feature that would dominate the host property. The development would alter and interrupt the regular pattern and rhythm of the roofscape along this part of Hartswood Road and Wendell Road which would fail to preserve or enhance the character or appearance of the Ravenscourt and Starch Green Conservation Area.
- 5.15 The flank (south) wall of the host dwelling is set away from the site boundary and is highly visible in wider views from the street. It is considered that the proposed hip-to-gable roof extension would be a disproportionately bulky addition, which would erode the characteristic gap at roof level between these properties, and would be out of keeping with the proportions of the original dwelling house and would fail to achieve subservience to the host dwelling. The proposal would also unbalance the symmetrical composition of the four houses in the terrace and the eight houses in the wider group on Hartswood Road. Within the three terraces in the grouping, the hipped roof character has been largely retained. The application property's hipped roof is mirrored at the northern end of the terrace, No. 71 Hartswood Road, which retains its original roof form and thus the general symmetry of the terrace is currently preserved.

- 5.16 The appeal decision for the previously refused application for a very similar development on the site stated that the hip-to-gable roof extension would, "due to its scale and bulk, appear as an incongruous feature that would dominate the host property" and that "the development would alter and interrupt the regular pattern and rhythm of the roofscape along this part of Hartswood Road, which would fail to preserve or enhance the character or appearance of the CA" (Paras 6 and 7). Officers consider that the Inspector's conclusions on this matter carry significant weight in the determination of this current application.
- 5.17 As it currently stands, the hipped roof form of the subject dwelling is still mirrored on the adjacent property at No. 63 Hartswood Road, and the pleasing symmetry that this mirroring currently creates, would be completely lost. Given the Inspector's conclusions on the matter, the applicant's case for the new proposal appears to be largely based on the fact that the owners of No. 63 currently have a planning application pending to carry out a similar development. If both properties completed hip-to-gable roof extensions, then a new type of symmetry would be created, but this could not be guaranteed. The characteristic 'gap' between the terraces would be lost almost completely. Further, the symmetry of each terrace would nevertheless still be lost. For these reasons Officers do not consider both properties carrying out the extension to be a satisfactory outcome.
- 5.18 The proposal will result in harm to the heritage asset and this harm is deemed to be less than substantial. Accordingly, the Framework requires at paragraph 196 that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Although, the harm is less than substantial it should not be treated as a less than substantial objection to the proposal. There are considered to be no heritage or public benefits arising from the proposed development.
- 5.19 Officers have assessed the impact of the proposal on adjacent heritage assets and consider that it is not compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal also does not comply with national guidance in the NPPF, namely Paragraph 202, Policy HC1 of the London Plan and Policies DC1, DC4, and DC8 of the Local Plan (2018) and Key Principle CAG3 of the Planning Guidance SPD (2018).
- 5.20 No objection would be raised to the rear roof extension, which would not be visible in any public views and would also generally follow the form of other existing rear dormer extensions on the mid-terrace properties in the group. However, it is to be acknowledged that the dormer as currently proposed is reliant on the hip-to-gable roof extension being carried out, and could not be constructed without it. Similarly, no objections would be raised to the proposed front rooflights which are a common feature of the terrace, but their size and position is also reliant on the proposed hip-to-gable roof extension.

6.0 RESIDENTIAL AMENITY

- 6.1 Due to their position at roof level, the proposed extensions and rooflights are unlikely to have a significantly detrimental impact upon the amenities of

neighbouring occupiers in terms of daylight, outlook, privacy, or sense of enclosure, and therefore no objections would be raised in terms of Local Plan (2018) Policies DC1, DC4 or HO11 or Key Principle HS6 of the Planning Guidance Supplementary Planning Guidance (2018). No new views would be created given the positioning of existing windows. The proposed window to the southern side elevation would serve a landing and the neighbouring property (63 Hartswood Road) has no openings to the northern side elevation, thus ensuring there would be no harmful overlooking or loss of privacy impact to this neighbour. It is considered that there would not be any significant detrimental impact to residential amenity in terms of noise, disturbance, and privacy. As such, the proposal is considered to be in accordance with Policies DC1, DC4 and HO11 of the Local Plan (2018) and Key Principles HS6 and HS7 of the Planning Guidance Supplementary Planning Guidance (2018).

7.0 RECOMMENDATION

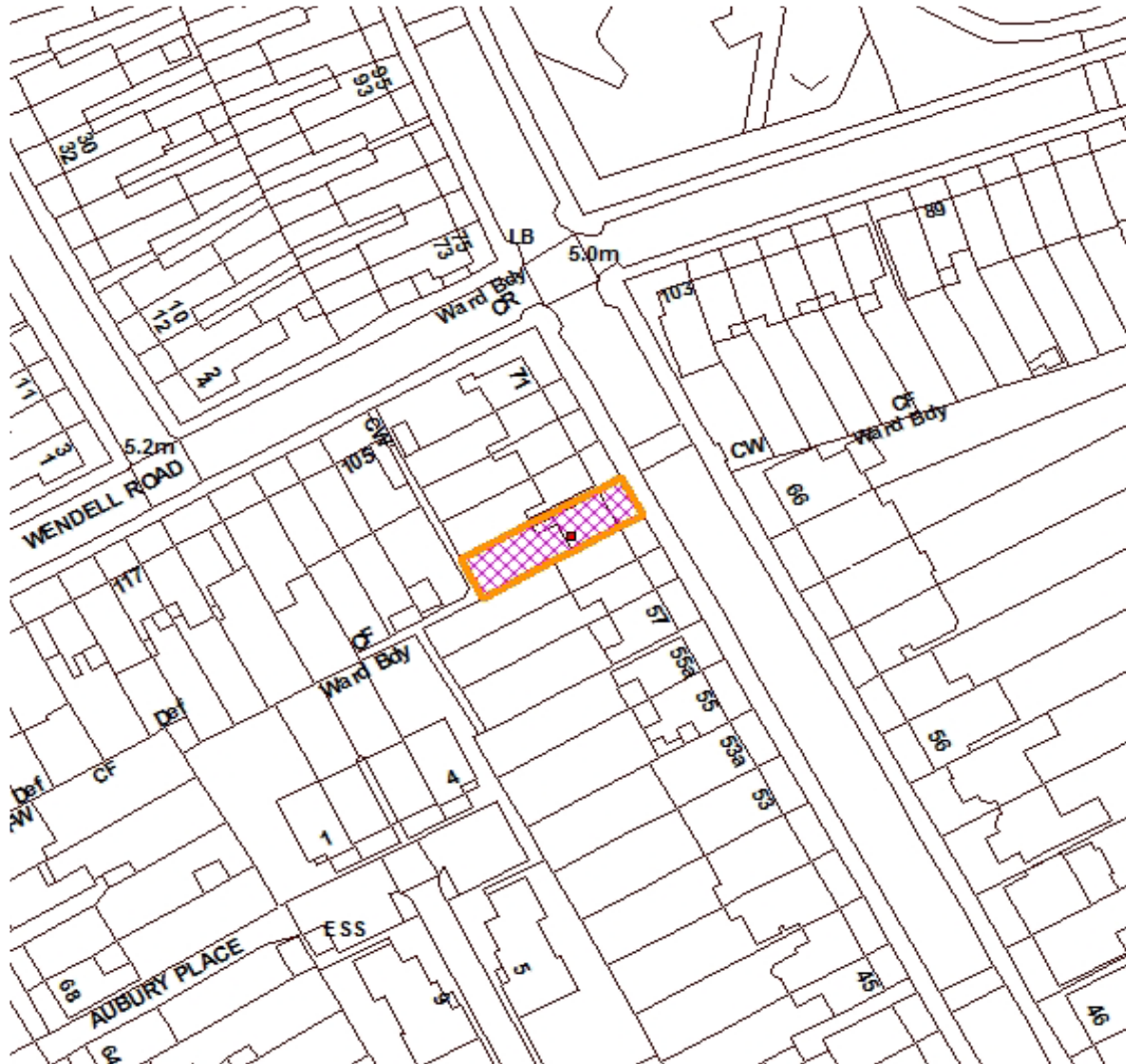
- 7.1 Therefore officers do not support the proposals in line with the recommendations at the start of the report.

Agenda Item 5

Ward: Ravenscourt Park

Site Address:

63 Hartswood Road London W12 9NE



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For identification purposes only - do not scale.

Reg. No:

2021/02330/FUL

Case Officer:

Paul Curtis

Date Valid:

16.07.2021

Conservation Area:

Constraint Name: Ravenscourt And Starch Green
Conservation Area - Number 8

Committee Date:

07.12.2021

Applicant:

Ms L Jenkins
63 Hartswood Road London W12 9NE

Description:

Erection of a rear roof extension including the formation of a hip to gable roof extension and rear dormer; installation of 2no. rooflights in the front roofslope and 1no. window in the new gable end elevation.

Drg Nos: P693/10; P693/11; P693/12; P693/13.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve that the Chief Planning Officer be authorised to refuse planning permission pursuant to the Town and Country Planning Act 1990 subject to the reason listed below;
- 2) That the Committee resolve that the Chief Planning Officer, after consultation with the Assistant Director, Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed reason for refusal, any such changes shall be within their discretion.

Reasons For Refusal:

- 1) The proposed hip-to-gable roof extension is considered to be unacceptable on the grounds of visual amenity. More particularly, the total loss of the original hipped roof form and introduction of a bulky gable roof extension would result in harm to the character and appearance of the building. It would be an overly dominant feature in the street scene, and would undermine the symmetry within the subject terrace and the adjacent terrace within the grouping. The result would be detrimental to visual amenity and would fail to preserve or enhance the character and appearance of the Ravenscourt and Starch Green Conservation Area. In this respect, the proposal is considered to be contrary to s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 195, 199 and 202 of the National Planning Policy Framework (2021), Policy HC1 of the London Plan (2021) and Policies DC1, DC4 and DC8 of the Local Plan (2018).

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

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

Application form received: 15th July 2021
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2021
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Neighbour Comments:

Letters from:

Dated:

65 Hartswood Road London W12 9NE

02.08.21

OFFICER'S REPORT

1.0 BACKGROUND

- 1.1 The application premises comprise a two-storey house that sits at the north end of a short terrace of four properties, located on the western side of Hartswood Road, close to the junction with Wendell Road. The properties date from the interwar period. The application site is situated within the Ravenscourt and Starch Green Conservation Area.
- 1.2 Planning permission (2021/02075/FUL) was approved in August 2021 for the erection of a single storey side and rear extension.

2.0 PROPOSAL

- 2.1 This application is for the erection of a rear roof extension including the formation of a hip to gable roof extension and rear dormer; installation of 2no. rooflights in the front roof slope and 1no. window in the new gable end elevation.
- 2.2 A separate planning application (Ref. 2021/02294/FUL) is being considered for the adjacent property at 65 Hartswood Road, which is also for a hip to gable roof extension, rear dormer, two rooflights and a new side window. No. 65 is immediately to the north of the subject site, and is also at the end of an adjacent terrace of four properties.
- 2.3 In support of the application comments have been received from no65 which also relate to this site, and it is stated that:
- the conclusion by the Inspector (2018 appeal for no.65) was only reached after it was determined the harm in fact would be 'less than substantial harm' and the unacceptability was only concluded as the proposals did not highlight the benefits to outweigh the harm.
 - the currently submitted proposals are seen as an improvement over the previously refused scheme and appear to be of better architectural quality. Therefore the harm must be considered 'less than substantial', in line with the

assessment made by the Inspector on the previous application at no. 65.

- in accordance with paragraph 196 of the NPPF, where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this instance, the 'heritage asset' is the whole of the conservation area and not a single row of terraces.

- Officers have also raised concern regarding not being able to guarantee the proposals at no. 63 would be implemented, and there is a degree of symmetry between the two and the terraces. Given the numerous examples provided...with regard to hip to gable extensions....demonstrate a number of properties where this symmetry has been lost previously. The harm of any such loss of this supposed symmetry is not noted by officers and in light of the Inspector's previous assessment, this must be considered 'less than substantial'.

Therefore, I would recommend that both applicants enter into a legal agreement to confirm each will implement within 12 months of the final condition discharge. Whilst officers note that each application must be assessed on its own merits, which is correct, however one can't ignore the surrounding context...Furthermore, officers have advised that these examples do not provide justification to 'override the harm to the character and appearance of the conservation area'....the Council have failed to highlight the level of harm caused by the proposals andthis must be considered to be 'less than substantial' in light of the Inspector's assessment previously. In accordance with paragraph 196 of the NPPF, I suggest the following public/planning benefits which outweigh the harm:

- Both applicants agree to a legal undertaking to implement each application, within 12 months of condition discharge, to ensure symmetry is retained in the streetscape.
- Provision of two, larger family (4 bedrooms) properties within the borough, which allows for growing families and multi-generational families whilst also allowing occupants to remain within the local area, thus providing optimum use for the sites.
- Both applications will secure the ability for the applicants to improve and enhance the existing properties, including external building improvements.
- Proposals will incorporate high quality materials to complement existing dwellings and conservation area.

3.0 CONSULTATION

3.1 The application was advertised by way of a site notice and press advert as well as notification letters sent to five neighbouring properties. One response, from the owner/occupier of No.65 Hartswood Road, was received in support. The main points were as follows:

- The respective architects for Nos. 63 and 65 have been liaising to make sure the proposed extensions are the same.

- The extensions to both properties will be beneficial to the streetscape and the symmetry of both terraces.
- The planning applications are asking for no more than other properties in the area which have received approval.

Officer comment: Support comments are noted. The previous approvals referred to in the comments will be discussed in more detail in the report below.

3.2 There were no other external or statutory consultees for this application.

4.0 PLANNING CONSIDERATIONS

4.1 The relevant planning considerations in this case are the impact of the proposal on visual amenity, including on the character and appearance of the Ravenscourt and Starch Green Conservation Area; and the impact on the amenities of neighbours. These matters will be assessed in accordance with relevant legislation and guidance including the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework (2021), the London Plan (2021) and the Local Plan (2018) and Planning Guidance Supplementary Planning Document (2018).

4.2 A site visit was undertaken in November 2021. The application was also assessed using site photographs provided by the applicant of the subject property and nearby properties.

5.0 VISUAL AMENITY/ CONSERVATION AREA

5.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. It is key to the assessment of these applications that the decision-making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF. s72 of the above Act states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

5.2 Paragraph 189 of the NPPF states: Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

5.3 Paragraph 195 of the NPPF states: Local Planning Authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into

account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 5.4 Paragraph 199 of the NPPF states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.5 Paragraph 202 of the NPPF states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.6 Paragraph 203 of the NPPF states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.7 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 202 and 203, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 5.8 Policy HC1 of the London Plan (2021) states that development proposals affecting heritage assets and their settings should conserve their significance, by being sympathetic to the asset's significance and appreciation within their surroundings.
- 5.9 Local Plan Policy DC1 requires all development within the borough to create a high-quality urban environment that respects and enhances its townscape context and heritage assets. Local Plan Policy DC8 states that the council will conserve the significance of the Borough's historic environment by protecting, restoring, or enhancing its heritage assets, including the borough's conservation areas.
- 5.10 Local Plan Policy DC4 states that the Council will require a high standard of design in all alterations and extensions to existing buildings. These should be:
 - Compatible with the scale and character of existing development, neighbouring properties and their setting;
 - Successfully integrated into the architectural design of the existing building; and
 - Subservient and should never dominate the parent building in bulk, scale, materials or design.

In considering applications for alterations and extensions the council will take into account the following:

- a. scale, form, height and mass;
- b. proportion;
- c. vertical and horizontal emphasis;
- d. relationship of solid to void;
- e. materials;
- f. impact on skyline silhouette (for roof top additions);
- g. relationship to existing building, spaces between buildings and gardens;
- h. good neighbourliness in particular the amenities of the neighbouring properties, and other properties most directly affected by the proposal; and
- i. the principles of accessible and inclusive design

Assessment

- 5.11 The property is an end-of-terrace interwar house located within the Ravenscourt Park and Starch Green Conservation Area. It forms one of four houses in the subject terrace (Nos. 57-63). A further terrace of four houses (Nos. 65-71) in the same style are located in the terrace immediately to the north. A further terrace of similar properties is located to the north west on the southern side of Wendell Road. The pair of Hartswood Road terraces and the terrace on Wendell Road form a distinctive part of the street scene, with the dwellings characterised by painted roughcast render elevations and hipped roofs at the ends.
- 5.12 The application site is situated in the Ravenscourt and Starch Green Conservation Area. In dealing with an earlier appeal for the adjacent property at No. 65 Hartswood Road (Appeal Ref. APP/H5390/W/18/3217592) the inspector helpfully characterised the character and special interest of the local area:
- "The immediate vicinity is characterised predominately by terraced and semi-detached houses with hipped roofs, although properties with gable roofs are apparent in the wider area. The roofscape at the appeal site and immediate vicinity has a regular pattern and rhythm of hipped roofs which I find to be a principal characteristic of the area."
- 5.13 Officers consider that the immediate vicinity of the site, in this regard, includes the group of terraces 57-71 Hartswood Road and 105 - 121 Wendell Road which retain their hipped appearance. Alongside the recent appeal decision at No.65 the Council has refused planning consent for a hip-to-gable extension at No. 111 Wendell Road (application reference: 2008/00888/FUL).
- 5.14 The design of the current proposal would create a hip-to-gable development which due to its scale and bulk, appear as an incongruous feature that would dominate the host property. The development would alter and interrupt the regular pattern and rhythm of the roofscape along this part of Hartswood Road and Wendell Road which would fail to preserve or enhance the character or appearance of the Ravenscourt and Starch Green Conservation Area.
- 5.15 The flank (north) wall of the host dwelling is set away from the site boundary and is highly visible in wider views from the street. It is considered that the proposed hip-to-gable roof extension would be a disproportionately bulky addition, which would erode the characteristic gap at roof level between these properties, and would be out of keeping with the proportions of the original dwelling house and would fail to achieve subservience to the host dwelling. The proposal would also unbalance the

symmetrical composition of the four houses in the terrace and the eight houses in the wider group on Hartswood Road. Within the three terraces in the grouping, the hipped roof character has been largely retained. The application property's hipped roof is mirrored at the southern end of the terrace, No. 57 Hartswood Road. Officers acknowledge that No. 57 has altered their hipped roof (allowed on appeal in 2010) to accommodate a two-storey side extension and that the roof now has a slightly steeper pitch than No. 63, however the overall character of a hipped roof remains, and the alteration to the pitch would not be especially noticeable from the street scene. The general symmetry of the terrace is preserved.

- 5.16 The appeal decision for No. 65 (Appeal Ref. APP/H5390/W/18/3217592) stated that the hip-to-gable roof extension would "due to its scale and bulk, appear as an incongruous feature that would dominate the host property" and that "the development would alter and interrupt the regular pattern and rhythm of the roofscape along this part of Hartswood Road, which would fail to preserve or enhance the character or appearance of the CA" (Paras 6 and 7). Officers consider that the Inspector's conclusions on this matter are highly applicable to the current application for No. 63, and hold significant weight in the determination of this case.
- 5.17 As it currently stands, the hipped roof form of the subject dwelling is still mirrored on the adjacent property at No. 65 Hartswood Road, and the pleasing symmetry that this mirroring currently creates, would be completely lost. Given the Inspector's conclusions on the matter, the applicant's case for the new proposal appears to be largely based on the fact that the owners of No. 65 currently have a planning application pending to carry out a similar development. If both properties completed hip-to-gable roof extensions, then a new type of symmetry would be created, but this could not be guaranteed. The characteristic 'gap' between the terraces would be lost almost completely. Further, the symmetry of each terrace would nevertheless still be lost. For these reasons Officers do not consider both properties carrying out the extension to be a satisfactory outcome.
- 5.18 The proposal will result in harm to the heritage asset and this harm is deemed to be less than substantial. Accordingly, the Framework requires at paragraph 196 that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Although, the harm is less than substantial it should not be treated as a less than substantial objection to the proposal. There are considered to be no heritage or public benefits arising from the proposed development.
- 5.19 Officers have assessed the impact of the proposal on adjacent heritage assets and consider that it is not compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal also does not comply with national guidance in the NPPF, namely Paragraph 202, Policy HC1 of the London Plan and Policies DC1, DC4, and DC8 of the Local Plan (2018) and Key Principle CAG3 of the Planning Guidance SPD (2018).
- 5.20 No objection would be raised to the rear roof extension, which would not be visible in any public views and would also generally follow the form of other existing rear dormer extensions on the mid-terrace properties in the group. However, it is to be acknowledged that the dormer as currently proposed is reliant on the hip-to-gable

roof extension being carried out, and could not be constructed without it. Similarly, no objections would be raised to the proposed front rooflights which are a common feature of the terrace, but their size and position is also reliant on the proposed hip-to-gable roof extension.

6.0 RESIDENTIAL AMENITY

- 6.1 Due to their position at roof level, the proposed extensions and rooflights are unlikely to have a significantly detrimental impact upon the amenities of neighbouring occupiers in terms of daylight, outlook, privacy, or sense of enclosure, and therefore no objections would be raised in terms of Local Plan (2018) Policies DC1, DC4 or HO11 or Key Principle HS6 of the Planning Guidance Supplementary Planning Guidance (2018). No new views would be created given the positioning of existing windows. The proposed window to the southern side elevation would serve a landing and the neighbouring property (65 Hartswood Road) has no openings to the northern side elevation, thus ensuring there would be no harmful overlooking or loss of privacy impact to this neighbour. It is considered that there would not be any significant detrimental impact to residential amenity in terms of noise, disturbance, and privacy. As such, the proposal is considered to be in accordance with Policies DC1, DC4 and HO11 of the Local Plan (2018) and Key Principles HS6 and HS7 of the Planning Guidance Supplementary Planning Guidance (2018).

7.0 RECOMMENDATION

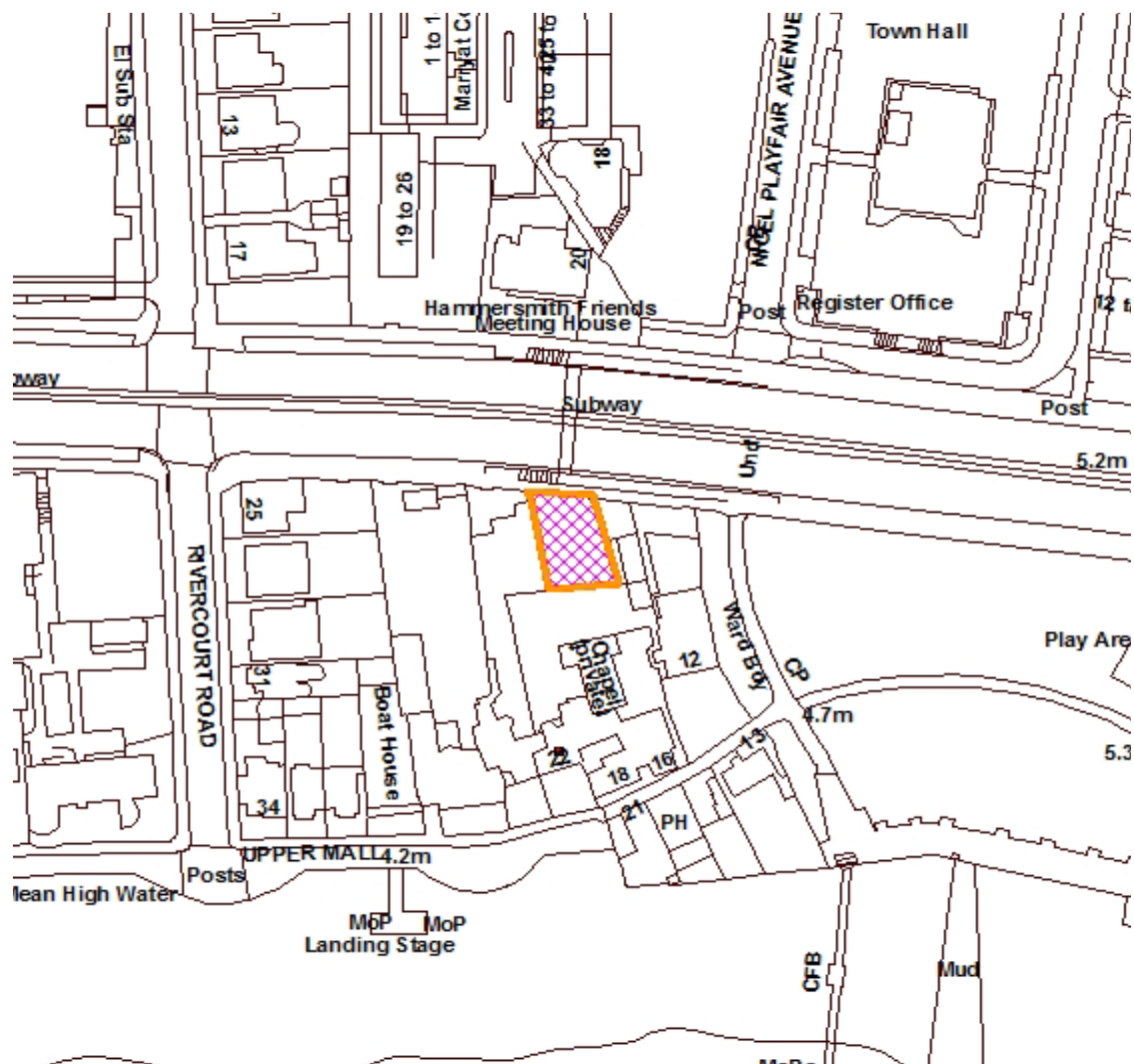
- 7.1 Therefore officers do not support the proposals in line with the recommendations at the start of the report.

Agenda Item 6

Ward: Ravenscourt Park

Site Address:

22 Upper Mall London W6 9TA



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Reg. No:

2020/02475/FUL

Case Officer:

Sian Brown

Date Valid:

02.10.2020

Conservation Area:

Constraint Name: The Mall Conservation Area -
Number 2

Committee Date:

07.12.2021

Applicant:

Mr Dominic Warren
22 Upper Mall London W6 9TA

Description:

Retention of a single storey art studio together with a high level roof and rooflights, and retention of a single storey conservatory attached to the new art studio at the rear of 22 Upper Mall.

Drg Nos: 001A; 002A; 003A. 004A; 005A

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve that the Chief Planning Officer be authorised to refuse planning permission pursuant to the Town and Country Planning Act 1990 subject to the reason listed below:
- 2) That the Committee resolve that the Chief Planning Officer, after consultation with the Assistant Director, Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed reason for refusal, any such changes shall be within their discretion.

Reasons For Refusal:

- 1) The retention of the outbuilding is considered to be unacceptable as a result of its excessive height and massing which has resulted in harm to the setting of the listed building, harm to the settings of adjacent listed buildings and Buildings of Merit and harm to the character and appearance of the conservation area. The less than substantial harm identified to designated heritage assets is not considered to be outweighed by public benefits. In these respects, the proposal to retain the outbuilding fails to comply with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2021), Policy HC1 of the London Plan (2021), Policies DC1, DC4, DC8 and RTC3 of the Local Plan (2018) and Key Principles AH1, AH2 and CAG3 of the Planning Guidance Supplementary Planning Document (2018).

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

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

Application form received: 28th September 2020
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2021
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Historic England London Region
Greater London Archaeology Advisory Service

Dated:

19.08.21
21.09.21

Neighbour Comments:

Letters from:

Dated:

Sussex House 12-14 Upper Mall	21.06.21
27 Rivercourt Road London W6 9TF	22.06.21
27 Rivercourt Road London W6 9TF	15.07.21
27 Rivercourt Road London W6 9TF	15.07.21
24 Upper Mall London W6 9TA	02.07.21
27 Rivercourt Road London W6 9TF	30.05.21
27 Rivercourt Road London W6 9TF	16.06.21
Westcott Lodge 22 Lower Mall London W6 9DJ	15.07.21

1.0 SITE CONTEXT AND CONSTRAINTS

- 1.1 The property comprises a three storey house on the northern side of Upper Mall, within the Mall Conservation Area and Thames Policy Area and is subject to an Article IV Direction. The property has a long rear garden extending north to the Great West Road (A4).
- 1.2 The property and its neighbours were built in phases over several centuries and have a complicated history. The property was originally part of No. 24 (Grade II listed) which was divided c1700. The building was occupied by a community of nuns, the English Ladies, and then by the Irish Sisters of Charity and was extended during the Victorian period. More recently the property was in use as a hostel and following the grant of planning permission and listed building consent in 2003 the property was subdivided into three dwellinghouses, now known as nos 16, 18 and 22. No.22 is Grade II listed and Nos. 16 and 18 are locally listed Buildings of Merit.
- 1.3 The Grade II listed Hammersmith Town Hall and the Hammersmith Town Hall Conservation Area is on the north side of the Great West Road (A4).
- 1.4 The application site falls within the setting of several listed buildings and locally listed Buildings of Merit (discussed in more detail in the Visual Amenity and Heritage section of this report).

2.0 RELEVANT PLANNING HISTORY

- 2.1 In March 2003 planning permission and listed building consent was granted for the

conversion of the hostel into three separate houses; reinstatement of the rear elevation; formation of new pitched roofs; alterations to windows and doors and to the front boundary wall (2000/02304/FUL & 2000/02305/LBC).

3.0 PROPOSAL

- 3.1 This application seeks planning permission for the retention of a single storey outbuilding at the rear of 22 Upper Mall for use by the residents of the main dwellinghouse.
- 3.2 The building is split into two elements, providing an art studio and a conservatory. The art studio is constructed of reclaimed multi stock bricks and measures a maximum of 6 metres deep by 9 metres wide. The eaves of the building matches the top of the existing rear boundary wall (3 metres in height) which separates the grounds of the properties along Upper Mall from the A4. The building is then enclosed by a slate pitch roof, containing several rooflights in the north, east and west facing slopes, and finished with 3no. zinc finials at the apex. The height of the roof above the boundary wall is approximately 3metres to the ridge line. The overall height of the building, including the finials is 6.6 metres. Attached to the southern elevation is a lean-to timber frame conservatory which projects 2.3 metres into the rear garden. The outbuilding occupies an overall footprint of 61sqm. Part of the 1.7metre high east and west boundary walls in this location have been demolished to accommodate the new building.
- 3.3 During the course of the application the applicant was informed by Officers that the proposal could not be supported. It was explained that the height and massing of the outbuilding in this prominent location would harm the character and appearance of the Conservation Area and the setting of the listed building as well as the settings of adjacent listed buildings and Buildings of Merit. Against Officers' advice development commenced and the outbuilding is now substantially complete.
- 3.4 The planning application therefore now seeks to retain the outbuilding.
- 3.5 Officers consider that the requirement for Listed Building Consent has been triggered by the physical connection between the outbuilding and the boundary walls, part of which have been removed as a result the development. The applicant has been made aware of the requirement for Listed Building Consent but no Listed Building Consent application has been received to date. The lack of a Listed Building Consent application for the works undertaken does not fetter the Council's ability to determine the planning application received for the development.

4.0 PUBLICITY AND CONSULTATION RESPONSES

+ Statutory Consultation

- 4.1 A Site and press notice were published to advertise this application and notification letters were sent to the occupants of surrounding properties.
- 4.2 7 representations received. 4 from the occupiers of 27 Rivercourt Road objecting to the proposal; and 3 letters of support from 12-14 Upper Mall, 24 Upper Mall and

Westcott Lodge 22 Lower Mall.

The objection comments can be summarised as follows:

- o The outbuilding is currently under construction without obtaining planning permission
- o Additional rooflights have been installed which are not shown on the plans
- o The outbuilding is oversized and out of keeping with its setting
- o The roof is disproportionate and too high
- o There are no precedents for an outbuilding of this height
- o Loss of privacy from the rooflights
- o Applicants own consultation is limited to immediate neighbours only
- o The outbuilding could be used as a self-contained dwelling to be rented out

(Officer note: revised plans were submitted which included the additional rooflights which were not part of the original proposal but subsequently included during the construction of the outbuilding. The occupiers of 27 Rivercourt Road were sent copies of the revised plans for their comment)

+ Technical Consultations

4.3 Historic England confirm they do not wish to offer any comments.

4.4 The Greater London Archaeological Advisory Service (GLAAS) states that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. Although the site is located within an APA, it is too small to warrant a programme of archaeological work.

5.0 POLICY AND LEGISLATIVE FRAMEWORK

5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.

5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act). Works which affect the special architectural or historic interest of a listed building are also controlled by the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires Listed Building Consent to be obtained for such works.

5.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

+ National Planning Policy Framework (2021)

5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was subsequently revised in 2019 and more recently in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the

Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

- 5.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

+ London Plan

- 5.6 The London Plan was published in March 2021. It forms the Spatial Development Strategy for Greater London and sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. It forms part of the development plan for Hammersmith and Fulham.

+ Local Plan

- 5.7 The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

6.0 PLANNING ASSESSMENT

- 6.1 The main considerations material to the assessment of this planning application have been summarised as follows:

- Visual amenity and impact on the significance of heritage assets
- Impact on neighbouring residential properties

DESIGN AND HERITAGE

+ Policy and Legislative Framework

- 6.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their settings when determining Listed Building Consent applications and planning applications respectively.
- 6.3 Section 72 of the Act requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications.
- 6.4 Government guidance on how to carry out this duty is found in the National Planning Policy Framework (NPPF). At the heart of the framework is a presumption in favour of 'sustainable development' where protecting and enhancing the built and historic environment forms part of one of the three overarching interdependent objectives (economic, social and environmental).

6.5 Para 195 of the NPFF states that:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

6.6 Para 199 of the NPPF states that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

6.7 Para 200 of the NPPF states that:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

6.8 Para 202 of the NPPF states that:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.9 Para 203 of the NPPF states that:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

London Plan Policy

6.10 London Plan Policy HC1 section C states that:

Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

Local Planning Policy

6.11 Local Plan Policy DC1 states that:

All development within the borough 'should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that demonstrates how good design, quality public realm, landscaping, heritage assets and land use can be integrated to help regenerate places.

6.12 Local Plan Policy DC4 states that:

The council will require a high standard of design in all alterations and extensions to existing buildings. These should be:

- compatible with the scale and character of existing development, neighbouring properties and their setting;
- successfully integrated into the architectural design of the existing building; and
- subservient and should never dominate the parent building in bulk, scale, materials or design.

In considering applications for alterations and extensions the council will take into account the following:

- a. scale, form, height and mass;
- b. proportion;
- c. vertical and horizontal emphasis;
- d. relationship of solid to void;
- e. materials;
- f. impact on skyline silhouette (for roof top additions);
- g. relationship to existing building, spaces between buildings and gardens;
- h. good neighbourliness in particular the amenities of the neighbouring properties, and other properties most directly affected by the proposal; and
- i. the principles of accessible and inclusive design.

6.13 Policy DC4 further states that:

Outbuildings should be designed in keeping with the character of the building or complement its architecture without being unduly dominant.

6.14 Local Plan DC7 relates to views and landmarks. Subsection 2.a states that:

Applications will not be permitted if it would cause unacceptable harm to the view from within the Thames Policy Area of the local landmark of the Upper and Lower Mall waterfront and its setting. The policy further states that the council will refuse permission where applications in these views will lead to harm to the significance of a designated heritage asset and townscape generally, unless it can be demonstrated that public benefits outweigh the harm caused.

6.15 Local Plan Policy DC8 states that:

The council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. These assets include: listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings and features of local interest. When determining applications affecting heritage assets, the council will apply the following principles:

- a. the presumption will be in favour of the conservation, restoration and enhancement of heritage assets, and proposals should secure the long term future of heritage assets. The more significant the designated heritage asset, the greater the presumption should be in favour of its conservation;
- b. applications affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is conserved or enhanced;
- c. applications should conserve the setting of, make a positive contribution to, or reveal the significance of the heritage asset. The presence of heritage assets should inform high quality design within their setting;
- d. applications affecting non-designated heritage assets (buildings and artefacts of local importance and interest) will be determined having regard to the scale and impact of any harm or loss and the significance of the heritage asset in accordance with paragraph 135 of the National planning Policy Framework;
- e. particular regard will be given to matters of scale, height, massing, alignment, materials and use;
- f. where changes of use are proposed for heritage assets, the proposed use, and any alterations that are required resulting from the proposed use should be consistent with the aims of conservation of the asset's significance, including securing its optimum viable use;
- g. applications should include a description of the significance of the asset concerned and an assessment of the impact of the proposal upon it or its setting which should be carried out with the assistance of a suitably qualified

person. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Where archaeological remains of national significance may be affected applications should also be supported by an archaeological field evaluation;

- h. proposals which involve substantial harm, or less than substantial harm to the significance of a heritage asset will be refused unless it can be demonstrated that they meet the criteria specified in paragraph 133 and 134 of the National Planning Policy Framework;
- i. where a heritage asset cannot be retained in its entirety or when a change of use is proposed the developer should ensure that a suitably qualified person carries out an analysis (including photographic surveys) of its design and significance, in order to record and advance the understanding of heritage in the borough. The extent of the requirement should be proportionate to the nature and level of the asset's significance;
- j. the proposal respects the principles of accessible and inclusive design;
- k. where measures to mitigate the effects of climate change are proposed, the applicants will be required to demonstrate how they have considered the significance of the heritage asset and tailored their proposals accordingly;
- l. expert advice will be required to address the need to evaluate and conserve archaeological remains, and to advise on the appropriate mitigation measures in cases where excavation is justified; and
- m. securing the future of heritage assets at risk identified on Historic England's national register, as part of a positive strategy for the historic environment.

6.16 Local Plan Policy RTC3 states that:

Development will not be permitted within the Thames Policy Area, unless it:

- o respects the riverside, including the foreshore, context and heritage assets;
- o is of a high standard of accessible and inclusive design; and
- o maintains or enhances the quality of the built, natural and historic environment.

6.17 Design Guidelines for development in conservation areas are included in the Council's Planning Guidance Supplementary Planning Document (2018). Key Principles AH1 and AH2 relate to the protection of heritage assets, and CAG3 relates to development in Conservation Areas.

+ Visual amenity and heritage assets

6.18 The outbuilding is located within the Thames Policy Area and The Mall Conservation Area. The Grade II listed Hammersmith Town Hall and the Hammersmith Town Hall Conservation Area are located on the opposite side of the Great West Road (A4).

6.19 The outbuilding is located within the setting of the Grade II listed 22 Upper Mall. The outbuilding also has the potential to impact on the setting of other listed buildings in the vicinity including the Grade II listed 24 Upper Mall; the Grade II*

listed Sussex House, 12 Upper Mall; the Grade II* listed Kelmscott House, 26 Upper Mall; and the Grade II listed Hammersmith Town Hall; as well as the adjacent 16 and 18 Upper Mall which are locally listed buildings of merit.

- 6.20 The historic group of properties on Upper Mall are located behind a high rear boundary wall shielding the grounds of those properties from the noise and disturbance of the A4. The openness of the rear gardens of these historic properties forms part of the character and appearance of the Conservation Area and the settings of the listed buildings and Buildings of Merit. The outbuilding is tall, with an overdominant roof that is highly visible above the brick wall that forms the rear boundary to the A4. The height and mass of the outbuilding should respect the traditional hierarchy of development in the group which already exists between the main buildings fronting Upper Mall and existing outbuildings in the rear gardens, some of which are visible from the Great West Road. There is inter-visibility between the outbuilding and the rear of the listed buildings at Nos.12, 24 and 26 Upper Mall and No.22 in views from the Great West Road and from within rear gardens and from adjacent properties. There is no harm caused by the outbuilding in the view from within the Thames Policy Area of the Upper Mall waterfront which is identified as a landmark in Local Plan Policy DC7 and therefore the requirements of that policy are not triggered. The height and mass of the roof is overdominant in the context of the height and mass of adjacent outbuildings. The proposal does not preserve the character and appearance of The Mall Conservation Area, the setting of the listed building or the settings of adjacent listed buildings and Buildings of Merit. Furthermore, the proposal would be contrary to the objectives for the Thames Policy Area set out in Local Plan Policy RTC3. The settings of the Grade II listed Hammersmith Town Hall and the Hammersmith Town Hall Conservation Area would not be harmed.
- 6.21 The applicant has stated that the height of the outbuilding is principally governed by a desire to create a strong architectural element to distract from the height and massing of the consented flats on the Civic Campus development site on the north side of the Great West Road in views from the listed building and its grounds. Officers consider that the less than substantial harm caused to the significance of heritage assets by the outbuilding is not outweighed by any public benefits.
- 6.22 In these respects, the proposal to retain the outbuilding fails to comply with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2021), Policy HC1 of the London Plan (2021), Policies DC1, DC4, DC8 and RTC3 of the Local Plan (2018) and Key Principles AH1, AH2 and CAG3 of the Planning Guidance Supplementary Planning Document (2018).

RESIDENTIAL AMENITY

- 6.23 Local Plan Policy HO11 states that proposals for extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact on:
- Privacy enjoyed by neighbours in adjoining properties;
 - Daylight and sunlight to rooms in adjoining properties;
 - Outlook from windows in adjoining properties; and
 - Openness between properties.

- 6.24 Policies DC1 and DC4 require all proposals for new builds and extensions to be formulated to respect the principles of good neighbourliness. Planning Guidance SPD Housing Key Principles 6 and 7 support Local Plan Policy HO11 and set out a more detailed means of assessment.
- 6.25 The new outbuilding has replaced the original 1.7 metre high east and west boundary walls in this location with its flank walls 3 metres high. The pitched roof rises a further 3 metres to the ridge line. To the east the flank wall adjoins the shared access and alleyway leading from the A4 to both no.22 and no.14 Upper Mall. Due to its location, the tapering of the plan, the pitch roof design and the intervening alleyway, it is not considered the outbuilding results in undue harm to the amenity of no.14 in terms of outlook, light and sense of enclosure.
- 6.26 To the west the outbuilding sits adjacent to another outbuilding to the rear garden of no.24 which is ancillary to the use of the main house. There are no windows in the opposing elevation of the outbuilding at no.24, only doors which have frosted glazing. The windows serving the adjacent outbuilding face onto the large amenity space of no.24 and are unaffected by the proposal. As such it is not considered the outbuilding results in undue harm to the amenity of no.24 in terms of outlook, light and sense of enclosure. The owners of no.24 have also confirmed in writing that they support the application.
- 6.27 In terms of overlooking, the main windows of the new outbuilding at ground floor level look out onto the applicant's own amenity space and are screened from any neighbouring habitable room windows by the existing garden walls. Objections have been received in respect to overlooking from the rooflights. However, the rooflights sit some 3.8 metres above the internal floor level of the art studio. Together with the distance from neighbouring habitable room windows it is not considered they result in undue loss of privacy.
- 6.28 Local Plan Policy CC11 states that noise-generating development will not be permitted if it would be liable to materially increase the noise experienced by the occupants of existing noise-sensitive uses in the vicinity. Policy CC13 states that the Council will, where appropriate require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur.
- 6.29 The building is to be used in connection with the use of the dwelling house, and it is not considered that its use in this way would be likely to generate a significant increase in noise levels, above the level that might reasonably be generated by the use of the rear garden itself. Had the development been considered acceptable in all other aspects conditions could have been attached which prevented the outbuilding from being occupied or used independently of the existing dwellinghouse at 22 Upper Mall, or used for any trade or business purposes.
- 6.30 For these reasons no objections are raised in terms of the impact on neighbours.

FLOOD RISK

- 6.31 Local Plan Policy CC3 requires that new development is required to reduce the use of water and to minimise current and future flood risk. This site is in Flood Zone 3 and inside the breach extent area. A flood risk assessment (FRA) has

been submitted which confirms that although floor levels have been lowered by 800mm, a water proofing system with sump pump will be installed. On this basis the Environmental Policy Officer does not object to this application.

- 6.32 Local Plan Policy CC4 requires the inclusion of sustainable drainage measures where possible. The FRA states that a soakaway will be installed which is considered acceptable.
- 6.33 In the event that planning permission is granted the above measures outlined in the FRA would be secured by a condition.
- 6.34 Local Plan Policy CC3 also requires that all developments must include water efficient fittings and appliances, where provided. In addition, if there is any new plumbing, given there is a lowering of floor levels, a pumped sewer surcharge device fitted to any new plumbing to prevent sewer back flow flooding would also be required. If planning permission were to be granted the applicant could be advised of this by an informative.

CONTAMINATION

- 6.35 Local Plan Policy CC9 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.
- 6.36 Potentially contaminative land uses (past or present) have been identified at, and or, near to this site. Although the Council's Land Contamination Officers have confirmed that they would not expect any significant problems, they had requested that the applicant would be advised to contact the Council should any unexpected materials or malodours be encountered during excavations.

7.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposals are not liable for either the Mayor's or Council's Community Infrastructure Levy.

8.0 CONCLUSION

- 8.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.2 In the assessment of the application, Officers have given due regard to the relevant statutory legislation, the NPPF (2021), London Plan (2021) and Local Plan (2018) policies as well as guidance including the Planning Guidance Supplementary Planning Document (2018).
- 8.3 The retention of the outbuilding is considered to be unacceptable as a result of its excessive height and massing which has resulted in harm to the setting of the listed building, harm to the settings of adjacent listed buildings and Buildings of Merit and harm to the character and appearance of the conservation area. The

less than substantial harm identified to designated heritage assets is not considered to be outweighed by public benefits. In these respects, the proposal to retain the outbuilding fails to comply with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2021), Policy HC1 of the London Plan (2021), Policies DC1, DC4, DC8 and RTC3 of the Local Plan (2018) and Key Principles AH1, AH2 and CAG3 of the Planning Guidance Supplementary Planning Document (2018).

9.0 RECOMMENDATION

- 9.1 Therefore, Officers do not support the retention of the outbuilding and recommend that planning permission be refused in line with the recommendations above.

Agenda Item 7

PLANNING AND DEVELOPMENT CONTROL COMMITTEE 7th DECEMBER 2021

SUBJECT:

CONFIRMATION OF TREE PRESERVATION ORDER T423/06/21

LAND AT 18 RACTON ROAD, SW6

WARD/S:

FULHAM BROADWAY

OFFICER:

ADAM O'NEILL, PRINCIPAL URBAN DESIGN & HERITAGE OFFICER

RECOMMENDATION:

The Committee resolve that the Tree Preservation Order T423/06/21 be confirmed with modification to update the location of the Sycamore tree on the TPO plan.

CONFIRMATION OF TREE PRESERVATION ORDER T423/06/21
LAND AT 18 RACTON ROAD, SW6

1 DOCUMENTATION

1.1 Updated TPO location plan. Photographs of Sycamore tree taken from Anselm Road and from courtyard garden of Da Palma Court.

2 BACKGROUND

2.1 On 21st June 2021 delegated authority was given to make a Tree Preservation Order (TPO) at 18 Racton Road. The TPO includes one Sycamore tree (T1) in the rear garden of a ground floor flat as shown on the enclosed updated TPO location plan. The Order was made under Section 201 of the Town and Country Planning Act 1990 and became effective for a period of six months from 24th June 2021.

2.2 The Order was made following the receipt by the Council of a Conservation Area tree works notice (2021/01677/TREE) to fell the tree. The reasons given by the owner of the tree in the notice were concerns about the size of the tree relative to the size of the garden, excessive shading, potential damage to house foundations and impact on neighbours to either side and to the rear due to lack of sunlight and issues with ground maintenance. The tree was inspected by an Officer from the Urban Design & Heritage Team prior to the Order being made.

2.3 The tree is large and has not been pollarded recently. It is located at the far end of the rear garden and is visible from the public highway in Anselm Road and from neighbouring gardens. It is one of the largest trees in the immediate vicinity.

2.4 Under the Tree Regulations the Council is obliged to consider representations to the Order, made within 28 days of its service before confirming it. Representations have been received from residents at Ground Floor Flat, 18 Racton Road; 20 Racton Road; 24 Anselm Road and 8 Da Palma Court, 22 Anselm Road. The resident at 8 Da Palma Court stated that his representations were on behalf of the Da Palma Court Tenants & Residents Association (TRA). At the current time, the Da Palma Court TRA isn't registered and recognised by the Council, but the resident has been advised by Housing Officers of the necessary steps to do this.

2.5 Policy OS5 of the Council's Local Plan (2018) states that:

'The council will seek to enhance biodiversity and green infrastructure in the borough by:

- a. maximising the provision of gardens, garden space and soft landscaping, seeking green or brown roofs and other planting as part of new development;*
- b. protecting back, front and side gardens from new development and encouraging planting in both back and front gardens;*
- c. seeking to prevent removal or mutilation of protected trees;*
- d. seeking retention of existing trees and provision of new trees on development sites; and*
- e. adding to the greening of streets and the public realm.'*

3 CONSULTATION RESPONSES TO THE ORDER

3.1 Letter dated 26th July 2021 from the owners of Ground Floor Flat, 18 Racton Road:
'Following our correspondence on the common sycamore tree at the rear of our property at 18 Racton Road, I am writing to object to the intended Tree Preservation Order (TPO) for the following reasons:

1. Size - The tree is approx. 90-100 feet high with a spread of over 40 feet. Our garden is 36ft long x 16ft wide. The tree is simply too big for a small urban garden, it has already outgrown the space and will continue to do so. We have had several tree surgeons assess the tree, each have said that it is impractical and unsuitable for the space and in time will cause damage to our property. Whilst we do not intend to move, when we had the flat up for sale last year, the tree was the main cause of concern for potential buyers.

2. Natural light – Our garden is southwest facing, which is one of the key reasons we purchased the property as we love spending time out there, however the tree stops sunlight for much of the day (approx. 9am – 3pm). This has taken away the enjoyment of spending time in our garden as it is a very dull/dark space. In addition, we cannot grow any plants under the tree as it is completely shaded. As keen gardeners, this is obviously disappointing.

3. Tree debris – The tree deposits a sticky sap along with little green flowers into the garden, which scatters everywhere and is extremely difficult to clean, often requiring a professional. In addition, when it rains the residue becomes very slippery on the decking, which is a safety hazard.

When the leaves drop from the tree, this again creates a lot of mess and work to tidy it up, the process continues for several months. This also impacts our neighbours who have the same, time-consuming, and often costly cleaning process.

When we get storms or just light winds it causes branches to fall off the tree into the garden, which again needs to be cleared continually.

4. Pigeon Nuisance – Due to the abundance of pigeons sitting in the tree and dropping faeces, we are limited to where we can sit in the garden. Apart from being a health hazard, it also creates lots of mess, which needs to be constantly cleaned. It also stops us from hanging out washing.

5. Maintenance Cost – Aside from the general cost of cleaning the garden/leaf clearing etc. we also have the cost of regularly pruning the tree, which due to the rate of its growth is recommended every 2-3 years. This is a considerable ongoing cost, with each pruning approx. £1,200 - £1,600.

6. Neighbours – Lastly, as mentioned in point 3, the tree causes a lot of problems for our neighbours from blocking light, tree debris, time cleaning, and financial costs incurred by cleaning. Parts of their gardens cannot be used due to the shading and overhang of the tree. It is now also causing some resentment from our neighbours, which is upsetting after living here for over 18 years.

Whilst we understand that you do not want to alter the character of the environment by taking away the tree, we feel that the negative impact that it has on our everyday lives and that of our neighbours, outweighs its amenity value, therefore, we ask that you reconsider your decision to protect the tree.

We have lived at the property for 18 years and appreciate the environment that has been created in the area, so we are happy to work with the H&F Council to find a solution that will not harm the character or appearance of the Conservation Area.'

3.2 Email dated 30th June 2021 from owner of 24 Anselm Road:

'I was disappointed to receive a correspondence that a 'Tree Preservation Order' for the above-named tree has been put in place. I would like to formally submit my objection to this order and believe felling the tree is the correct course of action. I am the resident & owner of 24 Anselm Road, the tree is approximately 5 meters from my garden boundary. My objections are for the following reasons:

1. Blocking light.

The tree is excessively tall (taller than any neighbouring buildings which are themselves 3 stories tall) and wide overhanging several gardens. This results in it blocking light to all adjacent gardens in the vicinity for several hours along both Racton road and Anselm Road. The late afternoon sun is particularly shaded (given the tree is to the SW of the gardens) and affects houses 18-38 Racton Road and 24-40 Anselm Road, causing a total shading to many of the Anselm Road gardens for stretches at a time.

Having been allowed to grow to such a size and not pruned for several years this has limited the enjoyment of the sun that would have otherwise been possible, this has been especially pertinent in the recent lockdowns where time in private garden space has especially valuable.

2. Nuisance

A further objection to the tree, given the fact the tree is a deciduous sycamore is it sheds its leaves annually from September to December, as well as producing a large quantity of winged fruit. The prevailing wind direction and the fact that the tree is totally exposed on its SW side (the direction of the prevailing wind) means that the tree is perfectly placed to litter the maximum number of gardens, roofs and gutters in the vicinity. The winged nature of its fruit and seeds ensure they travel as widely as possible.

The current size of the tree means a very high quantity of foliage is produced, this adds a burden to the cleaning costs of local residents, which is often several times a month after windy periods, and beyond what would normally be expected. It also leads to shoots and weeds growing which have to be manually removed, and blocking of light and nutrients leading to the 'crowding out' of more desirable plant life.

The size and exposed nature of the tree also leads to a large number of flying biting insects, who hover around the tree in summer, and move into neighbouring gardens affecting plant growth and enjoyment.

3. Safety

Another aspect of the tree being totally exposed, with no neighbouring large trees or houses on the side of the prevailing wind, is that the risk of uprooting as well as branches breaking off and flying into any of the neighbouring gardens or houses is maximised. This risk is further compounded by the wind tunnelling nature of parallel buildings either side of the tree and its height.

The tree being in a back garden, with no access to the street other than through residential buildings, has meant pruning and maintenance is more of a challenge, and with no neighbouring trees it has been able to grow to a much larger size than it otherwise would have. In enacting this tree preservation order can you please provide assurance that you have taken into account this significant health and safety consideration, and what steps will be taken to mitigate this risk and compensate in the case of damage.

4. No relevance or value added to conservation area

The rationale for the preservation order is that it adds 'amenity value and quality of the environment to the character of the conservation area'. However, this is not substantiated. Firstly, the tree cannot be viewed from any public street that is in itself in the conservation area. The only public area it can be viewed from is the gap between 24 Anselm road and da Palma court, however it is obscured by tall bushes from street level and set well back, that no cursory glance would notice it.

The tree is visible from the private gardens, however here it stands alone and out of place. There is no similar tree in the vicinity to help identify this tree as a signifier of the nature of the conservation area, in fact there is no such similar tree anywhere in the conservation area. The 'Conservation Area Characteristics Profile' makes no mention of such trees being a signifier either. Indeed, the size and nature of the tree means that other more desirable trees, plants and bushes can not be planted due to it blocking light, nutrients and space which could otherwise be better used.

The tree was never part of the original Victorian design of the private garden landscape, which predate the tree and is totally out of proportion of the gardens that surround it. Only growing to its oversized state due the difficult of maintenance, it serves no function; causes nuisance and I have seen no positive argument for it remaining.'

3.3 Letter dated 25th July 2021 and email dated 26th July from resident at 20 Racton Road:

Letter:

'Thank you for informing me about the intended TPO for the common sycamore in the back garden of no. 18 Racton Road, which is next to my garden. As your letter points out the tree is in the private rear garden of a mid-terrace house on the south side of Racton Road. Our rear gardens on this side are some 30-40ft long and the tree is 80 feet+ high with a spread of some 35-40 feet. Immediately beyond the back garden of no. 18 is a block of flats, de Palma Court, which has a boundary with our back gardens and frontage on Anselm Road.

I fully support my neighbours'....'in applying to remove the sycamore in order to make way for a replacement tree which would be far more suitable in size and shape for a small, terraced urban garden. Therefore I most strongly object to this TPO on the following grounds:

1. There is no public access to the land where the tree is situated, which is the private garden of no. 18 Racton Road. The tree delivers no economic or social benefits and, as it is on private land, there is no potential for it to do so in the future.

2. Your letter states that the sycamore has "amenity value" and that it makes a contribution to the character of the area. However the letter also points out that that the tree is only visible through a small gap between buildings. This gap, between Da Palma Court and the house next door, on Anselm Road is about 10 feet wide. The tree can only be glimpsed by a passerby through this gap in the buildings on Anselm Road (see also 3.). Therefore the tree's "amenity value" cannot be said to be in any way significant.

3. My property at 20 Racton Road, including my back garden, lines up directly and squarely with the described small gap in buildings between Da Palma Court and its neighbour on Anselm Road. You will see from my photos (incs), taken from Anselm Road and from my rear windows, that the parts of the tree which can be glimpsed through the gap on Anselm Road are in fact the branches that encroach very significantly onto my property. The photos show that the branches extend way beyond the legal boundary of the property, by some 12 feet at least, into my space. I understand that branches encroaching into my garden may legally be removed. So if the branches were pruned, as

they ought to be, back to the legal boundary I think you would agree that the tree would not be visible through the gap at all. Therefore if I were to prune these encroaching branches, which I understand is my right, the tree could not be said to make even the smallest amenity contribution to the area.

4. I also question whether this sycamore behind Da Palma Court can be said to provide amenity value, since it is clearly not in a garden that actually borders Anselm Road. It is obscured by the block of flats. On the other hand there are plenty of green plants in the front gardens of Da Palma court itself which can be clearly seen, and their scent smelled, directly from Anselm Road. Even more importantly in terms of amenity, there are no less than 17 mature trees on the public pavement all along Anselm Road which provide very significant visible, tangible public amenity value and make the road itself feel green and pleasant. However a common sycamore in a private garden behind a block of flats cannot be said to do this.

5. This common sycamore is not a notable, rare or specimen tree.

6. The tree does not serve the purpose of hiding an eyesore or any ugly building being seen from Anselm Road.

7. This is a fast-growing sycamore which, when mature, can be 100 feet tall with a spread of more than 30-40 feet (as it currently is). The mature size of common sycamores make them impractical and unsuitable for small urban gardens. Also it is well documented that due to their invasive and shallow roots the RHS recommends sycamores be planted more than 30 feet away from a house. The size and habit of this sycamore is clearly unsuitable, ill-advised, and dangerous for a small urban backyard which is less than 40 feet long and only 15 feet wide. The tree already significantly overhangs the gardens of Da Palma Court, that of number 16 and mine at number 20. The negative impact and potential for damage can only increase as the tree continues to grow and therefore further illegally encroach on neighbouring properties.

8. As mentioned in 2. and 7. due to its vast spread this sycamore is a significant nuisance to my own property. I have spoken many times with [the owners of the Ground Floor Flat, 18 Racton Road] about the negative impact of their tree on my garden. It overhangs our legal boundary by more than half the width of my garden. It therefore affects my right to enjoyment of my own garden space and prevents me being able to use the rear half of my garden. It deposits sticky sap on my plants (little will grow underneath the tree), and the sap also causes black mould to grow on my patio stones which makes them slippery and unsafe (which requires me to pay a company annually to clean it with industrial jetwash). Also, this year during the spring storms I cleared dozens of twigs and some much larger branches fallen from the tree onto my property. As a keen and active gardener, I am prevented from enjoying, using or sitting in the whole rear half of my garden which is overhung and rendered unusable by this totally unsuitable tree. For the reasons I have outlined in my objections above, I believe that the council cannot demonstrate that this tree will bring a reasonable degree of public benefit in the present or in the future, nor that its removal would be negative for local environment. The impact of this tree on the local environment cannot be said to be significant (and certainly zero when pruned back to the legal boundary), while its impact on its immediate neighbours is in fact wholly negative and destructive.

I therefore ask that you please reconsider your decision to protect this tree. I invite you to visit my property at no. 20 to see for yourselves the very negative impact this sycamore has on the immediate environment. You will be able to satisfy yourself that the only parts

of the tree now visible through the gap in buildings at Anselm Road are in fact those illegally overhanging my boundary, and which should be removed.

To add, there are several very attractive smaller trees in the small rear gardens of Racton Road, which are far more appropriate. The tree at no. 18 could be replaced with an attractive, slender silver birch (such as that growing in the garden of no. 24 Racton Road), or a flowering cherry or a crab apple tree. Any of these, and many more, are recommended for small gardens by the Royal Horticultural Society, while fast-growing common sycamores are not.'

Email:

'Photos below show are taken from my upstairs windows at 20 Racton Road. They show that my garden lines up with the gap in buildings on Anselm Road. It is clear that the branches glimpsed through this gap from Anselm Road are in fact only visible because they illegally and significantly overhang the garden of Da Palma Court and my garden at no. 20 by a huge amount.'

Representation from owner of 8 DA Palma Court, 22 Anselm Road dated 12th July 2021:

'Thank you for the email and acknowledging the queries we identified with your Town and Country Planning Act 1990 Tree Preservation Notice documentation, in particular the signed/initialled plan dated 03 June 2021.

It seems now that LBHF accepts that the trees' location has not been made clear and there is error in its' site plan

- I can't agree your letter's proposition that it's merely a "pinpoint accuracy" error when the tree is not shown anywhere along our boundary wall and adopted sewer which are correctly shown on your plan.

- Furthermore, the Plan's 1:856 is corrupted and falsely indicates that the tree is located some 6.9 metres (21 feet) away from the Da Palma boundary, when it's less than a metre and the canopy is touch distance from upper walkways and close to our timber truss roof.'

Representation from owner of 8 Da Palma Court, 22 Anselm Road dated 28th July 2021:

'Thank you for this opportunity to express my concern with the Tree Preservation Order (TPO) and to tell you about living with the tree and the problems it causes. I live at and own an interest in an adjacent property that the tree grows over. I estimate at least 50% of its canopy and root system that grows over and under my garden.

Roots

- With certainty the root ball will be in contact with adjacent buried sewer and soil pipes and seeking an opportunity to breach into them for water*
- We also have buried utility infrastructure iron/steel pipes for gas mains and water mains*
- Our boundary wall and pathways are being actively damaged*

Canopy and Leaves

- Proximity to our building increases risks of fire, fire severity and lightning strikes. At our/my expense the voluminous leaf harvest has to be cleared from our pathways, gulleys, gutters, guttering and planted garden beds. Inevitably we are re-charged for corrosion and perforation repairs caused by blocked gutters.*
- The tree coats our garden and washing lines with a sticky resin that turns black and mouldy, it makes our paths slippery and is costly and resource intensive to clean.*

Roots and Canopy

- Our garden's bedding plants, pollen flowers, shrubs and grass have been damaged/destroyed by the tree's parasitic plundering of nutrients, water and light
- Amenity*
- With reference to the Secretary of State's view I don't see the TPO demonstrating the required standard for **"interests of amenity"** and **"...a reasonable degree of public benefit..."**.
 - With reference to the official LBHF (conservation) Area 17 plan drawing No. 56060/17/01/A (2004), the tree's actual location was not 'clearly located' for a TPO and an attached commentary exaggerated the extent of conservation Area 17 boundaries and public visibility.

Access

- The tree's species, size and location inhibits its owners/their contractors from undertaking any work without agreed access for men, plant, ladders through my/our garden. In turn this relies on our TRA's time and the neighbourly relationship with the tree's current owners. The TPO now imposes statute and law into this relationship, which is as unhealthy as it's unsustainable and costly.

Sycamore trees

- Sycamore trees are not suitable for small inner London gardens and cause unmanageable problems when grown too close to buildings as is indicated by LBHF LPA records for Area 17 showing that applications to fell Sycamore trees account for more than 80% of all tree felling applications and LPA felling approvals.

Options:

1. TPO (inhibits felling or pollarding) – Damage, maintenance costs, liabilities and risks are off-loaded to residences outside Area 17
2. TPO with pollarding – damage by roots is not addressed, unlikely to remove all overhanging branches
3. Felling – meets short term requirements.
4. Transplantation – move tree to Normand Park or other suitable public open space
5. Up-issue LPA decision 1995/02126/TREE – meets all requirements and has ecological benefits

I ask the TPO please be revoked so as not to exclude fair consideration of options 1, 3, 5?, or

Please limit the TPO to only the roots and canopy within area 17 and provide public funds for annual maintenance."

3.5 Officer's comment

Under s.198 of the Town and Country Planning Act 1990 Local Planning Authorities have the power to make provision for the preservation of trees in their area if it is considered expedient in the interests of amenity.

The tree is one of the largest in the immediate vicinity in a densely built up part of the borough and also makes a positive contribution to the character and appearance of the Conservation Area. The tree provides a green foil to the surrounding development, relieving an otherwise hard urban environment and its canopy is visible from the public highway in Anselm Road as well as from surrounding gardens. A tree does not need to form part of a historic landscaping scheme in order for its loss to cause harm to the character and appearance of a Conservation Area, indeed many of the Borough's Conservation Areas have developed a distinctive leafy character as a result of decades of planting activity, especially in rear gardens. The tree is considered to have a high

amenity value regardless of its location at the edge of the Conservation Area. Since the Provisional TPO was served the owner has obtained TPO tree works consent to pollard the tree. It is considered that if the tree were regularly pollarded back to its previous pruning points then this would help to alleviate many of the issues raised by the objectors.

While there are property rights for neighbours to cut back overhanging branches from trees in adjacent properties, in Conservation Areas or where a tree is subject to a TPO this would be subject to the usual planning controls. It is unlikely that removing all the overhanging branches on one side of the tree at the property boundary line would be considered acceptable as good arboricultural practice as such works would be likely to damage the health and stability of the tree. A Conservation Area tree works notice to fell the tree was submitted in 1995 (1995/02126/TREE), but the work was never carried out and the tree has grown since then. The notice has since expired and is no longer valid.

The rear garden wall of 18 Racton Road is slightly out of plumb in the vicinity of the tree and leans towards the Da Palma Court side, but Housing Officers do not consider that there is any immediate danger. The wall is adjacent to an area of soft landscaping on the Da Palma Court side and is well away from any path. Housing Officers have advised that the cost of any future repairs required to the boundary wall would be recovered from the owner of the tree rather than the leaseholders of Da Palma Court. There is no evidence available of any damage to property that would justify felling the tree and the Housing Fire Safety Officer has advised that the tree does not pose a risk to fire safety.

No evidence has been submitted to demonstrate that the tree is a safety risk and in the event that the TPO is confirmed responsibility for the maintenance and safety of the tree would rest with the owner. There are currently no public funds available for the maintenance of privately owned trees but the owner of the tree has indicated that that they would be willing to pollard it in the event of the TPO being confirmed.

A Tree Preservation Order covers the whole of a tree and cannot be restricted to those parts of the tree which are situated within the Conservation Area.

The Council declared a Climate and Ecology Emergency in 2019 and has published its Climate and Ecology Strategy which sets out the route to net zero greenhouse gas emissions by 2030 for the borough. Improving air quality and biodiversity and responding to Climate Change are major priorities for the Council. In Inner London the canopy cover provided by trees is less dense and large mature trees are especially valuable and should be retained wherever possible.

If confirmed, the TPO would not prevent works such as pruning or even felling from being carried out to the tree in the future; it only requires that consent be obtained from the Council before such works are carried out. The TPO would enable the Council to control such works so that they are not detrimental to the health or appearance of the tree or in the case of felling, to require the planting of a replacement tree and to specify its size, species and location in order to preserve tree cover and amenity in the local area.

Government guidance makes it clear that the location of the tree on the TPO plan is not required to be plotted with pin point accuracy but to enable identification of which tree is protected by the TPO. The TPO plan indicates the approximate location of the trunk of the tree, rather than the canopy which can change over time. There is only one tree in the rear garden of 18 Racton Road and residents responding to the consultation were

able to correctly identify the tree to which the Provisional TPO related. Nevertheless, if the TPO were to be confirmed with modification then the location of the tree on the TPO plan could be updated to better reflect the relationship of the tree with the rear garden wall.

4 OPTIONS

4.1 The Council could allow the TPO to lapse, in which case the tree is likely to be felled and the Council would have no power to require the planting of a replacement tree.

4.2 Alternatively, the Council is empowered to confirm the TPO with modification to update the location of the Sycamore tree on the TPO plan. Officers have carefully considered the consultation responses received and recommend this option in order to protect the amenity value provided by the tree and to provide a legal framework for the management of works to the tree.

4.3 There is also provision within the Regulations to allow for confirmation of the TPO without modification, but Officers consider that this is not advisable in this case.

5 ARGUMENTS FOR THE RECOMMENDED ACTION

5.1 The confirmation of the Order with modification to update the location of the Sycamore tree on the TPO plan will ensure that the amenity value of the tree is preserved and as such will prevent an unnecessary reduction in the quality of the environment in this part of the Borough.

6 IMPLICATIONS

6.1 There are no major financial, legal or staffing implications relating to the confirmation of a TPO.

7 CONCLUSION

7.1 The confirmation of the TPO with modification to update the location of the Sycamore tree on the TPO plan is justified, as it would protect the amenity value provided by the tree and the quality of the environment within the local area.

8 RECOMMENDATION

8.1 Confirm the Tree Preservation Order with modification to update the location of the Sycamore tree on the TPO plan.

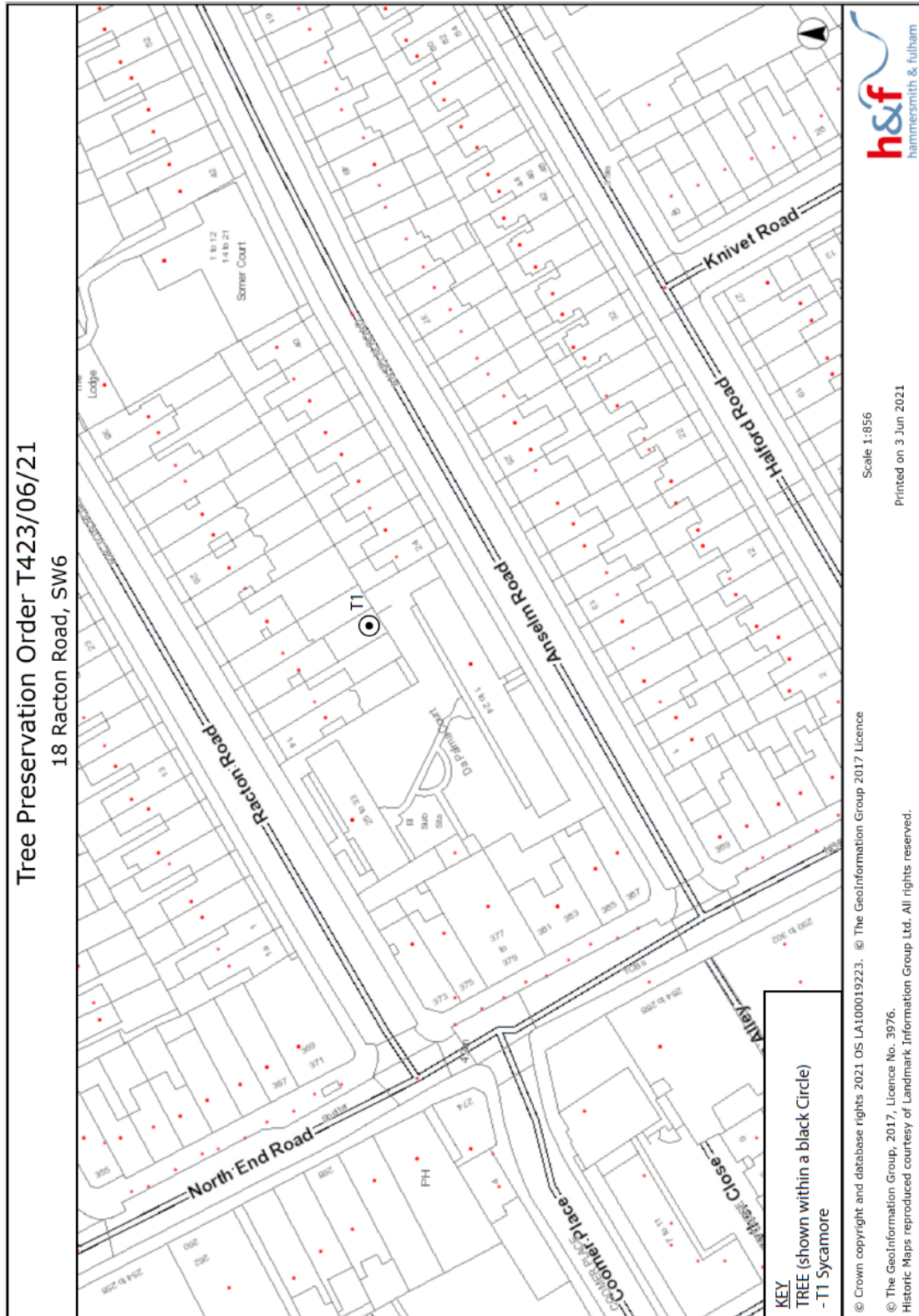


Figure 1: Updated TPO location plan showing tree T1.



Figure 2: Photograph of tree T1 taken from Anselm Road.

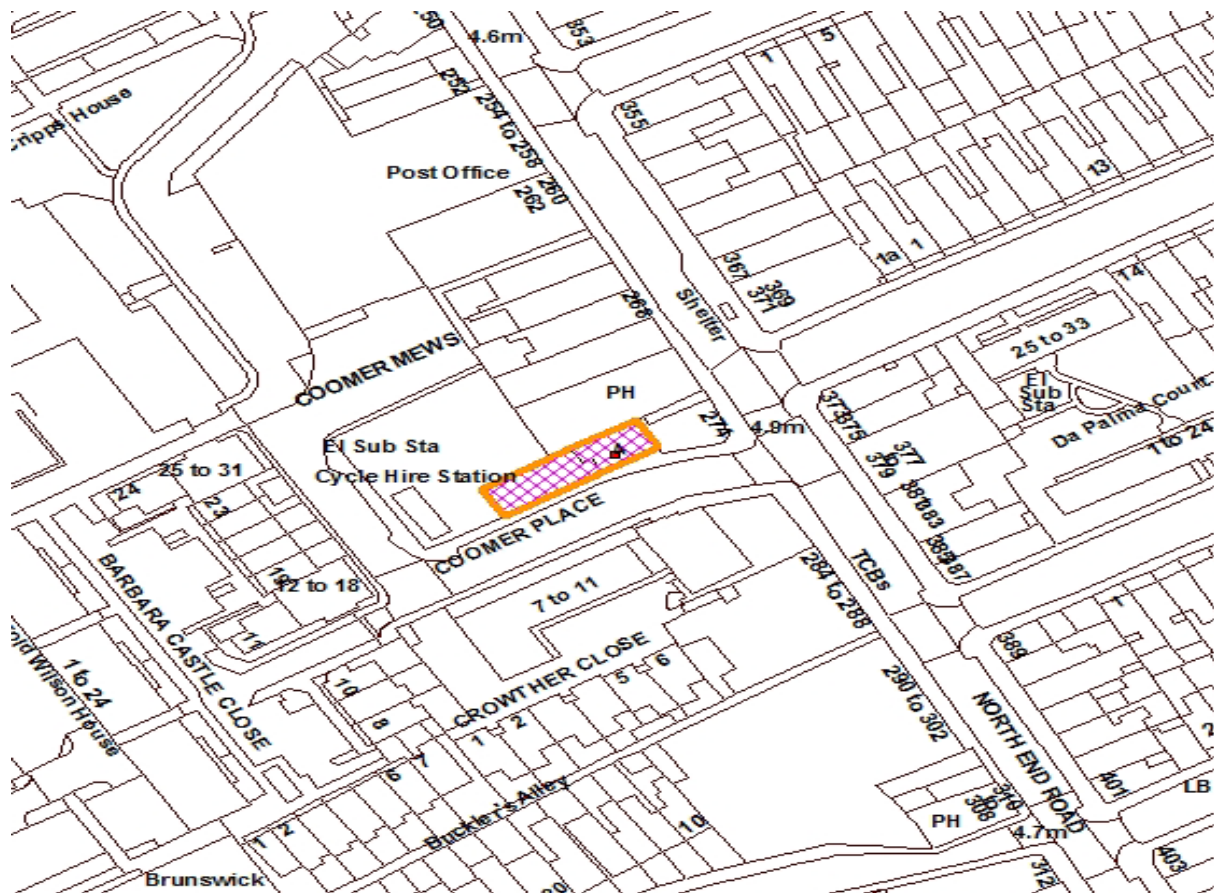


Figure 3: Photograph of tree T1 taken from within the courtyard garden of Da Palma Court.

Ward: Fulham Broadway

Site Address:

4 Coomer Place London SW6 7EX



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For identification purposes only - do not scale.

Reg. No:

2021/02110/FUL

Case Officer:

Steven Mielczarek

Date Valid:

25.06.2021

Conservation Area:

Committee Date:

07.12.2021

Applicant:

Coomer Developments Ltd
Mullinaragher House Rheast Road Santon IM4 2HR
Isle of Man

Description:

Demolition of the existing building and erection of a new part three storey, part four storey residential building providing 7no. self-contained flats (2 x 1 bedroom, 5 x 2 bedrooms), together with private amenity spaces, and bin and bicycle storage arrangements.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve that the Chief Planning Officer be authorised to grant permission subject to the condition(s) listed below:
- 2) That the Committee resolve that the Chief Planning Officer, after consultation with the Assistant Director, Legal Services 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.

Conditions:

- 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 not be erected otherwise than in accordance with the following approved drawings:

100.05 Rev D; 100.06 Rev B; 100.07 Rev. B; 100.08. Rev D; 100.09 Rev. C;
300.04 Rev B; 300.05 Rev D; 300.06 Rev E; 300.13 Rev. A; 500.01 Rev. B;
500.02 Rev. B; 500.03; 500.04.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans.

- 3) Prior to the commencement of the demolition works hereby approved, a Demolition Method Statement and 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 -1300 hrs on Saturdays with no works permitted on Sundays and Bank Holidays, 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. Approved details shall be implemented throughout the project period.

To appropriately mitigate the impact of the development during demolition and construction in terms of noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 4) A Construction Logistics Plan shall be submitted to, and approved in writing by the Council, prior to the commencement of above ground works. This plan should be based upon the TfL Construction Logistics Plan (2017). The details shall include the numbers, size and routes of construction vehicles and how it will be managed to ensure that highway network will not be blocked during the construction stage and details of other matters relating to traffic management to be agreed with the Network Management and the Permit Coordinators of the council shall also be submitted. Approved details shall be implemented throughout the project period and any changes to the document must be reported back to the council's planning and highways department.

To ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway, the amenities of local residents and the area generally in accordance with The Local Plan (2018) Policy T7, SPD Key Principle TR21 and London Plan 2021 T7.

- 5) No demolition shall take place until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 6) No demolition shall take place until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide

provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 7) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no demolition shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018)

- 8) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no demolition shall commence until, a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 9) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no demolition shall commence until the approved remediation method statement has been carried out

in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 10) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no demolition shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 11) Prior to commencement of the relevant works, details (including samples and specifications) of all materials to be used on the external faces of the development have been submitted to, and approved in writing by, the Council. The development shall be constructed in full accordance with the agreed details and permanently maintained as such thereafter.

To ensure a satisfactory external appearance in accordance with Policies DC1 and DC2 of the Local Plan (2018).

- 12) Prior to occupation of the development hereby approved details of how the development has be constructed to Secured by Design Standards shall be

submitted and approved in writing by the Local Planning Authority. Any further works necessary to comply with Secured by Design Standards shall be carried out prior to the first occupation of the residential units. These measures shall be permanently retained and maintained.

To ensure that the development maintains and enhances community safety in accordance with Policy HO11 of the Local Plan (2018).

- 13) Prior to commencement of above ground works of the Residential (Use Class C3) development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for all receptor locations where the air quality objectives for Nitrogen Dioxide (NO₂) and World Health Organisation (WHO) air quality guideline (2005) values for Particulate Matter (PM_{2.5}, PM₁₀) are already exceeded and where current and future predicted pollutant concentrations are within 5 % of these limits 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 ventilation intake locations at rear roof level or on the rear elevations of all residential floors;
 - b. 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, terraces;
 - c. Details of restricted opening windows (100mm maximum opening for emergency purge ventilation only) for all habitable rooms (Bedrooms, Living Rooms) and winter gardens on all residential floors;
 - d. Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with ventilation 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_{2.5}, PM₁₀) 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.

In the interests of air quality in accordance with Policy CC10 of the Local Plan (2018) and Policy SI 1 of the London Plan (2021).

- 14) Prior to occupation of the Residential (Use Class C3) development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 13 shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by a Chartered Building Services Engineer (CIBSE). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018) and Policy SI 1 of the London Plan (2021).

- 15) Prior to commencement of the relevant works, 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 noise and vibration, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 16) Prior to commencement of the relevant works, a noise assessment shall be submitted to the Council for approval of external noise levels incl. reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve internal room- and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. 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 noise from transport [commercial noise sources], in accordance with Policies CC11 and CC13 of the Local Plan 2018.

- 17) Prior to occupation of the of the Residential (Use Class C3) development hereby permitted, details of the installation certificates of the Zero Emission MCS certified Air/ Water Source Heat Pumps or Electric Boilers to be provided for space heating and hot water for each of the seven self-contained residential units 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.

In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018) and Policy SI 1 of the London Plan (2021).

- 18) No part of the development hereby approved shall be occupied until provision for sustainable drainage has been implemented in full accordance with the details contained within the Flood Risk Assessment (Elliot Wood Ltd 11/06/21). No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form thereafter.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies CC2 and CC3 of the Local Plan (2018).

- 19) Prior to occupation of the development hereby permitted, details of the proposed green roof must be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be used or occupied until the green

roof has been installed in accordance with the submitted details and the development shall be permanently retained in this form thereafter.

To reduce run-off surface water into the drainage system, in accordance with Policies CC4 of the Local Plan (2018).

- 20) No part of the development hereby approved shall be occupied until provision has been made for the storage of domestic refuse and recycling, in the form of the dedicated storage area at ground floor level as indicated on the approved drawing. Thereafter the provision for refuse and recycling storage shall be permanently maintained in this form for the lifetime of the development.

To ensure satisfactory provision for the storage of refuse and recycling on site, and thereby prevent it being stored on the highway, in accordance with Policy CC7 of the Local Plan (2018).

- 21) No part of the development hereby approved shall be occupied until provision has been made for the storage of 16 cycles for the flats, in the form of the dedicated storage area at ground floor level as indicated on the approved drawing. Thereafter the provision for cycle storage shall be permanently maintained in this form for the lifetime of the development. Cycle parking should comply with requirements set in latest London Cycling Design Standards and West London Cycle Parking Guidance 2017.

To ensure satisfactory provision for cycle storage in accordance with London Plan 2021 Policy T5.

- 22) The residential units at this address shall only be used as residential units falling within Class C3 of the Town & Country Planning (Use Classes) Order 1987 (as amended). The residential units shall not be used as housing in multiple occupation falling within Class C4 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (as amended).

The use of the property as a house in multiple occupation rather than as single residential units would raise materially different planning considerations that the council would wish to consider under a full planning application, in accordance with Policies DC1, HO1, HO2, HO4, HO5, HO8 and HO11 of the Local Plan (2018).

- 23) Other than the areas explicitly identified on the approved drawings as a balcony/winter garden and terrace, no other part of any roof of the new buildings shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to any elevation of the application properties to form access onto the roofs (except for maintenance of green roof, planter and solar panels).

The use of the roofs as a terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of noise and disturbance and loss of privacy contrary to Policies HO11 and CC11 of the Local Plan (2018).

- 24) No alterations shall be carried out to the external appearance of the development, including the installation of external, pipe work, air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, without planning permission first being obtained.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2 and HO11 of the Local Plan (2018).

- 25) No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

The proposed works will be in close proximity to underground sewerage utility infrastructure, and to avoid sewer flooding and/or pollution incidents, in accordance with Policy CC3 of the Local Plan (2018).

- 26) Flat No.2 shall be constructed to meet the requirements of M4(3) Category 3: 'Wheelchair user dwellings' of Approved Document M of the Building Regulations 2010 (2015 edition incorporating 2016 amendments). The unit shall be permanently retained as such thereafter.

To ensure that the development provides accessible accommodation in accordance with Policy HO6 of the Local Plan (2018) and Policy D7 of the London Plan (2021).

- 27) Prior to the commencement of the demolition phase of the development hereby permitted, details of Nitrogen Oxides (NO_x) and Particulate (PM₁₀, PM_{2.5}) emission control of Non-Road Mobile Machinery (NRMM) and On Road Vehicles in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- a. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage IV NO_x and PM₁₀ emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development;
- b. Details of the use of on-road London Ultra Low Emission Zone (ULEZ) compliant vehicles from on-site contractors and suppliers of services and materials to the site e.g. minimum Petrol/Diesel Euro 6 (AIR Index Urban NO_x rating A) and Euro VI;

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times in compliance with Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014. Approved details shall be fully implemented and permanently retained and maintained during the demolition phases of the development.

In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018).

- 28) Prior to the commencement of the construction phase of the development hereby permitted, details of Nitrogen Oxides (NOx) and Particulates (PM10, PM2.5) emission control of Non-Road Mobile Machinery (NRMM) and On Road Vehicles in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
- a. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage IV NOx and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development;
 - b. Details of the use of on-road London Ultra Low Emission Zone (ULEZ) compliant vehicles from on-site contractors and suppliers of services and materials to the site e.g. minimum Petrol/Diesel Euro 6 (AIR Index Urban NOx rating A) and Euro VI;

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times in compliance with the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014. Approved details shall be fully implemented and permanently retained and maintained during the demolition phases of the development.

In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018).

- 29) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any external part of the approved buildings, without planning permission first being obtained.

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

- 30) All external entrance doors to the building, facing Coomer Place hereby approved shall be designed and installed so that they only open inwards, and shall thereafter be retained in this form.

To prevent an obstruction to the safe movement of pedestrians and vehicles in accordance with Policy T1 of the Local Plan (2018).

Justification for Approving the Application:

1. Land Use: The proposal would achieve a sustainable development by providing much-needed housing on previously developed land. The proposal would provide six additional units of housing towards the borough's housing targets. The proposal is considered to be in accordance with Policies HO1, HO4, and HO11 of the Local Plan (2018).
2. Housing: The quality of accommodation, including internal design and layout of the new residential units, is considered to be of high quality having regard to the Mayor's Design Guidelines and London Plan (2021) Policy D6, together with Policies HO3, HO6, and HO11 of the Local Plan (2018).
3. Design: The development is considered to comply with Local Plan (2018) Policies DC1 and DC2 which require a high standard of design in all new build developments, compatible with the scale and character of existing development and its setting, and London Plan (2021) Policies D3 and D4 which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development. The setting of the nearby Grade II Listed Building No. 282 North End Road would be preserved, in accordance with Policy DC8 of the Local Plan (2018).
4. Residential Amenity: The impact of the proposed development upon adjoining occupiers is considered to be acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of light, outlook or privacy and noise and disturbance. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies HO11 and DC4 of the Local Plan (2018).
5. Accessibility and Safety: Subject to appropriate conditions, the development would provide a safe and secure environment for all occupants, and would provide ease of access for all people, including disabled people, in accordance with in accordance with Policies DC1, DC2, HO6 and HO11 of the Local Plan (2018).
6. Highways matters: It is considered that the scheme would not have a significant further impact on the highway network or local parking conditions, and is thus considered to be acceptable. Satisfactory provision would be made for cycle parking and future occupiers of the net new units would be prevented from obtaining on-street parking permits, to help prevent overspill of parking onto the local highways. There are available public transport and other services nearby and adequate provision for storage and collection of refuse and

recyclables would be provided. The development thereby accords with Local Plan (2018) Policies T1, T3, T4, T5, T7 and CC7 and London Plan (2021) Policies T4, T5, T6 and T7.

7. Environment: The impact of the development with regards to land contamination, flood risk and air quality are considered to be acceptable subject to the recommended conditions, in accordance with Local Plan (2018) Policies CC9, CC10, CC3 and CC4.
8. Planning Obligations: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. The prohibition of any occupier to obtain a parking permit, and highways works are secured. The proposed development would therefore mitigate external impacts and would accord with London Plan (2021) Policy DF1 and Local Plan (2018) Policy CF1.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 24th June 2021

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2021
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Thames Water - Development Control
Crime Prevention Design Advisor - Hammersmith

Dated:

01.07.21
20.07.21

Neighbour Comments:

Letters from:

Dated:

1.0 BACKGROUND

- 1.1 The application site is located on the north side of Coomer Place, close to the junction with North End Road. The existing three storey building is in use as a 4-bedroom single family dwelling and includes a large rear garden.
- 1.2 The surrounding area is mixed in character. To the north and west is a public car park. To the south, on the opposite side of Coomer Place is 282 North End Road (Grade II listed building) is in use as by local health services and 7-11 Crowther Place, a three-storey building is in mixed health and residential use. To the east,

the rear elevation of 274 North End Road a three-storey building in mixed commercial residential use.

- 1.3 The site has a Public Transport Accessibility Level (PTAL) rating of 4, which is considered to be good. The closest links are West Brompton overground station and the Fulham Broadway and Barons Court underground stations, as well as bus links on North End Road.
- 1.4 The site does not comprise any statutorily listed buildings or locally listed Buildings of Merit and is not located within a Conservation Area. However, No. 282 North End Road is a Grade II listed building. The site is located within the Fulham Town Centre and Fulham Regeneration Area
- 1.5 The site is within the Environment Agency's Flood Zone 2.

2.0 RELEVANT PLANNING HISTORY

2.1 Relevant planning history for the site includes:

- In 2004, planning permission (ref 2004/00929/FUL) was approved for the erection of an additional floor at roof level.
- In 2003, planning permission (ref 2003/02840/FUL) was refused for the erection of an additional floor at roof level.

3.0 CURRENT PROPOSAL

- 3.1 The current application proposes the demolition of the existing building and erection of a new part three storey, part four storey residential building providing 7no. self-contained flats (2 x 1 bed, 5 x 2 bed), together with private amenity spaces, and bin and bicycle storage arrangements.

4.0 PUBLICITY AND CONSULTATION RESPONSES

- 4.1 The application was advertised by site notice and 212 individual notification letters were sent to neighbouring properties. No responses were received.
- 4.2 Thames Water - raised no objections subject to conditions regarding the submission of a Piling Method Statement.
- 4.3 The Metropolitan Police's Crime Prevention Design Advisor - raised no objections subject to a condition requiring Secure by Design accreditation.

5.0 POLICY FRAMEWORK

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.
- 5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted

statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

- 5.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

National Planning Policy Framework (NPPF)

- 5.4 The NPPF came into effect on 27 March 2012 and was most recently revised in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 5.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

London Plan

- 5.6 The London Plan was published in March 2021. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. It forms part of the development plan for Hammersmith and Fulham

Local Plan

- 5.7 The Council adopted the current Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

6.0 PLANNING ASSESSMENT

- 6.1 The relevant planning considerations in this case, to be assessed includes
- o Acceptability in in land use terms including residential density;
 - o Design and appearance;
 - o Quality of the new accommodation;
 - o Residential Amenity of neighbouring properties;
 - o Parking and highways;
 - o Environmental quality.

LAND USE

Housing Supply

- 6.2 London Plan Policy H1 sets ten-year targets for net housing completions that

each local planning authority should plan for. The annual target for this Borough over the next 10 years is 1,609. Policy H2 of the London Plan (2021) introduces a presumption in favour of the type of small housing development this proposal represents. It makes clear that London's suburban areas will need to accommodate additional housing provision in future and that local authorities should pro-actively support densification of these areas through the redevelopment of existing buildings and infill development within the curtilage of dwellings

- 6.3 Policy HO1 (housing supply) seeks to exceed the London Plan (2016) minimum target of 1,031 additional dwellings a year up to 2025 and to continue to seek at least 1,031 additional dwellings a year in the period up to 2035. Notably, criteria (e) of HO1 requires the retention of existing residential units.
- 6.4 In this case, the proposals would result net gain of 6 units. The proposals would contribute to the Borough's housing targets in line with London Plan Policies H1 and H2 and Local Plan Policy HO1.
- 6.5 Policy H2 (Small sites) of the London Plan sets out that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making. The site is approximately 0.021 hectares in size and therefore represents a small site for the purpose of this policy. The proposal would provide 7 units on a small site and would make efficient use of this site. Therefore, it would accord with the aims of this policy in utilising a small site to contribute towards the overall housing need in the Borough.

Housing Density

- 6.5 Local Plan Policy HO4 expects housing in existing residential areas to be predominantly low to medium density and to consist of low to medium rise developments, it recognises that high density development may be appropriate in highly accessible areas, subject to design, compatibility with local contexts and transport impacts and highway capacity. It adds that high density housing with limited car parking can help ensure housing output is optimised and may be appropriate in locations with high levels of PTAL, provided it is compatible with the local context and principles of good design and is satisfactory in other respects.
- 6.6 Local Plan Policy TLC1 (Town Centres and Local Centres) seeks to enhance the vitality and viability of the borough's hierarchy of three town centres and - sub-criteria (a) supports the regeneration of the town centres for a mix of town centre uses, including residential development on appropriate sites.
- 6.7 The application site is located in Fulham Town Centre and has a PTAL rating of 4, indicating good access to public transport and services. Locations with good public transport and local services are more suitable for intense development and the use of public transport is encouraged.
- 6.8 In principle, the site is considered suitable for a more intensive development. The existing site has a relatively large plot for a single dwelling within this Town Centre location - less than 20% of the site is covered by existing buildings. Given the underused nature of the site and its' Town Centre location with local services, officers consider that the site can support additional homes. Whilst the four-storey

scale of the proposed building is larger than the existing immediate neighbours, the scale would be in keeping with the character of the surrounding wider area and would therefore be acceptable in this context. The proposed density of 333 units per hectare (equivalent to 1238 habitable rooms per hectare) would result in a more efficient use of a small site within the Town Centre and would make a positive contribution towards identified housing need in the Borough. A design led approach has been taken to determine the optimum development capacity for this site.

Housing Mix

- 6.9 Policy HO5 of the Local Plan seeks to ensure that development provide a mix of housing types and sizes. For market housing a mix of unit sizes is required, including larger family accommodation. The proposal consists of 5 two-bed and 2 one-bed flats.
- 6.10 The proposed mix of units does not include any family housing (taken to be three bedrooms or more). However, this is a relatively small site within Fulham Town Centre, and the proposed number of units is modest. Officers consider that the surrounding context is the determining factor to establish the most suitable layout and internal arrangement for this development. In this case, the proposals would result in a more efficient use of the site with an acceptable increase in density on an underused site that is currently occupied by a single-family dwelling. Officers raise no objections to the proposed mix which is considered acceptable.

AFFORDABLE HOUSING

- 6.11 London Plan Policy H4 sets out that affordable housing be provided on sites which include 10 or more homes. A similar approach is taken within policy HO3 of the Local plan which sets out that affordable housing is required for developments of 11 or more self-contained dwellings.
- 6.12 The proposed development provides 7 residential units and this is well below the target threshold for affordable housing. Officers consider that the number of units on the site cannot be physically increased by a further three units to 11 without compromising the visual acceptability of the replacement buildings, the quality of accommodation for future occupiers, as well as the impact on neighbouring amenity. For example, whilst the floor area and layouts of all flats do exceed the London Plan and Technical Housing Standards requirements, none of the flats are so generous that they could be split into smaller flats or be reconfigured to provide additional flats within the proposed building envelope. Reducing the size of the flats would result in an unsatisfactory layout and poor quality accommodation. Officers are satisfied that the units have not been oversized to avoid the requirement for affordable housing, and the number of flats within the envelope of the building could not be increased. In this case it would be unreasonable to seek affordable housing provision on this site and the proposals accord with Policy HO3.
- 6.13 In conclusion, the submitted scheme represents the most effective and efficient use of this site whilst maximising the development potential. The scheme has been designed to take account of its local context and character in terms of appropriate scale and massing, the form and character of surrounding

development and the historic grain and impact on neighbours, as well as complying with the Council's standards on the size of residential units. Therefore, in accordance with policies H4 of the London Plan (2021) and HO3 of the Local Plan it is not necessary to require affordable housing on this site.

DESIGN AND CONSERVATION CONSIDERATIONS

Design

- 6.14 The National Planning Policy Framework (NPPF 2021) recognises that creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.15 London Plan Policy D3 (Optimising site capacity through the design-led approach) states that, in terms of quality and character, development proposals should "respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well".
- 6.16 Local Plan Policy DC1 requires all development within the borough to create a high quality urban environment that respects and enhances its townscape context and heritage assets.
- 6.17 Policy DC2 states that new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting. All proposals must be designed to respect:
- a. the historical context and townscape setting of the site, and its sense of place;
 - b. the scale, mass, form and grain of surrounding development and connections to it;
 - c. the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline;
 - d. the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness;
 - e. good neighbourliness and the principles of residential amenity;
 - f. the local landscape context and where appropriate should provide high quality landscaping and public realm with good permeability;
 - g. sustainability objectives; including adaptation to, and mitigation of, the effects of climate change;
 - h. the principles of accessible and inclusive design; and
 - i. principles of Secured by Design.
- 6.18 Policy DC8 of the Local Plan (2018) states that the council will conserve the significance of the borough's historic by protecting, restoring, and enhancing its heritage assets, including conservation areas. Section 72 of the Planning [Listed

Buildings and Conservation Areas] Act 1990 requires that special attention should be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. Furthermore, proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

- 6.19 Officers have carried out an assessment of the impact of the proposal on visual amenity and of the potential impact on the potential impact to the setting of the adjacent listed building No 282 North End Road.
- 6.20 The proposal involves the demolition of the existing 3 storey building. There is no objection to the loss of the existing building, as it is not part of a uniform terrace, and is a three-storey house adjoining a modern three-storey building on North End Road which does not enjoy any heritage protection, and does not have any special merits that would justify its consideration as an undesignated heritage asset. Whilst the existing building has a street elevation frontage with some architectural merit, the west elevation and garden walls contribute little to the quality of the street scene. The immediate context is extremely varied with regards to architectural style and buildings of different eras. The site falls within the setting of the Grade II Listed 282 North End Road, a Victorian house with a large modern extension on to Coomer Place at the rear.
- 6.21 The proposed part three and part four storey building would occupy the full site including what was the walled garden. The scale of the building is considered to be appropriate within its context, as it is very similar in height to the surrounding buildings, such as the nearby four storey building 12 - 18 Barbara Castle Close. The main street elevation is well articulated with winter gardens and balconies with vertically aligned bays. The ground floor level flats are raised by 700mm to provide privacy for occupants. Nevertheless, the proposed front facade is well articulated and will provide an active edge for Coomer Place along its full length. The façade is comprised of brick elevations with metal balconies and glazing which is also considered appropriate in the mixed architectural context. Solar shading shutters are neatly integrated into the façade and these will add to the distinctive appearance of the building. The top of the building is clearly defined by a recessed pavilion structure with double butterfly roof. The northern elevation directly adjoining the car park boundary contains no windows, but instead contains an articulated brick façade at ground, first, and second floor level, which consists of a saw tooth brick pattern panels, to provide visual interest when viewed from the public car park behind it. The west façade is also well articulated, as it contains metal cladding.
- 6.22 Overall the building is considered to be an appropriate response to the evolving surrounding context. Subject to a condition (no. 11) requiring detail material samples, the developments scale, mass, materiality and detailing are considered appropriate within the backdrop to the Grade II Listed 282 North End Road and will improve its setting. The proposal would create more definition for the street and more legible piece of townscape. The proposals are compliant with Policies DC1, DC2 and DC8.

Heritage

- 6.23 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. It is key to the assessment of these applications that the decision making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF. s72 of the above Act states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 6.24 Paragraph 189 of the NPPF states: Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 6.25 Paragraph 195 of the NPPF states: Local Planning Authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.26 Paragraph 199 of the NPPF states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.27 Paragraph 203 of the NPPF states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.28 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 202 and 203, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 6.29 Local Plan policy DC1 requires all development within the borough to create a high-quality urban environment that respects and enhances its townscape context and heritage assets. Local Plan policy DC8 states that the council will conserve

the significance of the Borough's historic environment by protecting, restoring, or enhancing its heritage assets, including the borough's conservation areas.

- 6.30 The application site is not situated in a Conservation Area and does not feature and historic assets. However, the site does form part of the setting of an adjacent Grade II listed building, 280-282 North End Road.
- 6.31 The architectural language of the building forms the main element of its significance and special interest. Officers have carried out an assessment of the impact of the proposal upon the setting of this asset. Given the location of the proposed development and consider that based upon the tight grain of commercial developments along North End Road, the development would have negligible visibility in a small number of views of the asset. The proposed development would allow the character and special interest of the historic asset to be clearly preserved within this setting. As such, the development would not result in any harm to the significance of the heritage asset.
- 6.32 Officers have assessed the impact of the proposal on adjacent heritage assets and consider that it is compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF, Policy HC1 of the London Plan and Policies DC1, DC4, and DC8 of the Local Plan (2018) and Key Principle CAG3 of the Planning Guidance SPD (2018).

QUALITY OF ACCOMMODATION

Size of Units

- 6.33 All of the units would comply with London Plan (2021) and Technical Housing Standards - Nationally Described Space Standards (2015) minimum internal space requirements are in brackets, as follows:

Ground Floor

- Flat 1 (1B 2P): 51.2 sqm, balcony/winter garden 6.4 sqm (mini 50sqm)
- Flat 02 (1B 2P): 59.4 sqm, balcony/winter garden 5.1 sqm (minimum 50sqm)

First Floor

- Flat 03 (2B 4P): 75.8 sqm, balcony/winter garden 6.4 sqm (minimum 70sqm)
- Flat 04 (2B 3P): 62.4sqm, balcony/winter garden 8.7sqm (minimum 61sqm)

Second Floor

- Flat 05 (2B 4P): 75.8 sqm, balcony/winter garden 6.4sqm (minimum 70sqm)
- Flat 06 (2B 3P): 62.4sqm, balcony/winter garden 8.7sqm (minimum 61sqm)

Third Floor

- Flat 07 (2B 3P): 69.9sqm, terrace 6.9sqm (minimum 61sqm)

- 6.34 All the units exceed the minimum space standards, and are therefore satisfactory in terms of their size.

Aspect and Daylight

- 6.35 Three flats (4, 6 and 7) are dual aspect with south and west facing windows – none of the remaining units (1, 2, 3 and 5) are exclusively north facing. Overall, all the flats would receive suitable light to habitable rooms. Furthermore, the level of outlook to habitable rooms across the development would be acceptable. Notably, all the single aspect rooms of units 1, 2, 3 and 5 are south facing and include large, floor to ceiling high windows.
- 6.36 A daylight and sunlight assessment was submitted with the application which shows the average daylight factor (ADF) of the development. In daylight terms, all the rooms analysed across the proposal meet their ADF target values for their room uses.
- 6.37 In sunlight terms, the BRE Guidelines indicate that sunlight is of most importance for main living spaces. The Guidelines recommend that each main living space is served by at least 1 main window that received at least 25% annual APSH and of this 5% winter APSH. Only windows facing within 90° of due south are required to be analysed. Given that all the units have direct south facing main living space area, it is considered each unit would receive adequate sunlight.

Ceiling Heights

- 6.38 The Nationally Described Space Standards [NDSS] (2015) specify that the minimum finished floor to ceiling height for residential units should be 2.3m for at least 75% of the GIA. Policy D6 of the London Plan (2021) specifies a minimum floor to ceiling height of 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling. The flats have been designed to have ceiling heights of 2.5m. Therefore, all the units would comply with the London Plan requirements on ceiling heights which indicates a good standard of accommodation.

Noise

- 6.39 Paragraph 10.8 of the Planning Guidance SPD (2018) specifies that poor design and layout of rooms often lead to neighbour noise complaints, and accordingly Key Principle NN3 of the Planning Guidance SPD (2018) expects all parts of adjoining dwellings to enhance the sound insulation, including where the adjoining room is of a similar use.
- 6.40 The proposal has been reviewed by the Council's Environmental Protection Team who raised no objections, subject to requiring enhanced sound insulation (at least 5dB above current building regulations requirements) to be installed between the flats, to prevent noise disturbance between rooms of different uses in adjacent flats. This would ensure that the proposal would provide a suitable residential environment for future occupiers as well as limiting the impact upon neighbouring properties. Subject to this condition the proposal is considered to be in accordance with Policies CC11 and CC13 of the Local Plan (2018) and Key Principle NN3 of the Planning Guidance SPD (2018).

External amenity space

- 6.41 Local Plan Policy HO11 and SPD Key Principle HS1 require all new developments to make provision for open space to meet the needs of occupiers and users. It is also required that all new dwellings have access to an area of amenity space appropriate to the type of housing being provided. The Mayor's Housing SPG Standards 26 and 27 require a minimum of 5sqm. of private outdoor space to be provided for 1-2 person dwellings and an extra 1sqm. for each additional occupant, and where balconies are provided these be designed to respect the amenity of neighbours and should have a minimum depth of and width of 1500mm. The latter is also reiterated under Planning Guidance SPD Key Principle HS1. The Housing SPG Standards however recognises that in some cases, site constraints may make it impossible to provide private open space for all dwellings.
- 6.42 All of the units, would benefit from private external amenity space, whether in the form of a balcony/winter garden or terrace, with a minimum depth and width of 1.5m, and an area above the minimum standard of 5.0 sqm. Units 1 to 6 benefit from winter gardens, so that the outdoor terrace could be converted into larger living space that is enclosed during the winter months. Unit 7 would benefit from an outdoor terrace at rooftop level. The site has the opportunity to take advantage of its south facing elevation fronting Coomer Place in providing outdoor terraces, as it is a less sensitive street interface. Overall, the proposed units would provide a good level of amenity space for future occupiers of this non-family accommodation and no objections are raised in terms of Key Principle HS1 of the Planning Guidance SPD (2018).

Accessibility

- 6.43 London Plan Policy D7 seeks to ensure that 90% and 10% respectively of new housing meets the Buildings Regulations requirements for M4(2) accessible and adaptable dwellings, and M4(3) for wheelchair users. Policy HO6 of the Local Plan (2018) and Key Principles DA1-DA8 of the Planning Guidance SPD (2018) seek to secure high quality accessible homes in all developments that included housing.
- 6.44 The development would provide one wheelchair adaptable unit at ground floor level (Flat 02). Access to this flat would be through the southern main entrance, with step-free access provided by way of a wheelchair platform lift located within the main hallway adjacent to the staircase, furthermore the communal stairs have also been provided with handrails on both sides, and the corridors are provided with good quality lighting. A condition (no. 20) is recommended requiring the remainder of the units to comply with Part M4(2) of the current Building Regulations. The proposal accords with London Plan Policy D7 and Local Plan Policy HO6.

Secured by Design

- 6.45 London Plan Policy D11, Local Plan Policy DC1 and SPD "Sustainable Design and Construction" Key Principles requires new developments to respect the principles of Secured by Design and to ensure that proposals create a safe, secure, and appropriately accessible environment where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. The Metropolitan Police's Crime Prevention Design Advisor has raised no objections subject to a

condition requiring Secure by Design accreditation. A condition (no. 6) has been attached to secure satisfactory details.

IMPACT ON NEIGHBOURING PROPERTIES

- 6.46 Local Plan Policy HO11 states that proposals for extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact on:
- Privacy enjoyed by neighbours in adjoining properties;
 - Daylight and sunlight to rooms in adjoining properties;
 - Outlook from windows in adjoining properties; and
 - Openness between properties.
- 6.47 Local Plan Policies DC1 and DC4 requires the Council to ensure that applications consider the principles of good neighbourliness in particular the amenities of the neighbouring properties and other properties most directly affected by the proposed. 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.
- 6.48 Key Principle HS6 "Housing Standards" seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, privacy, light and noise and disturbance. Key Principle HS7 (iii) requires new windows to be positioned at least 18 metres away from existing windows or if the standard cannot be met, then they must be designed to ensure no loss of privacy. Key Principle HS8 requires that balconies and terraces do not cause harm to the existing amenities of neighbouring occupiers by reasons of noise and disturbance or opportunities for overlooking.
- 6.49 Immediately, to the east and north are the rear elevations of Nos 272 and 274 North End Road and a public car park. The proposed part three/four storey building would immediately adjoin the rear elevation of 274 North End Road, a three storey mixed use commercial/residential building with no rear windows facing the application site. To the north, the proposed building would adjoin 272 North End Road, a two-storey mixed use commercial residential use with habitable windows at first floor facing the site.
- 6.50 To the, south on the opposite side of Coomer Place are three storey buildings 282 North End Road (Grade II Listed Building) and 7 to 11 Crowther Place which are in use respectively for health services and mixed use health/ residential purposes.

Outlook

- 6.51 The proposals would have no adverse impact on 274 North End Road, as the rear elevation adjoining the existing buildings and contains no windows - there are no windows that would be impacted by the proposed development.
- 6.52 In respect of No. 272 North End Road, the existing ground floor covers the entire footprint of the site. At first floor, the existing rear windows are set back 10m from the rear boundary and would be positioned at an oblique angle from the proposed development. Notably, the first floor windows would still benefit from a clear, open section to the western rear and northern side boundary of the site overlooking the public car park. Based on on-site judgement, officers are satisfied that the

development would not lead to any undue loss of outlook or increased sense of enclosure to occupants of No. 272 North End Road in this town centre location.

- 6.53 For the opposing properties at 282 North End Road (Grade II Listed Building) and 7 to 11 Crowther Place, officers consider that the proposed predominantly 3 storey height with a reduced fourth floor on this underused site would mirror the height of the existing development. The front elevation of the proposed development along Coomer Place, would be positioned 16m from the opposing upper residential floors at 282 North End Road and 7 to 11 Crowther Close. Taking in to account a notional 45-degree line, from a 2m height at the opposing properties at 282 North End Road and Crowther Close, the proposed development would not result in any infringement. It is not considered that the proposals would have an undue impact in terms of outlook to 282 North End Road and 7 to 11 Crowther Close.
- 6.54 Overall, the development would not result in an unacceptable loss of outlook or increased sense of enclosure to adjacent properties complying with Policies DC1, DC4 and HO11 of the Local Plan (2018).

Daylight and Sunlight

- 6.55 The Council has regard to the guidance set out in Building Research Establishments' (BRE) Report 2011 "Site Layout Planning for Daylight and Sunlight - A guide to good practice". This guidance is used as aid to prevent and/or minimise the impact of a new development on the availability of daylight and sunlight in the environs of the site. Although it provides numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design.
- 6.56 The application has been accompanied by a daylight and sunlight analysis report officers have considered this and assessed the impact on neighbouring properties. The proposal would be fully compliant with BRE guidelines. Therefore, the proposals would not result in a significant loss of light to surrounding neighbours who would still have sufficient access to daylight and sunlight complying with Policies DC1, DC4 and HO11 of the Local Plan (2018).

Privacy

- 6.57 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. Key Principle HS8 (i) sets out that permission will not be granted for roof terraces or balconies if the use of the terraces or balcony is likely to cause harm to the existing amenities of neighbouring occupiers by reason of noise and disturbance; or, if it would result in an additional opportunity for overlooking or result in a significantly greater degree of overlooking and consequent loss of privacy.
- 6.58 There is a distance of just over 16 metres between the proposed windows in the south elevation including balconies/winter gardens and the residential windows in the opposing first and second floor at 282 North End Road and 7-11 Crowther Close - this falls short of the 18-metre target. However, the proposed relationship between windows on opposing sides of the street is a typical relationship in local streets and for this reason, officers consider that the development would not be

acceptable in this case. Notably, the site is within the Fulham Town Centre with predominantly dense development (terraced houses, a mix of different uses, medium building footprints and typically buildings of two to four storeys). Officers consider the development would not give rise to an unacceptable form of development in terms of overlooking, over and above the typical relationship established by residential facing each other along Coomer Place, such as the nearby four storey 12 - 18 Barbara Castle Close.

- 6.59 There are no proposed windows located on the northern elevation adjoining the public car park area, as it contains a blank elevation with articulated brick work. The remaining non-habitable windows in the north elevation include 2 obscure glazed bathroom windows and 2 clear glazed windows to a communal staircase. The 4 proposed windows would face the flat roof of the ground floor at 272 North End Road and would be at an oblique angle to the existing first floor windows at 272. Officers are satisfied that there would be no loss of privacy to 272 North End Road.
- 6.60 The proposed roof top terrace for Flat 7 is located at high level, and would be setback from the northern boundary away from No. 272 North End Road, so there would be no overlooking impacts into their windows. The south elevation of the roof terrace would include a 1.7m obscure glazed screen to prevent overlooking, and this would be secured by condition (No. 25).
- 6.61 For these reasons, Officers are satisfied that on balance the development would not be unneighbourly for the occupants of No. 272 North End Road.

Noise and Disturbance

- 6.62 Policy CC11 and HO11 relate to noise and neighbouring amenity and require all development to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties. Key Principle HS8 (iii) adds that roof terraces or balconies likely to cause harm to the existing amenities of neighbouring properties by reason of noise and disturbance will not be supported.
- 6.63 With respect to noise it is difficult to predict with any accuracy the likely level of noise/disturbance that would be generated by the use of the proposed balcony/winter gardens for Flats 1 to 6 and roof terrace for Flat 7. However, on balance, having regard to the size of the proposed Flats 1 to 6 balcony/winter gardens ranging from 5.1sqm to 8.7, and the Flat 7 roof terrace (10 sqm), which would limit the number of people it could hold, together with the locations primarily fronting Coomer Place, are at high level and the relationship with neighbouring properties, it is not considered that its use would, in the normal course of events, be likely to harm the existing amenities of adjoining occupiers as a result of additional noise and disturbance. The proposal is therefore considered to be consistent with Policy HO11 and CC11 of the Local Plan and Key Principle HS8 of the Planning Guidance SPD.
- 6.64 Given the above, it is considered that the proposal would not result in a loss of privacy or overlooking. The proposed development complies with Policies DC1, DC4 and HO11 of the Local Plan (2018).

HIGHWAYS AND TRANSPORTATION

- 6.65 Paragraph 110 of the NPPF states that applications for development should ensure that appropriate opportunities to promote sustainable transport modes are taken and that safe and suitable access to sites can be achieved. Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Paragraph 113 states all developments that will generate significant amounts of movement should be required to provide a travel plan, and should also be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 6.66 Policies T1-T7 of the London Plan set out that all development should make the most effective use of land, reflecting connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. These policies also provide cycle and parking standards.
- 6.67 Local Plan Policy T1 sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'.
- 6.68 Local Plan Policy T2 relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network".
- 6.69 Local Plan Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics.
- 6.70 The above policies are supported by Key Principles TR1 -TR4, TR7, TR21 and TR27 of the Planning Guidance SPD.
- 6.71 Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste. Planning Guidance SPD Key Principles WM1, WM2, WM4, WM6, WM7 and WM11 are also applicable which seek appropriate storage and collection arrangements for refuse and recycling.

Construction Impacts

- 6.72 The main impact of the development in highway terms would be at the demolition and construction stages. In accordance with Local Plan Policy T7 and Planning Guidance SPD Key Principle TR21 a Demolition and Construction Logistics Plan is required.
- 6.73 In order to mitigate any adverse impacts arising during the construction phase as far as possible, a condition (no. 3) is proposed requiring a Demolition and Construction Management Plan to be agreed with the council prior to works commencing on site, including controls on matters including noise, vibration,

lighting, delivery locations, and restriction of hours of work.

- 6.74 In order to mitigate any adverse impacts arising during the construction phase a condition (no. 4) is recommended requiring a Demolition and Construction Logistics Plan (CLP) to be submitted and agreed with the council prior to works commencing on site, to ensure that the demolition and construction phases do not adversely impact on local highways, and impacts on the amenities of neighbouring occupiers is minimised as much as possible, in accordance with Policies, T7, CC11 and CC13 of the Local Plan (2018).

Car free development

- 6.75 Policy T4 of the Local Plan (2018) requires all new development to conform to the car parking standards of the London Plan (2021).
- 6.76 The site has a PTAL 4/5 score of using Transport for London's methodology, indicating that it has a good public transport accessibility. The proposal would result in a net increase of 7 residential units. To mitigate any unacceptable impact on the existing amenities of residents because of increased on-street car parking stress. The Council's Highways Team have assessed the proposal in relation to parking and have confirmed that because the application site has a PTAL 4/5 rating, and the proposal does not include off-street parking, therefore, the proposed new development must be made car permit free to be in accordance with Policy T4 of the Local Plan (2018). This will be secured through the s106 agreement. On this basis the proposal would not be considered to increase parking demand/stress within the locality of the application site.

Bicycle parking

- 6.77 London Plan Policies T2 Healthy Streets and T5 Cycling (Table 10.2 and Figure 10.3) set out the need to provide suitable on site cycle storage for a development

To be in accordance with Policy T5 of the London Plan (2021), the proposed development must provide a minimum of 13 cycle parking spaces. The location of the cycle storage area is indicated to be within a dedicated, secure cycle storage room fronting Coomer Place at ground floor level for a total of 16 cycle parking spaces, and is considered to be a suitable location. A condition (no. 14) is recommended requiring provision of the cycle storage to be made prior to occupation, and permanently retained for the lifetime of the development.

Refuse and recycling

- 6.78 Local Plan Policy CC7 states that new developments, including conversions should aim to minimise waste and should provide convenient facilities for future occupiers. Adequate refuse storage is required for this development and it should be consistent with Refuse Department's policies stated in the Local Plan 2018 and Planning guidance SPD 2018.
- 6.79 The proposal provides communal refuse and recycling storage within a dedicated refuse storage area at ground floor level fronting Coomer Place, near to the road to enable easy access for waste crews. The flats would be provided with x 2 360L refuse and x 2 recycle bins which is considered sufficient for both refuse and

recycling for the new units in accordance with Key Principle WM7 of the Planning Guidance SPD (2018). A condition (no. 15) is recommended requiring provision of the refuse storage to be made prior to occupation, and permanently retained for the lifetime of the development.

Delivery and Servicing

- 6.80 In order to ensure suitable delivery and servicing arrangements, a condition (no. 32) will be necessary requiring the submission of a Delivery and Servicing Plan including baseline delivery and servicing trips, objectives, targets and measures. The DSP will need to be in accordance with Transport for London's latest guidance on Delivery and Servicing Plans.

ENVIROMENTAL QUALITY

Flood Risk and Sustainable Drainage

- 6.81 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'.
- 6.82 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 sets out the same requirement and additionally states that proposals for impermeable paving should be refused and that drainage should be designed and implemented to address water efficiency, water quality, biodiversity and recreation.
- 6.83 Local Plan Policy CC2 requires major developments to implement sustainable design and construction measures, including making the most efficient use of water. Local Plan Policy CC3 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 which seeks that developments manage surface water run-off and requires all major developments to implement SuDS and to provide a sustainable drainage strategy.
- 6.84 The submitted Flood Risk Assessment (FRA) indicates the site is within the Environment Agency's Flood Zone 2. As the development would result in a loss of the rear garden area, a green roof has been proposed on the flat roof areas around the PV panels. This would intercept rainfall and reduce the volume and rate of flow of surface water run-off into the sewer network. No objections would be raised subject to the submission of further green roof details which would be secured by condition (no. 12), and the proposed surface water management measures being implemented and maintained as outlined, and a condition (no. 13) is included in this respect, in accordance with Policies CC3 and CC4 of the Local Plan (2018).
- 6.85 Thames Water responded with comments that the application site is within 15 metres of a strategic sewer. A condition (no. 19) is required to ensure that no piling is undertaken until a Piling Method Statement is submitted and reviewed by Thames Water.

- 6.86 The implementation of the flood risk mitigation measures and sustainable drainage measures will be secured by a condition. On this basis, officers consider that the proposed development would not detrimentally impact on flood risk or surface water run-off and would be in accordance with the policies cited above.

Sustainability and Energy

- 6.87 The NPPF states that development proposals are expected to comply with local requirements and should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption and to increase the use and supply of renewable and low carbon energy.
- 6.88 Local Plan Policy CC1 requires major developments to implement energy conservation measures by implementing the London Plan sustainable energy policies and meeting associated CO2 reduction target and demonstrating that a series of measures have been taken to reduce the expected energy demand and CO2 emissions. It requires the use of on-site energy generation to further reduce CO2 emissions where feasible. Policy CC2 seeks to ensure the implementation of sustainable design and construction measures by implementing the London Plan sustainable design and construction policies. These are supported by Key Principles set out in the Energy and Sustainable Design Construction Chapters of the Planning Guidance SPD.
- 6.89 The proposals include 10 Photovoltaic Panels located on the roof in addition to a number of other 'low tech' design aspects including the addition of metal bi-folding solar shading devices outside windows on the south façade. These would provide residents with control over how much light is passing through their windows on sunny days and generating heat. The perforated nature of the screens would also ensure they are decorative and still allow a small amount of natural light through even when fully closed. Additionally, as all habitable rooms receive good levels of natural light, this would reduce the demand for electric lighting. A green roof is also proposed at rooftop level to reduce water runoff into the sewer network. Given the rear garden area would be lost to accommodate the new building, the green roof and planter boxes including native species of plants would assist in supporting biodiversity due to this loss of garden area at ground floor level.
- 6.90 With regards to wider sustainable design, water efficiency measures are proposed to help reduce daily water-use, measures are proposed to help reduce air quality and noise impacts, there are good public transport links at the site and there is no car parking but cycle parking is to be provided. The proposal is considered to provide adequate sustainable design measures in accordance Policies CC1 and CC2 of the Local Plan (2018).

Land Contamination

- 6.91 Paragraph 174 of the NPPF says that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 6.92 Local Plan Policy CC4 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. Policy

CC9 requires a site assessment and a report on its findings for developments on or near sites known to be (or where there is reason to believe they may be) contaminated. Development will be refused 'unless practicable and effective measures are to be taken to treat, contain or control any contamination'. Any permission will require that any agreed measures with the council to assess and abate risks to human health or the wider environment are carried out as the first step of the development.

- 6.93 Key principles LC 1-6 of the Planning Guidance SPD identify the key principles informing the processes for engaging with the council on, and assessing, phasing and granting applications for planning permission on contaminated land. The latter principle provides that planning conditions can be used to ensure that development does not commence until conditions have been discharged.
- 6.94 Potentially contaminative land uses, past or present, are understood to occur at, or near to, this site. In order to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works conditions would be attached covering the assessment and remediation of contaminated land if the application were to be approved.
- 6.95 Officers recommend that conditions (no. 26-31) be imposed requiring appropriate contamination studies and any subsequent remediation works to be carried out in order to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018).

Air Quality

- 6.96 London Plan Policy SI 1 states that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality.
- 6.97 Local Plan Policies CC1 and CC10 seeks to reduce potential adverse air quality impacts arising from new developments and sets out several requirements. These are supported by Planning Guidance SPD Key Principles AQ1 to AQ5.
- 6.98 The development site is within the borough wide Air Quality Management Area (AQMA) and an area of existing poor air quality due to the road traffic emissions from North End Road. The development proposal will introduce new residential receptors into an area of very poor air quality. In respect to this development site the air quality specifically the Nitrogen Dioxide (NO₂), and Particulates (PM₁₀, and PM_{2.5}) concentrations at the proposed property even in the background currently fail the World Health Organisation (WHO) Air Quality Guideline values (2005). Further Mitigation measures will be required to make the development acceptable in accordance with Local Plan Policy CC10 and London Plan Policy SI 1 (2021). On this basis, the Council's Environmental Air Quality officer has considered the proposal and has recommended conditions (no. 7-8) regarding a scheme of mechanical ventilation for the new units; details of Air Source Heat Pumps or electric boilers for space heating and hot water (Condition no. 11); and Non-Road Mobile Machinery (NRMM) and On Road Vehicle Emission details in relation to the demolition and construction phase of the development (Conditions no. 21-22).

- 6.99 On the basis of the above conditions it is considered that the proposed development would not detrimentally impact on Air Quality and would be in accordance with the policies cited above.

FIRE SAFETY

- 6.100 Policy D12 of the London Plan 2021 states that 'all development proposals must achieve the highest standards of fire safety'. Based on the proposed small-scale development, a Fire Statement is not required, however, the following should be considered by the applicant prior to the building control stage, and is outlined in supporting text 3.12.1 to 3.12.8 of the London Plan 2021:

- o demonstrate on a site plan that space has been identified for the appropriate positioning of fire appliances. These spaces should be kept clear of obstructions and conflicting uses which could result in the space not being available for its intended use in the future.
- o show on a site plan appropriate evacuation assembly points. These spaces should be positioned to ensure the safety of people using them in an evacuation situation.
- o issues of fire safety should be included at outset - particularly in blocks of flats, as building users and residents may be less familiar with evacuation procedures
- o suppression systems (such as sprinklers should be explored
- o include stair cores which are suitably sized, should also be explored and provided wherever possible.
- o In line with inclusive design (Policy D5), where provided fire evacuation lifts and associated provisions should be appropriately designed and constructed, and should include the necessary controls suitable for the purposes intended.

- 6.101 The applicant has submitted an outline Fire Safety Summary, which includes details of the consideration of fire appliances, two assembly points to the west and east of the site on Coomer Place, general fire safety such as signs and alarms, sprinklers not a requirement, and stair cores designed to comply with Building Regulations 2010 Approved Document Part B 2019. The matter of fire safety compliance is not generally reviewed at the planning stage for minor developments, as it is covered by Part B of the Building Regulations. However, to ensure that the proposed development achieves the highest of fire safety standards, it has been considered early in the design process, before the fire safety measures are confirmed at the building control stage. The submitted proposals accord with Policy D12 of the London Plan.

8.0 PLANNING OBLIGATIONS/ LEGAL AGREEMENT

- 8.1 The NPPF provides guidance for local planning authorities in considering the use of planning obligations. It states that 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.
- 8.2 London Plan (2021) Policy DF1 recognises the role of planning obligations in mitigating the effects of development and provides guidance on the priorities for obligations in the context of overall scheme viability. Local Plan Policy INFRA1

(Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).

- 8.3 It is anticipated that the S106 for this development will include the following draft heads of terms

A. Traffic, transport and highways:

- To prohibit any occupiers of the 7 residential units, other than Blue Badge Holders, from obtaining a parking permit, under Section 16 of the Greater London Council (General Powers) Act 1974.

B. Public Pavement

- Enter into a S278 agreement to ensure the public footpath in front of the proposed development along Coomer Place is replaced with a new pedestrian footpath at the expense of the applicant.

COMMUNITY INFRASTRUCTURE LEVY

- 8.4 This development would be subject to the London-wide Community Infrastructure Levy. The Mayor's new CIL charging schedule (MCIL2) came into effect on 1st April 2019 and will be used to fund Crossrail 1 and Crossrail 2. As the Collecting Authority, the Council is expected to secure the levy in accordance with London Plan (2021) Policy DF1 and is chargeable at £80 per sq.m. uplift in floorspace, regardless of the use.
- 8.5 In addition, the development would also be subject to the Borough's own local CIL, which is to help pay for facilities and community services such as transport, schools, health services and open space. Local CIL is chargeable at £100 per sq.m. for a residential development in this part of the borough. The CIL Charging Schedule was presented to Council and approved 20 May and formally took effect on the 1st September 2015.

9.0 CONCLUSION

- 9.1 For the reasons given above, it is considered that the proposed replacement building would be of an acceptable appearance that would justify the loss of the existing building. The design of the building would be appropriate in the context of its surroundings and on balance it is considered that the development would not have a detrimental impact upon the existing residential amenities of surrounding occupiers or on traffic generation in the area. The character and setting of the neighbouring Grade II Listed Building at 282 North End Road would be preserved. The proposal would result in a net increase in the provision of residential accommodation and would provide an acceptable standard of accommodation for its occupiers. The proposals would contribute to the vitality and viability of Fulham Town Centre and the Regeneration Area. In these respects, and subject to conditions and a legal agreement, the proposal is considered acceptable in accordance with Policies D3, D4, D5, D6, D7, H1, H2, H4, SI 1, SI 13, T1, T4, T5 and T6 of the London Plan (2021) and Policies HO1, HO3, HO6, DC1, DC2, DC8, T3, T4, T7, CC1, CC2, CC3, CC4, CC7, CC9, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

10.0 RECOMMENDATION

10.1 Therefore, officers support the proposals in line with the recommendations at the start of the report.