

Planning and Development Control Committee

Agenda

Tuesday 4 March 2025 at 7.00 pm

145 King Street (Ground Floor), Hammersmith, W6 9XY

Watch the meeting live: youtube.com/hammersmithandfulham

MEMBERSHIP

Administration:	Opposition
Councillor Omid Miri (Chair) Councillor Florian Chevoppe-Verdier (Vice-Chair) Councillor Ross Melton Councillor Nikos Souslous Councillor Nicole Trehy Councillor Patrick Walsh	Councillor Alex Karmel Councillor Adrian Pascu-Tulbure

CONTACT OFFICER: Charles Francis
Governance and Scrutiny
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Public Notice

This meeting is open to the public and press but spaces are limited. If you'd like to attend please contact: charles.francis@lbhf.gov.uk. The building has disabled access.

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 27 February 2025.

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

PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE

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 Councillors, 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 is by email only. Requests should 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.

Planning and Development Control Committee Agenda

4 March 2025

<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	5 - 12
<p>To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 11 February 2025.</p>	
4. 28 WENDELL MEWS, LONDON W12 9BG, WENDELL PARK, 2023/02152/FUL	13 - 24
5. BURNHAM HOUSE, SULGRAVE ROAD, LONDON W6 7QW, ADDISON, 2024/00254/FUL	25 - 50

London Borough of Hammersmith & Fulham

Planning and Development Control Committee Minutes



Tuesday 11 February 2025

PRESENT

Committee members: Councillors Omid Miri (Chair), Florian Chevoppe-Verdier (Vice-Chair), Ross Melton, Nikos Souslous, Nicole Trehy and Adrian Pascu-Tulbure

Officers:

Matt Butler (Assistant Director of Development Management)

Neil Egerton (Team Leader)

Ieuan Bellis (Team Leader)

Roy Asagba-Power (Team Leader)

Allan Jones (Team Leader Urban Design and Heritage)

Gerta Kodhelaj (Senior Planning / Licensing Solicitor)

Charles Francis (Clerk)

At the start of the meeting, the Chair proposed that the published running order of the agenda was changed so that Items 7,8,9 and 10 – Flats at Fitz-George Avenue were considered first. This was agreed by the Committee.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Patrick Walsh and Alex Karmel.

2. DECLARATION OF INTERESTS

There were no declarations of interest.

3. MINUTES

The minutes of the previous meeting held on 14 January 2025 were agreed as an accurate record.

4. **FLAT 1, 49 - 67 FITZ-GEORGE AVENUE, LONDON W14 0SZ, AVONMORE, 2024/01917/FUL**

An addendum was circulated prior to the meeting that modified the report.

At the request of the Chair, Matt Butler, (Assistant Director of Development Management) explained the purpose of the Addendum for those attending or watching the meeting on YouTube.

Neil Egerton provided a presentation which covered the following items:

- Item 7 – **FLAT 1**, 49 - 67 FITZ-GEORGE AVENUE, LONDON W14 0SZ, AVONMORE, 2024/01917/FUL
- Item 8 - **FLAT 2**, 49 - 67 FITZ-GEORGE AVENUE, LONDON W14 0SZ, AVONMORE, 2024/01918/FUL
- Item 9- **FLAT 4**, 29 - 47 FITZ-GEORGE AVENUE, LONDON W14 0SZ, AVONMORE, 2024/01919/FUL
- Item 10 - **FLAT 5**, 9 - 27 FITZ-GEORGE AVENUE, LONDON W14 0SY, AVONMORE, 2024/01923/FUL

A resident spoke in objection to all four applications (Items 7, 8, 9 and 10). The Agent had registered to speak in favour, but last-minute circumstances unfortunately prevented this.

The Committee voted on the officer recommendations for approval as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.
2. That the Director of Planning and Property, after consultation with the Assistant Director of Legal Services 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

5. **FLAT 2, 49 - 67 FITZ-GEORGE AVENUE, LONDON W14 0SZ, AVONMORE, 2024/01918/FUL**

An addendum was circulated prior to the meeting that modified the report.

The Committee voted on the officer recommendations for approval as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.
2. That the Director of Planning and Property, after consultation with the Assistant Director of Legal Services 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.

6. **FLAT 4, 29 - 47 FITZ-GEORGE AVENUE, LONDON W14 0SZ, AVONMORE, 2024/01919/FUL**

An addendum was circulated prior to the meeting that modified the report.

The Committee voted on the officer recommendations for approval as follows:

Recommendation 1:

FOR	5
AGAINST:	1
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.
2. That the Director of Planning and Property, after consultation with the Assistant Director of Legal Services 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.

7. FLAT 5, 9 - 27 FITZ-GEORGE AVENUE, LONDON W14 0SY, AVONMORE, 2024/01923/FUL

An addendum was circulated prior to the meeting that modified the report.

The Committee voted on the officer recommendations for approval as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.

2. That the Director of Planning and Property, after consultation with the Assistant Director of Legal Services 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.

8. **OLYMPIA WAY, HAMMERSMITH ROAD, LONDON, W14 8UX, BROOK GREEN, 2024/01937/FUL**

An addendum was circulated prior to the meeting that modified the report.

Ieuan Bellis provided a presentation. The Architect spoke in support of the application.

The Committee voted on the officer recommendations for approval as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.
2. That the Director of Planning and Property, after consultation with the Assistant Director of Legal Services 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.

9. **THE MATRIX STUDIOS COMPLEX, 91A PETERBOROUGH ROAD, LONDON SW6 3BU, PARSONS GREEN AND SANDFORD, 2024/02343/VAR**

An addendum was circulated prior to the meeting that modified the report.

Roy Asagba-Power provided a presentation which covered the following items:

- Item 5 - THE MATRIX STUDIOS COMPLEX, 91A PETERBOROUGH ROAD, LONDON SW6 3BU, PARSONS GREEN AND SANDFORD, **2024/02343/VAR**
- Item 6 - THE MATRIX STUDIOS COMPLEX, 91A PETERBOROUGH ROAD, LONDON SW6 3BU, PARSONS GREEN AND SANDFORD, **2024/02395/FUL**

The Applicant spoke in support of both applications (Items 5 and 6).

The Committee voted on the officer recommendations for approval as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant planning permission subject to the conditions listed below.
2. That the Director of Planning and Property, after consultation with the Assistant Director of Legal Services 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

10. THE MATRIX STUDIOS COMPLEX, 91A PETERBOROUGH ROAD, LONDON SW6 3BU, PARSONS GREEN AND SANDFORD, 2024/02395/FUL

An addendum was circulated prior to the meeting that modified the report.

The Committee voted on the officer recommendations for approval as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR: Unanimous
AGAINST: 0
NOT VOTING: 0

RESOLVED

1. That the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.
2. That the Director of Planning and Property, after consultation with the Assistant Director of 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 proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

11. CONFIRMATION OF TREE PRESERVATION ORDER T448/10/24, LAND AT MILLER'S COURT, CHISWICK MALL, W4, RAVENSCOURT

Allan Jones provided a presentation. A resident spoke in support of the officer recommendation.

The Committee voted on the officer recommendation to confirm the tree preservation order without modification as follows:

Recommendation 1:

FOR Unanimous
AGAINST: 0
NOT VOTING: 0

RESOLVED

1. That the Tree Preservation Order T448/10/24 be confirmed without modification.

Addendum

Meeting started: 7.00 pm
Meeting ended: 9.21 pm

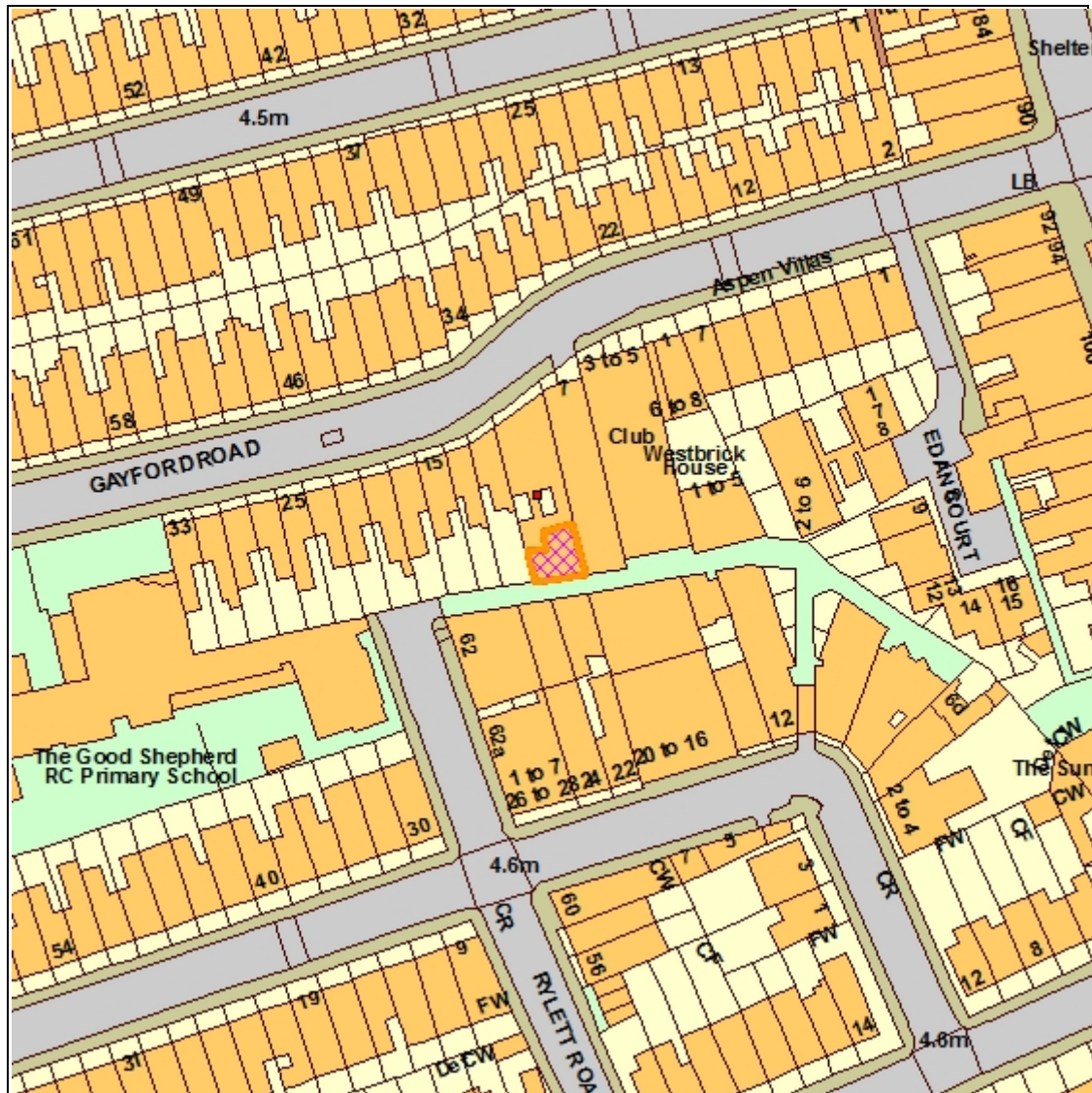
Chair

Contact officer: Charles Francis
Committee Co-ordinator
Governance and Scrutiny
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Ward: Wendell Park

Site Address:

28 Wendell Mews London W12 9BG



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For identification purposes only - do not scale.

Reg. No:
2023/02152/FUL

Case Officer:
George Shakir

Date Valid:
18.08.2023

Conservation Area:

Committee Date:
04.03.2025

Applicant:

Mr Daniel Coyle
28 Wendell Mews London W12 9BG

Description:

Erection of a new lean-to roof over the existing terrace to the rear at first floor level to form a habitable room; erection of a staircase enclosure and erection of 1.7m obscure glazing around part of the roof of the main building, in connection with formation of a roof terrace; replacement of existing obscure glazed windows with new half obscure glazed windows at first floor level to the front elevation.

Drg Nos: Refer to Condition 2

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve, that the Director of Planning and Property be authorised to grant planning permission subject to the conditions listed below.
- 2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director of Legal Services 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.

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 be carried out and completed in accordance with the following approved drawings; other than where those details are altered pursuant to the conditions of this planning permission:

SK01b
SK02

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

- 3) The development hereby approved shall be carried out and completed in accordance with the materials details (including colour and finish) specified below:

Stairwell bulkhead : light grey zinc/aluminium cladding

Window: Aluminium framed to match existing

Walls: London Stock Brick to match existing

The development shall be permanently retained in accordance with the approved details. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

- 4) The terrace hereby approved shall not be first used until the privacy screening has been installed as shown on approved drawing no. (SK01b and SK02). The privacy screen shall achieve a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3 and shall have a height of 1.7m above the finished floor level of the terrace along the north/south/west elevations. The privacy screen shall thereafter be permanently retained as approved.

To protect the amenities of neighbouring occupiers in terms of overlooking and privacy in accordance with Policy HO11 of the Local Plan (2018).

- 5) Other than the area shown as a terrace on the approved plans no part of the remainder of the roof shall be converted into or used as a terrace or other open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the remaining roof. No railings or other means of enclosure shall be erected around the remaining roof and no alterations shall be carried out to the property to form an access onto this roof.

Such a use would be detrimental to the amenities of neighbouring properties by reason of overlooking and loss of privacy and potential noise and disturbance, contrary to Policies CC11 and HO11 of the Local Plan (2018).

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

It is considered that such structures would seriously detract from the appearance of the building, contrary to Policies DC1 and DC4 of the Local Plan (2018).

- 7) Prior to the occupation of the development hereby permitted, the lower half of the windows at first floor level in the front elevation (see drawing SK02) shall be fitted with frosted glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, and shall be non-opening and fixed shut up to a height of 1.7m above the finished floor level. The windows shall thereafter be permanently retained as approved.

To protect the amenities of adjoining occupiers in terms of privacy and overlooking in accordance with Policy HO11 of the Local Plan (2018).

- 8) No external air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting shall be fitted to the exterior of the building unless otherwise shown on the approved drawings.

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, DC4 and HO11 of the Local Plan (2018).

- 9) The development hereby approved shall only be used as a single dwellinghouse falling within use Class C3. The resulting property shall not be used as a house in multiple occupation falling within Class C4 of the Town & Country Planning (Use Classes) Order 1987 (as amended).

The use of the property as a house in multiple occupation rather than as a single residential unit, 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, HO11 and HO8 of the Local Plan (2018).

Justification for Approving the Application:

- 1) The proposals would be of an acceptable appearance, and would not harm the character or appearance of the area. Subject to conditions the proposals would not have an unacceptable impact on the amenities of any neighbouring properties. In these respects, the proposals comply with Policies DC1, DC4, HO11, CC11 and CC13 and relevant Key Principles 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: 16th August 2023
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2024
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:

9 Gayford Road London W12 9BY	22.02.24
4 St Peter's Square London W6 9AB	28.12.24
9A Gayford Road London W12 9BY	26.02.24
Flat 3, 3A Felgate Mews London W6 0LY	21.02.24
Flat 3, 3A Felgate Mews London W6 0LY	20.12.24
56 Bath Road London W4 1LH	21.02.24
4 St Peter's Square London W6 9AB	23.02.24
9 Gayford Road London W12 9BY	06.01.25
9 Gayford Road London W12 9BY	22.02.24
9 Gayford Road London W12 9BY	19.02.24
9 Gayford Road London W12 9BY	19.02.24
2 Milliners House Eastfields Avenue London SW18 1LP	23.02.24
2 Putney Hill London SW15 6AB	13.10.23
9 Gayford Road London W12 9BY	14.09.23
9A Gayford Road London W12 9BY	19.09.23
4 St Peter's Square London W6 9AB	05.03.24
4 St Peter's Square London W6 9AB	14.09.23

OFFICER'S REPORT

1.0 SITE DESCRIPTION

- 1.1 The application site is a two-storey, mid terrace, single dwelling located at 28 Wendell Mews. The site is not located within a conservation area, it does not contain a Listed Building nor a locally listed Building of Merit.
- 1.2 The site was originally a laundry, and was redeveloped to provide 2 x 4 bedroom houses (9 and 9A Gayford Road) and a 2 bedroom house (28 Wendell Mews).
- 1.3 The site is located with Flood Risk Zone 2 and 3 and has a PTAL rating of 1b.

2.0 RELEVANT PLANNING HISTORY

- 2.1 2012/00762/FUL - Demolition of all existing buildings on site and redevelopment of the site by the erection of 2x 4 bedroom dwelling houses fronting Gayford Road and the erection of 1x 2 bedroom mews house to the rear. Approved 01.06.2012.
- 2.2 2020/00601/FUL - Erection of an additional floor with three rear windows at roof level. Approved on 30.04.2020 but not constructed. This planning permission has now lapsed.

3.0 PROPOSAL

3.1 The current application seeks planning permission for:

- Erection of a new lean-to roof over the existing terrace at first floor level to form a habitable room;
- Erection of 1.7m high opaque glazed privacy screening around part of the flat roof of the existing building at second floor in connection with the formation of a roof terrace;
- Erection of an extension at roof level to provide staircase access to the proposed roof terrace;
- Replacement of existing obscure glazed windows with new half obscure glazed windows at first floor level to the front elevation

3.2 The application has been revised during the course of the application to reduce the size of the roof extension from spanning the entire roof area to instead providing a small staircase enclosure; and the introduction of a terrace and associated screening at roof level. The existing terrace at first floor level would now be enclosed to provide additional internal habitable space.

4.0 CONSULTATIONS

4.1 Under the original submission, twenty- eight (28) surrounding properties were notified of the proposal via letter (August 2023), in addition the scheme was publicised by means of a press and site notice.

Eleven (11) representations were received under the original submission, from five addresses, raising the following concerns:

- The previous planning approval was an error of judgment decided during COVID lockdown
- The proposal is an overbearing structure, and will negatively impact outlook, and privacy of neighbouring dwellings severely impacting residential amenity creating a sense of enclosure.
- The scale, bulk and height of the current Mews house as built remains appropriate,
- The larger bulk and mass of the two new houses on Gayford Road and the smaller mass of the new Mews house on Wendell Mews reflect good urban design, with an appropriate rhythm from back to front.
- The application should include a daylight sunlight and overshadowing study in accordance with the BRE guidelines (BR 209, 2022 Edition)
- There is no roof terrace at 28 Wendell Mews and one was expressly prohibited in connection with the planning application approved in 2020 (2020/00601/FUL).
- The revised development scheme relates to an entirely different set of proposals to those validated in August last year yet bear the same planning application reference number.
- The nature and scale of the proposed changes warrant the submission of a new application to ensure proper public consultation and review.
- The plans are insufficient in details
- The gazebo and "opaque glazed privacy screening" are also likely to impact the light to the terraces and properties.

- Letters from Hammersmith and Fulham were not received in a timely manner
- The proposal will negatively impact neighbours light and privacy
- The proposal will generate noise pollution
- The proposed structure at second floor level extends some 2.4m above the existing roof surface will dominate the southerly sky-scape views from the windows from multiple habitable rooms in the surrounding area
- The proposed terrace and 'gazebo' and associated structures will also impact the important exterior amenity spaces in the surrounding area. Specifically, it will create and exacerbate a feeling of enclosure and will reduce access to sunlight.
- The second-floor terrace will form the only outside space if the council allows the existing outdoor space at first floor level to be enclosed. The terrace will provide commanding views over the outside space for the adjacent properties. It will also offer views into the windows of the adjacent properties at ground and first floor levels.
- As it is the only outside space for the property and with the proposed gazebo it is likely that this terrace will be in regular use which will be un-neighbourly, and it is inevitable that there will be overlooking and subsequent amenity harm as the proposed glazing will be insufficient to shield neighbours from noise and the feeling and risk of being overlooked.
- This proposed second floor roof terrace appears to be contrary to Policy 8 (Protection of Amenities) of the Supplementary Planning Document which states (iii) Planning 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.

4.2 In response to concerns raised the proposals were amended as per para. 3.2 above, however with the inclusion of a gazebo at roof level. Neighbouring properties were reconsulted. Twenty- nine (29) surrounding properties were notified of the proposal via letter (February 2024), and a site notice and a press notice were also issued.

Six (6) representations were received from five addresses raising the following concerns:

- The proposal is an overbearing Structure, affecting outlook, and privacy
- The additional floor will compound the sensation of our being boxed in.
- A Daylight Sunlight and Overshadowing study needs to be performed on behalf of the applicant to assess the likely significant effects of the proposed 28 Wendell Mews extension to the habitable rooms, courtyard and terrace of 9A Gayford Road.
- Loss of residential amenity - properties in Gayford Road.
- The increase in height of the terrace walls shown on the "North (rear) Elevation-proposed" section will create and exacerbate a feeling of enclosure to the existing and regularly enjoyed amenity spaces and terraces to 9A Gayford Road
- The proposed terrace and new stairs and related structures will also impact the important exterior amenity spaces to the first floor terraces to 9 and 9A Gayford Road and the garden to 11 Gayford Road.
- The already illegally replaced windows to the first floor elevation to Wendell Mews create the risk of overlooking and loss of privacy to adjoining properties.

4.3 A further round of consultation was undertaken in November 2024 to notify neighbouring properties (by letter) of a revised description, and the removal of the gazebo from the proposed development.

Five (5) representations were received from five addresses raising the following concerns:

- Noise from the terrace
- Residential Amenity: loss of light and privacy
- Traffic or Highways: traffic congestion on an already busy road that is used for access to 3 local junior schools
- Legality of multiple revisions
- The changes in this application have not made any material change to the quality of the application

4.4 Officer response:

- The revised application differs significantly from the previous planning approval 2020/00601/FUL and the original submission. Specifically, the additional floor at roof level was removed.
- The revised application was readvertised, and new notices of the proposal were resent to the surrounding properties as required.
- The revised application was a reduction in scale and massing in comparison to the original application; therefore it was considered that a new application was not required, and neighbouring properties were notified of the proposed changes.
- The proposal's impact upon neighbouring amenity have been assessed in the 'planning considerations' section of this report.
- Whilst Officers recognise that construction works will result in noise and disturbance for surrounding occupants, issues relating to noise and disturbance from building works is covered by separate environmental health legislation, rather than planning legislation. Officers note that a condition will be attached requiring construction works to commence within 3 years from the date of the decision notice.

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.

6.0 PLANNING CONSIDERATIONS

6.1 The following considerations are most relevant to the assessment of the current planning application:

- The proposal's impact upon the character and appearance of the application property and surrounding area
- The proposal's impact upon the amenity of surrounding residents/occupants.

DESIGN AND VISUAL AMENITY

- 6.2 Paragraph 131 of the National Planning Policy Framework [NPPF] (2024) specifies that the creation of high quality, beautiful and sustainable 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.
- 6.3 Policy D3 (Design), of the London Plan 2021 states that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
- 6.4 Policy DC1 of the Local Plan (2018) notes that all development should seek to create a high-quality urban environment which respects and enhances its townscape setting, whilst Policy DC4 notes that all alterations and extensions to existing buildings should be a subservient addition to the parent building and compatible with the scale and character of existing development, neighbouring properties and their settings.
- 6.5 The application site is a two-storey, mid terrace, single dwelling located at 28 Wendell Mews. The site is not located within a conservation area, it does not contain a Listed Building nor a locally listed Building of Merit. The existing dwelling consists of two bedrooms and two bathrooms on the ground floor and an open plan kitchen, dining and living room on the first floor. An enclosed terrace is also on the first floor serving as outdoor amenity space for the dwelling. The walls enclosing this terrace are approximately 3M in height and act as an effective buffer between the amenity area and the surrounding neighbouring properties. The existing dwelling has a flat roof that has four solar panels that sit below the roof parapet.
- 6.6 The application proposes to enclose the existing first floor outdoor amenity space by adding a pitched roof to the existing terrace walls. This will add 15 square metres of gross internal area to the dwelling. Two new rooflights are proposed to the pitched roof; no new windows are proposed to the existing external walls of the existing terrace. Officers note that the footprint of the dwelling will remain the same.

- 6.7 The application also proposes a new outdoor amenity space in the form of a rooftop terrace. The proposed terrace will be accessed via a new stairwell enclosure located on the eastern side of the existing roof. The stairwell enclosure has a roof that slopes in response to the stairwell it is sited over, thus minimizing its bulk and visual impact. At the maximum height, a minor portion of the roof of the enclosure is flat. 1.7m high opaque glazed balustrades project off of the enclosure creating a 15 square metre roof terrace. The 1.7m high opaque glazing is set back from the roof edges it is sited upon; 1.5M from the rear (north) elevation; 2M from the flank (west) elevation and 0.6M from the front (south) elevation. The existing four solar panels will be relocated to the westernmost portion of the flat roof and will remain below the roof parapet.
- 6.8 The pitched roof to the existing amenity area is minimal in scope and appearance, helping to reduce the visual impact of the proposal. It is considered to be compatible with the character of the property and is therefore deemed to be appropriate and visually acceptable. The design, material and layout of the proposed staircase enclosure would respect and complement the existing building, and would reflect similar development within Wendell Mews (Westbrick House to the east), and is therefore deemed to be appropriate and visually acceptable.
- 6.9 The proposed 1.7M high glass balustrade has obscure glazing in order to ensure privacy between the proposal and the surrounding dwellings while also allowing light to pass through. It is the Council's preferred design for terrace screening and would be compatible with the character of the property and is therefore deemed to be appropriate and visually acceptable.
- 6.10 Finally new casement windows are proposed to the first floor front elevation. The new windows will be frosted on the bottom half. The replacement windows match what is existing in terms of opening size and siting and therefore are in keeping with the aesthetic and character of host building. Officers are satisfied that the replacement windows would be of an acceptable visual appearance and would preserve the character of the building.
- 6.11 Officers are satisfied that the proposals would be of both an acceptable scale and appearance and would be well integrated with the original architecture and compliant with the NPPF (2024), Policies D6 of the London Plan (2021), Policies DC1 and DC4 of the Local Plan (2018)

7.0 IMPACT UPON NEIGHBOURING AMENITY

- 7.1 Local Plan Policy HO11 states that proposals 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.
- 7.2 Policies DC1 and DC4 require all proposals for alterations and extensions to be formulated to respect the principles of good neighbourliness. Planning Guidance SPD Housing Key Principles 6, 7 and 8 support Local Plan Policy HO11 and set out a more detailed means of assessment.

- 7.3 The area of Wendell Mews surrounding the application site is mixed in nature, consisting of residential properties to the north, a nursery/preschool school to the east and a residential dwellings on the opposite side of Wendell Mews. The replacement windows on the front (south) elevation match what exists in regard to opening size and location and therefore would not result in any additional views and would not cause a loss of privacy to the residential dwellings on the opposite side of Wendell Mews . The proposed terrace is setback 600mm from the front elevation, due to the uses of the neighbouring Wendell Mews properties the proposal is will not have a damaging impact on those properties in terms of loss of light, outlook, sense of enclosure and privacy.
- 7.4 Nos 9 and 9A Gayford Road are sited directly to the north of the application site. No 11 Gayford is sited to the west; the flank elevation of its rear garden abuts the ground floor flank elevation of the application building. The proposed new lean-to roof over the existing terrace is sloped and is a minimal addition to the existing building when viewed from these properties. There will no windows facing the properties on Gayford Road, and therefore no associated loss of privacy. Given the sloping nature and minimal overall height of the lean-to roof Officers consider that the proposal would not have a detrimental impact on those properties in terms of loss of light, outlook, sense of enclosure and privacy.
- 7.5 The stairwell enclosure and roof terrace would be noticeable to the properties to the north. However, the stairwell enclosure is sited at the eastern most portion of the roof, and is a narrow structure that is angled up from the parapet to its maximum height on the southern side of the property. This is considered to be the location of least impact to Nos 9, 9A and 11 Gayford Road, is also minimal in scale and therefore will not add a significant mass to the building, and the mass that is added is angled away from the Gayford Road properties.
- 7.6 The new terrace would be approximately c.10M away from the opposing elevations of the Gayford Road dwellings. The terrace is screened by 1.7M high obscured glazing, thereby mitigating any overlooking. Given the 1.5 metre setback from the rear elevation, the relatively modest height of the screening and the fact that the glazing would still allow light to pass through officers are of the opinion that the proposal will not impact upon the amenity Nos 9, 9A and 11 Gayford Road in terms of loss of light, outlook and sense of enclosure to such a degree that would warrant a refusal of planning permission.
- 7.7 The proposed roof terrace would in effect replace the existing terrace below at first floor level. As such the principle of external amenity space to this property is already established. The proposed terrace has been designed to comply with the Councils requirements under Key Principle HS8 (no more than 15sqm) to mitigate any potential noise and disturbance to the surrounding neighbours. It is also noted the houses all have private amenity spaces which abut the application site. As such external amenity space is an established form of development in the area. On this basis, it is considered that the proposed terrace would not result in noise and disturbance to such a degree that would sustain a refusal of planning permission.

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 summary, the proposed development would result in one additional room for the application site, together with a small roof terrace at roof level. The scale, massing, design and material finishes would ensure a high standard of design which would preserve the character and appearance of the surrounding area whilst mitigating against detrimental harm to the amenity of surrounding occupants.
- 8.3 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted.

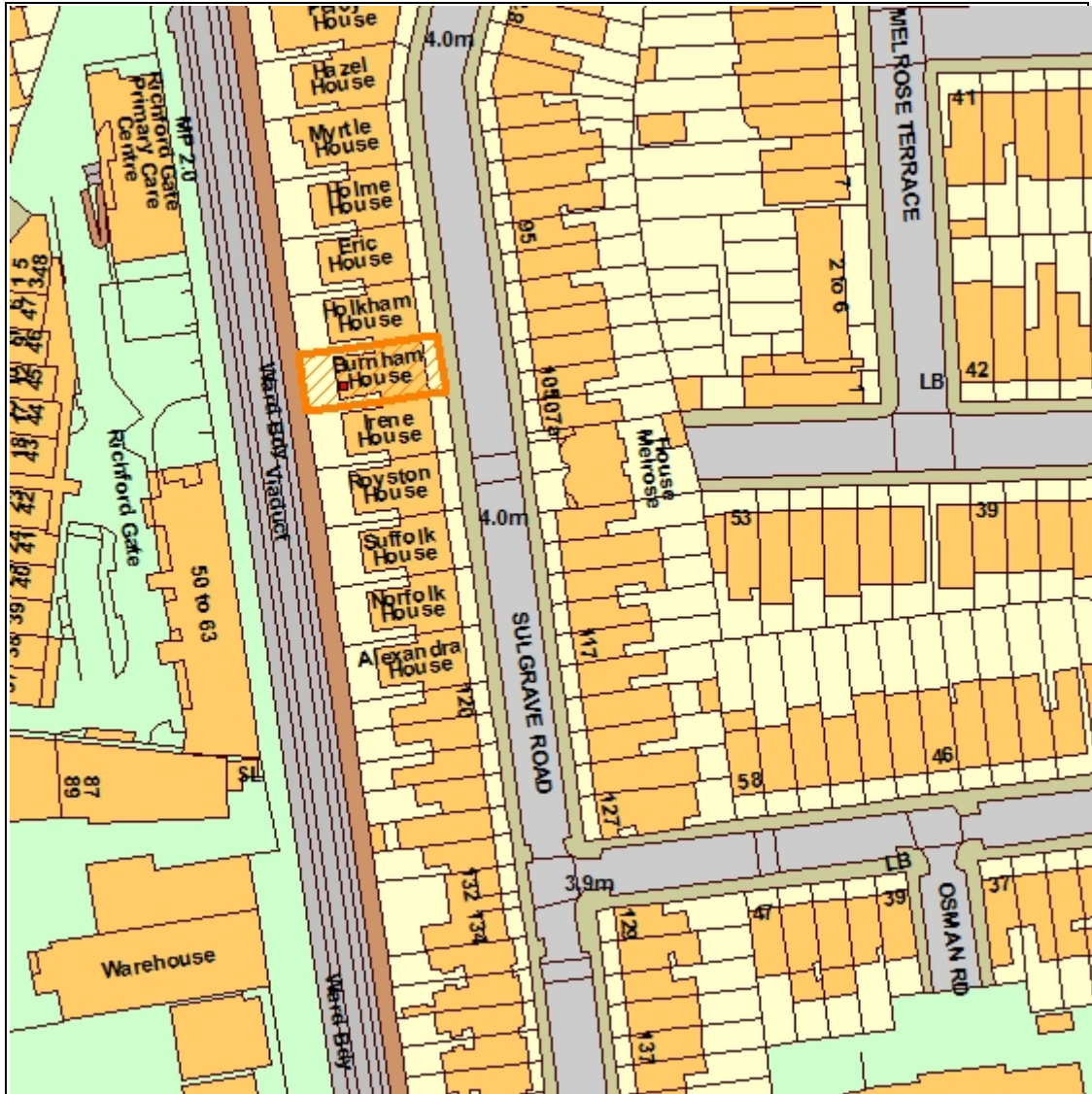
9.0 RECOMMENDATION

- 9.1 Grant planning permission, in line with the recommendations above.

Ward: Addison

Site Address:

Burnham House Sulgrave Road London W6 7QW



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For identification purposes only - do not scale.

Reg. No:
2024/00254/FUL

Case Officer:
Elliot Brown

Date Valid:
12.02.2024

Conservation Area:
Constraint Name: Melrose Conservation Area -
Number 26

Committee Date:
04.03.2025

Applicant:

Logicspirit Ltd.

Willmotts 12 Blacks Road Hammersmith London

W6 9EU

Description:

Erection of a rear roof extension involving an increase in the ridge height by 300mm, in connection with the creation a new self-contained studio flat; alterations to part of the roof of the back addition to incorporate a flat roof and the erection of 1.7m high obscure glazed privacy screening around the resultant flat roof at third floor level to the rear elevation, in connection with its use as a terrace.

Drg Nos: See Condition 2.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve, that the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.
- 2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director of Legal Services 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.

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 hereby permitted shall be carried out in complete accordance with the following approved drawing numbers, other than where those details are altered pursuant to the conditions of this planning permission:

2544-P01 REV A (dated 09.02.2024); 2544-P02 (dated 05.01.2024); 2544-P03 (dated 05.01.2024); 2544-P04 (dated 05.01.2024); Sound Insulation Specification (Ref. 0901241NR, REV 0.0, dated 31.01.2024) prepared by Peak Acoustics Ltd.

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

- 3) The development hereby approved shall be carried out and completed in accordance with the materials (including colour and finish) specified on the drawings hereby approved. The development shall be permanently retained in accordance with the approved details. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

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

- 4) The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:

- Provide construction details on the rear roof extension;

- Provide details on the use of tall plant, scaffolding and lifting equipment;

- Accommodate the location of the existing London Underground structures - the property is adjacent to the open section of TfL's operational railway. To ensure safety of TfL's railway from debris falling during construction or things being thrown post construction, any opening windows, balconies or terraces facing the railway elevation will require prior approval from LU Engineers and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with the London Plan 2021, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 5) Prior to commencement of the development, a noise assessment shall be submitted to the Council for approval of external noise levels, including 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 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.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport and industrial/ commercial noise sources, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 6) Prior to occupation of the development hereby permitted, the installation/commissioning certificates of the Zero Emission MCS certified Electric boiler(s) for the supply of space heating and hot water for the self-contained dwellinghouse (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To ensure adequate levels of air quality for future occupants, in accordance with Policy CC10 of the Local Plan (2018), London Plan (2021) Policy SI 1, and the Council's Air Quality Action Plan.

- 7) Prior to occupation of the development hereby permitted, the installation/commissioning certificates of electric induction stove in the kitchen of the self-contained dwellinghouse (Class C3) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To ensure adequate levels of air quality for future occupants, in accordance with Policy CC10 of the Local Plan (2018), London Plan (2021) Policy SI 1, and the Council's Air Quality Action Plan.

- 8) The terrace hereby approved shall not be first used until the privacy screening has been installed as shown on approved drawing nos. 2544-P01 REV A (dated 09.02.2024), 2544-P02 (dated 05.01.2024), 2544-P03 (dated 05.01.2024) and 2534-P04 (dated 05.01.2024). The privacy screening shall achieve a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3 and shall have a height of 1.7m above the finished floor level of the terrace along the flank elevations of the terrace hereby approved. The privacy screening to the rear elevation of the terrace shall have a height of 1.7m above the finished floor level of the terrace hereby approved. The privacy screening shall thereafter be permanently retained as approved.

To protect the amenities of neighbouring occupiers in terms of overlooking and privacy in accordance with Policy HO11 of the Local Plan (2018).

- 9) Other than the area shown as a terrace on the approved plans no part of the remainder of the roof atop of the existing back addition or atop the rear roof extension hereby approved shall be converted into or used as a terrace or other open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the remaining roof. No railings or other means of enclosure shall be erected around the remaining roof and no alterations shall be carried out to the property to form an access onto this roof.

Such a use would be detrimental to the amenities of neighbouring properties by reason of overlooking and loss of privacy and potential noise and disturbance, contrary to Policies CC11 and HO11 of the Local Plan (2018).

- 10) The refuse, recycling and bicycle storage shall be installed in accordance with the details on approved drawing Nos. 2544-P01 REV A (dated 09.02.2024) and 2544-P02 (dated 05.01.2024) prior to occupation of the self-contained residential unit hereby approved. The refuse, recycling and bicycle storage shall thereafter be permanently maintained for the lifetime of the development.

To ensure a satisfactory provision of refuse, recycling and bicycle storage, in accordance with Policy T5 of the London Plan (2021) and Policy CC7 of the Local Plan (2018).

- 11) In line with achieving an enhanced sound insulation value DnT,w and LnT,w of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures/external terrace areas (LnT,w) separating different types of rooms/ uses in adjoining dwellings, the specifications and recommendations within the Sound Insulation Specification (Ref. 0901241NR, REV 0.0, dated 31.01.2024) prepared by Peak Acoustics Ltd shall be fully implemented prior to occupation of the development hereby approved and thereafter be permanently retained as such.

To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policy D14 of the London Plan (2021) and Policies CC11 and CC13 of the Local Plan (2018).

- 12) The rear roof lights hereby approved shall be conservation style roof lights and thereafter permanently retained in this form.

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

- 13) No water tanks or water tank enclosures shall be erected upon the remainder of the roof atop of the existing back addition or atop the roof of the rear roof extension hereby permitted.

It is considered that such structures would seriously detract from the appearance of the building, contrary to Policies DC4 and DC8 of the Local Plan (2018).

Justification for Approving the Application:

- 1) The proposal would result in the net-gain of one residential unit, contributing towards the Borough's housing targets, whilst ensuring a satisfactory standard of accommodation for future occupants. Furthermore, the proposed alterations to the parent building would be of an acceptable design and appearance and would preserve the character and appearance of the Melrose conservation area and the setting of Hammersmith Grove conservation area. The proposal would mitigate against unduly detrimental harm to the amenity of neighbouring occupants, as well as highways/parking and flood risk. In these respects, the proposal would be compliant with, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 5, 12 and 16 of the National Planning Policy Framework (2024), Policies D6, D12, D14, H1, HC1, T5 and T6 of the London Plan (2021), Policies CC3, CC7, CC10, CC11, CC13, DC1, DC4, DC8, HO1, HO4, HO11, T1, T3 and T4 of the Local Plan (2018) and Key Principles CAG3, HS6, HS7, HS8 and NN3 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: 6th February 2024
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2024
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:
Crime Prevention Design Advisor - Hammersmith
London Underground Limited

Dated:
29.02.24
15.02.24

Neighbour Comments:

Letters from:

Dated:

Flat 2 Burnham House Sulgrave Road London W6 7QW	04.03.24
Norfolk House Sulgrave Road London W6 7QT	06.03.24
4 Hazel House Sulgrave Road W6 7QF	11.03.24
Flat 3 Burnham House Sulgrave Road London W6 7QW	10.03.24
Flat 3 Irene House London W6 7QP	05.03.24
5 Royston House Sulgrave Road London W6 7QR	11.03.24
Flat 1, Hazel House Sulgrave Road London W6 7QF	10.03.24
Flat 1, Hazel House Sulgrave Road London W6 7QF	02.03.24
1 Burnham House London W6 7QW	02.02.25
5 Royston House Sulgrave Road London W6 7QR	10.03.24
6 Burnham House Sulgrave Road London W6 7QW	02.03.24
Flat 5 Burnham House Sulgrave Road London W6 7QW	09.03.24

1.0 SITE DESCRIPTION

- 1.1 On the eastern side of Sulgrave Road is a row of twelve three-storey, double bay fronted, Victorian residential buildings. The names of these twelve buildings going from south to north are as follows: Alexandra House, Norfolk House, Suffolk House, Royston House, Irene House, Burnham House, Holkham House, Eric House, Holme House, Myrtle House, Hazel House and Percy House. The properties are all purpose built as flats.
- 1.2 The current application relates specifically to Burnham House, which accommodates a total of six flats, two per floor. Burnham House is not a Listed Building or a locally listed Building of Merit, although it is situated within the Melrose Conservation Area.
- 1.3 The application site lies within the Environment Agency's Flood Risk Zones 2 and 3.

2.0 RELEVANT PLANNING HISTORY

- 2.1 Officers highlight that there is extensive planning history for the buildings referred to in paragraph 1.1 of this committee report, as outlined below.

2007/00434/FUL - Erection of a rear roof extension on each building (Percy House / Hazel House / Myrtle House / Holme House / Eric House / Holkham House / Burnham House / Irene House / Royston House / Suffolk House / Norfolk House), including an increase in the existing ridge height in each case by up to a maximum of 300mm. The application was granted planning permission on 10.04.2007.

2015/05734/FUL - Erection of rear roof extensions, erection of rear extensions at third floor level over part of the existing back additions in connection with the creation of self-contained studio flats and the formation of roof terraces at third floor level on top of each property: Hazel House, Myrtle House, Holme House, Holkham House, Burnham House, Royston House, Suffolk House and Norfolk House. The application was refused planning permission on 18.07.2016, for the following reasons:

- 1) Excessive density/over development;
- 2) Inadequate cycle and refuse storage;
- 3) Unneighbourly development;
- 4) Visual amenity;
- 5) Noise disturbance resulting from the high-level roof terraces; and
- 6) Absence of sustainable drainage and impact on flooding.

The subsequent appeal (appeal ref. APP/H5390/W/16/3160276) was dismissed on 27.01.2017 solely on grounds of design and character and appearance (Reason for refusal 4). All other reasons for refusal were not upheld by the Planning Inspector.

2.2 In addition to the joint planning history above, there is also planning history relating to individual buildings, as outlined below.

+ Irene House

2014/02692/FUL - Erection of a rear roof extension, involving an increase in the ridge height by 300mm; installation of two rooflights in the front roofslope. The application was granted planning permission on 04.08.2014.

+ Percy House

2015/00344/FUL - Erection of a rear roof extension involving an increase in the ridge height by 300mm including the raising of the party walls and chimney stack and formation of a roof terrace (Amendments to previously approved planning permission ref: 2013/01607/FUL). The application was granted planning permission on 25.06.2015.

+ Eric House

2015/04272/FUL - Erection of a rear roof extension involving an increase in the ridge height by 300mm including the raising of the party walls and chimney stack and formation of a roof terrace (Amendments to previously approved planning permission ref: 2013/01607/FUL). The application was granted planning permission on 25.06.2015.

+ Holkham House

2017/03247/FUL - Erection of a rear roof extension; erection of a rear extension at third floor level over part of the existing back addition; alterations to part of the roof of back addition to incorporate a flat roof and the erection of privacy screen around the flat roof at third floor level to the rear elevation in connection with its use as a terrace. The application was granted planning permission on 17.11.2017.

+ Hazel House

2018/01617/FUL: Erection of a rear roof extension involving an increase in the ridge height by 300mm, in connection with the formation of 1no. self-contained studio flat; removal of part of the pitched roof of the back addition at third floor level to form a roof terrace enclosed with a 1700mm high obscured glazed screen atop part of the back addition; installation of French doors to the rear elevation at third floor level in order to allow access to the proposed roof terrace. The application was refused planning permission on 14.09.2018, for the following reasons:

- 1) Quality of residential accommodation, internal stacking arrangement meant that the amenity of occupiers would be adversely affected by noise and vibration.

2019/00670/FUL - Erection of a rear roof extension involving an increase in the ridge height by 393mm in connection with the creation of 1 x self-contained studio flat; alterations to part of the roof of back addition to incorporate a flat roof and the erection of privacy screen around the flat roof at third floor level to the rear elevation in connection with its use as a terrace. The application was refused planning permission on 01.05.2019, for the following reasons:

- 1) Visual amenity: excessive increase in ridge height (393mm) including a step, and an almost vertical rear roof slope (83 degrees) would be out of keeping with the prevailing pattern of development established throughout the terrace, and would harm the character and appearance of the Melrose Conservation Area; and
- 2) Substandard living environment: noise and vibration due to non-uniform room stacking.

The subsequent appeal (appeal ref. APP/H5390/W/19/3235745) was dismissed on 20.12.2019 solely on grounds of design and character and appearance.

2020/00806/FUL - Erection of a rear roof extension involving an increase in the ridge height by 300mm in connection with the creation of a self-contained studio flat; alterations to the roof of back addition to incorporate a flat roof and the erection of privacy screen around the flat roof at third floor level to the rear elevation in connection with its use as a terrace. The application was refused planning permission on 02.07.2020, for the following reasons:

- 1) Visual amenity: steep rear roof slope out of keeping with the prevailing pattern of development established throughout the terrace, and would harm the character and appearance of the Melrose Conservation Area; and
- 2) Substandard living environment; and 3) Inadequate cycle parking.

2020/02012/FUL - Erection of a rear roof extension involving an increase in the ridge height by 300mm in connection with the creation of a self-contained studio flat; alterations to the roof of back addition to incorporate a flat roof and the erection of privacy screen around the flat roof at third floor level to the rear elevation in connection with its use as a terrace. The application was refused planning permission on 13.11.2020, for the following reasons:

- 1) Substandard living environment;
- 2) Impact to character of conservation area;
- 3) Inadequate cycle parking and refuse storage and
- 4) Impact to residential amenity: noise and vibration due to non-uniform room stacking and inadequate sound insulation.

The subsequent appeal (appeal ref. APP/H5390/W/20/3263632) was allowed on 14.06.2021.

+ Holme House

2021/03992/FUL - Erection of a rear roof extension involving an increase in the ridge height by 300mm in connection with the creation a new self-contained studio flat; alterations to part of the roof of the back addition to incorporate a flat roof and the erection of privacy screens around the resultant flat roof at third floor level to the rear elevation in connection with its use as a terrace. The application was granted planning permission on 11.02.2022.

+ Myrtle House

2022/00833/FUL - Erection of a rear roof extension involving an increase in the ridge height by 300mm in connection with the creation a new self-contained studio flat; alterations to part of the roof of the back addition to incorporate a flat roof and the erection of privacy screens around the resultant flat roof at third floor level to the rear elevation in connection with its use as a terrace. The application was granted planning permission on 07.07.2022.

+ Norfolk House

2023/01255/FUL - Erection of a rear roof extension involving an increase in the ridge height by 300mm in connection with the creation a new self-contained studio flat; alterations to part of the roof of the back addition to incorporate a flat roof and the erection of privacy screens around the resultant flat roof at third floor level to the rear elevation in connection with its use as a terrace; installation of 2no rooflights in the rear roofslope. The application is pending a decision, with an officer recommendation of approval.

+ Royston House

2024/00251/FUL - Erection of a rear roof extension involving an increase in the ridge height by 300mm, in connection with the creation of a new self-contained studio flat; alterations to part of the roof of the back addition to incorporate a flat roof and the erection of 1.7m high obscure glazed privacy screening around the resultant flat roof at third floor level to the rear elevation, in connection with its use as a terrace. The application is currently under consideration.

+ Suffolk House

2024/00252/FUL - Erection of a rear roof extension involving an increase in the ridge height by 300mm, in connection with the creation of a new self-contained studio flat; alterations to part of the roof of the back addition to incorporate a flat roof and the erection of 1.7m high obscure glazed privacy screening around the resultant flat roof at third floor level to the rear elevation, in connection with its use as a terrace. The application is currently under consideration.

3.0 PROPOSAL

3.1 This planning application seeks planning permission for the 'Erection of a rear roof extension involving an increase in the ridge height by 300mm, in connection with the creation a new self-contained studio flat; alterations to part of the roof of the back addition to incorporate a flat roof and the erection of 1.7m high obscure glazed privacy screening around the resultant flat roof at third floor level to the rear elevation, in connection with its use as a terrace'.

3.2 The proposal would also include the provision of refuse, recycling and cycle storage for occupants of the proposed residential studio unit.

4.0 CONSULTATIONS

4.1 48 surrounding properties were notified of the proposal via letter.

4.2 A site notice and a press notice were displayed/published.

4.3 A total of 12 representations have been received, which object to the proposal on the following grounds:

- The proposal would result in the overdevelopment of the application site;
- The proposal would result in an intensification of the existing site, exceeding the density matrix within Table 3.2 of the London Plan (2021), and concerns are raised regarding the quality of the accommodation proposed, particularly in terms of unit size;
- The proposal would fail to preserve or enhance the character and appearance of the Melrose Conservation Area. Notably, the rooflines of 8 of the 12 buildings in the terrace remain unaltered and cohesive in their original form, design and purpose.
- The proposal would result in detrimental harm to the amenity of neighbouring occupants with regard to noise, overlooking/privacy and loss of light;
- The proposal would have a harmful impact upon parking congestion, both as a result of the additional residential unit proposed and via construction vehicles;
- There is insufficient provision for refuse and recycling storage for occupants of the proposed residential unit; and this will exacerbate existing issues of refuse storage provision;

- The provision of cycle parking is not acceptable; this has been shown to be placed in a communal space which is a concern for the whole building, and would not meet the required provision (7 cycle spaces for the whole building);
- The size of the proposed terrace (which is over 11sqm) could hold significantly more than 6 people, as suggested by the applicant, and would be in excess of the 5sqm requirement for a 1-2 person unit set out by the Mayor's Housing SPG. The proposal would therefore result in exposing neighbouring occupants to harmful levels of noise and disturbance;
- The proposal raises fire safety concerns;
- The application should be determined at planning committee;
- The proposal could be viewed from business properties but also by the public and by people in other private residences.
- Previous planning applications for this group of buildings have been refused both by the Council and by the Planning Inspectorate.
- The proposal would result in a reduction to the existing communal hallway space, this would limit both day to day and emergency accessibility for top-floor residents and any future occupant of the proposed residential unit.
- The proposal indicates the removal of a roof-space water tank. There is no information regarding the potential impact of this on water pressure and related plumbing requirements.
- How will the applicant and/or the council be enforcing the commitment that the proposed residential unit be occupied by only one person.
- Neighbouring occupants would be exposed to significant noise, pollution and disturbance associated with construction works, as well as disruption of access and impact upon safety
- Granting planning permission would be inherently irresponsible, based on the lack of commitment to maintaining the existing property portfolio to an adequate standard. Notably, there are existing issues of mould and water ingress within flats and a lack of maintenance to communal areas of the property.
- A studio flat would encourage short-letting such as AirBnB;
- The proposed residential unit would not be accessible for people with mobility issues.
- There are concerns regarding foundations/the structural stability of the property, given its age.
- The proposal could lead to issues of anti-social behaviour
- The freeholder has made no attempt to discuss the plans with any of the owners/residents within the property or neighbouring properties.

- The proposal could impact upon property values.
- An officer site visit should be undertaken.

4.4 Officer response:

- The material planning considerations have been considered and assessed as part of this committee report;
- An officer site visit has been carried out (including internal access to Burnham House);
- Measurements taken from the proposed floor plans indicates that the proposed roof terrace would have a footprint of 9.6sqm;
- A number of matters raised (such as the proposal's impact upon property values, noise and disturbance associated with construction works and foundation/structural stability concerns) would fall outside the scope of planning legislation. Environmental Health legislation and Building Control Regulations would be relevant with regard to noise and disturbance associated with construction works and foundation/structural stability concerns.

External consultee responses

4.5 Design out Crime (Metropolitan Police) - No comments/objections.

4.6 Transport for London (TfL) Infrastructure Protection - No objection, subject to a condition securing the submission of a detailed design and method statement, in consultation with London Underground.

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 (December 2024)

5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2024 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 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 CONSIDERATIONS

6.1 Officers consider that the proposal would raise the following material planning considerations:

- Principle of land use and housing supply;
- Quality of the proposed residential accommodation;
- Design and heritage
- Impact upon neighbouring amenity;
- Highways/parking and refuse/recycling;
- Flood risk;
- Air quality;
- Fire safety;
- Biodiversity Net Gain.

PRINCIPLE OF LAND USE AND HOUSING SUPPLY

+ Land use

6.2 Burnham House currently contains six self-contained residential units. The proposal would result in the net-gain of one residential unit, and accordingly, would be compatible with the existing land use.

+ Housing supply

6.3 The provision of housing is a significant issue, with paragraph 60 of the National Planning Policy Framework (NPPF, 2024) outlining that local planning authorities should seek to significantly boost the supply of housing. This need for housing is recognised within Policy H1 of the London Plan (2021), with Table 4.1 of this Policy outlining that a minimum of 1,609 new residential dwellings should be provided per year within the Borough of Hammersmith and Fulham up to 2029. Policy HO1 of the Local Plan (2018) specifies that H&F will seek to provide at least 1,031 new residential dwellings up to 2035.

6.4 The proposal would result in the net-gain of one self-contained dwelling, which would contribute towards the Borough's housing supply targets. Accordingly, the provision of residential accommodation would be considered acceptable in principle, consistent with Paragraph 60 of the NPPF (2024), Policy H1, Table 4.1 of the London Plan (2021) and Policy HO1 of the Local Plan (2018).

QUALITY OF THE PROPOSED RESIDENTIAL ACCOMMODATION

6.5 Policy D6 of the London Plan (2021) places a significant focus on internal space standards for dwellings, and seeks to ensure that all new housing are of a high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and offer the potential to be occupied over time by households of all tenures.

6.6 The Nationally Described Space Standards (NDSS) is also relevant with regard to internal space standards.

6.7 Policies HO4 and HO11 of the Local Plan (2018) requires all housing to provide a high-quality residential environment and be well designed internally and externally.

+ Internal space standards (unit size and finished floor to ceiling height)

6.8 The proposal would involve the creation of new residential floorspace, and accordingly officers consider that the proposed residential unit should be assessed against the unit sizes outlined within Policy D6 of the London Plan (2021) and the NDSS (2015).

- 6.9 The proposed residential unit would be in the form of a 1-person open plan studio unit. Policy D6 of the London Plan (2021) and the NDSS (2015) requires a 1-person residential unit to have a minimum gross internal area (GIA) of 37sqm, including at least 1sqm of built-in storage space. Furthermore, the NDSS (2015) requires a minimum finished floor to ceiling height of 2.3m for at least 75% of the GIA of the proposed residential unit. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, Policy D6 of the London Plan (2021) requires a minimum finished floor to ceiling height of 2.5m for at least 75% of the GIA of the proposed residential unit.
- 6.10 As specified within the 'existing and proposed uses' section of the submitted application form and as measured on the submitted floor plans, the proposed residential unit would measure 37sqm, including 1sqm of built-in storage space. Whilst officers acknowledge that the 2.3m finished floor to ceiling height does not meet the 2.5m requirement of Policy D6 of the London Plan (2021), the Mayor's Housing Supplementary Planning Guidance does state that 'failure to meet one standard would not necessarily lead to an issue of compliance with the London Plan, but a combination of failures would cause concern'.
- 6.11 In this case, the proposed residential studio unit has sufficient floorspace and would be appropriately arranged with a single multifunctional space to enable it to be used as flexibly as possible. Together with the compliance with other residential standards in respect of light, outlook and private amenity space (discussed below), the proposal is considered to provide an acceptable internal and external residential environment for a studio flat, in line with the objectives of the above policies.
- 6.12 Furthermore, officers highlight that a similar application at Hazel House, Sulgrave Road (application ref. 2020/02012/FUL) was allowed on appeal by the Planning Inspectorate. In Paragraph 9 of that Appeal Decision (dated 14 June 2021), the Planning Inspector stated, in reference to that scheme providing a 2.3m finished floor to ceiling height rather than a 2.5m finished floor to ceiling height, that 'while the floor to ceiling height would be 20cm lower than the minimum standard, the living accommodation would still feel spacious, light and airy to its occupiers. As such, I am unable to share the concerns of the Council and several objectors that the proposed accommodation would feel cramped or too confined'. On this basis, withholding planning permission on the failure to meet the 2.5m finished floor to ceiling height alone would not be considered justifiable.

+ Light, outlook and privacy

- 6.13 Policy HO4 of the Local Plan (2018) specifies that new housing should provide a high-quality residential environment and be well designed internally and externally. Policy HO11 of the Local Plan (2018) specifies that the Council will ensure that the design and quality of all new housing, including new build, conversions and change of use, is of a high standard that meets the needs of future occupants. Outlook and light will be important considerations in relation to this.

6.14 The levels of light and outlook the proposed studio would receive is considered acceptable. Whilst single aspect, the studio fenestration would be at roof level, facing east and covering a large proportion of the rear elevation of the roof extension. In terms of privacy, no properties are located to the rear of Burnham House to overlook the proposed studio (as the rear elevation faces onto railway lines). The proposed roof terrace would be enclosed by 1700mm obscure glazed screens to the sides which would prevent overlooking of the private space from neighbouring properties.

+ External amenity space

6.15 Policy D6 of the London Plan (2021) outlines that where there are no higher local standards in the borough development plan documents, a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings, and an extra 1sqm should be provided for each additional occupant. Key Principle HS1 of the Planning Guidance SPD (2018) specifies that all new dwellings should have access to an area of amenity space, appropriate to the type of housing being provided.

6.16 The proposed development would involve the removal of part of the pitched roof of the back addition to form a roof terrace enclosed by 1700mm high obscure glazed screens to the sides. The roof terrace would be accessible to the flat through French doors to the rear elevation of the rear roof extension. The proposed roof terrace (9.6sqm, as measured on the proposed floor plan) would be in excess of the minimum 5sqm requirement specified by Policy D6 of the London Plan (2021). As such, it is considered that the proposed development would provide sufficient external amenity space for future occupants of the proposed residential unit. The use of the roof terrace and the impact on residential amenity is considered later in the report.

+ Noise

6.17 Policy CC11 (b) of the Local Plan (2018) specifies that housing, schools, nurseries, hospitals and other noise sensitive development will not normally be permitted where the occupants/users would be affected adversely by noise, both internally and externally, from existing or proposed noise generating uses.

6.18 The Council's Environmental Protection team have reviewed the proposal, and they have highlighted that due to the proximity of the application site to the Hammersmith and City Tube line to the rear of the site, a pre-commencement condition relating to a noise assessment (including reflected and re-radiated noise) would be considered necessary to ensure that future occupants of the proposed residential unit. The applicant has agreed to the imposition of this condition in writing, and accordingly officers are satisfied that the proposal could mitigate against future occupants from being exposed to harmful levels of noise and disturbance, in accordance with Policy CC11 of the Local Plan (2018).

6.19 Officers note that the proposal's potential impact on the levels of noise and disturbance neighbouring occupants would be exposed to will be assessed in the 'impact upon neighbouring amenity' section of this committee report.

DESIGN AND HERITAGE

- 6.20 Paragraphs 135 and 139 of the National Planning Policy Framework (NPPF, 2024) specify that development should be visually attractive as a result of good architecture and be sympathetic to local character and history and permission should be refused for development that is not well designed.
- 6.21 Paragraph 212 of the NPPF (2024) specifies 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 215 of the NPPF (2024) sets out that where a development 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.
- 6.22 Policy HC1 of the London Plan (2021) specifies 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. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 6.23 Policy DC1 of the Hammersmith and Fulham Local Plan (2018) notes that all development should seek to create a high-quality urban environment which respects and enhances its townscape setting, whilst Policy DC4 notes that all alterations and extensions to existing buildings should be a subservient addition to the parent building and compatible with the scale and character of existing development, neighbouring properties and their settings. Policy DC8 specifies that applications affecting designated heritage assets will only be permitted if the significance of the heritage asset is preserved and/or enhanced.
- 6.24 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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.'
- 6.25 The application site is situated within the Melrose conservation area, and the site does not contain a Listed Building or a locally listed Building of Merit. The significance of the Melrose conservation area, is largely owing to its rapid development and evolution during the late 1800s to form a series of residential terraces. Paragraph 6.9 of the Melrose conservation area character profile (CACP) outlines that the design of any rear roof extension should be sympathetic to the character of the conservation area. Where they are visible from the street, including long views, then particular attention will need to be paid to their appearance.

- 6.26 Rear main roof extensions are a common and established form of development to this type of property not only within this terrace, but also within the Melrose conservation area and the wider borough. The proposal would increase the ridge height of the main roof by 300mm, and introduce a mansard style roof, with a flat roofed element and rear roof slope of 70 degrees. The extension would also introduce a centralised flat roofed element incorporating windows and a door providing access to a rear roof terrace. This would be consistent with rear roof extensions approved and built within the subject terrace at Irene House (Ref.2014/02692/FUL), Eric House (Ref.2015/04272/FUL), Percy House (Ref.2015/00344/FUL) and Holkham House (Ref.2017/03247/FUL), as well as with the rear roof extension recently allowed on appeal at Hazel House (Ref. 2020/02012/FUL) and that subsequently granted planning permissions at Holme House (Ref: 2021/03992/FUL) and Myrtle House (Ref. 2022/00833/FUL). On this basis the proposed roof extension would be in-keeping with the character and appearance of the application building and the subject terrace.
- 6.27 The proposed roof terrace, on top of the back addition, would be limited in area to 9.6sqm (as measured via the submitted drawings) and would be similar in appearance, to terraces/ glazed screens which already exist in the terrace at Percy House, Eric House and Holkham House, as well as to the terraces recently allowed at Hazel House, Holme House and Myrtle House (references quoted above).
- 6.28 Given the limited extent of visibility of the proposals, and limited impact upon the street environment of Sulgrave Road; coupled with the established principle of such development within this terrace, the development is not considered to result in any harm to the conservation area. The proposals would preserve the character and appearance of the property, the subject terrace and the Melrose Conservation Area. The proposed development would also not have any adverse impacts upon the setting of Hammersmith Grove conservation area to the west of the site, as the rear elevation and roofscape of the application property is not prominent or visible in extensive views within the adjacent conservation area.
- 6.29 In view of the above, the design and appearance of the proposals at roof level are considered acceptable. The proposals are in keeping with character and appearance of the subject building and the terrace of which it forms a part of, and would not harm the character or significance of the Melrose conservation area, or the setting of the Hammersmith Grove conservation area. Materials are secured by a condition.
- 6.30 Furthermore, officers highlight that a similar application at Hazel House, Sulgrave Road (application ref. 2020/02012/FUL) was allowed on appeal by the Planning Inspectorate. In Paragraph 19 of that Appeal Decision (dated 14 June 2021), the Planning Inspector stated, with regard to the design of the proposal and its impact upon the character and appearance of the Melrose Conservation Area, that 'To my mind, the proposal would not necessarily manifest itself significantly differently than the existing residential use of Hazel House insofar as the character and appearance of the local area is concerned. The proposed roof alterations are modest in scale and acceptable in visual terms, and also in keeping with the character and appearance of the host property. As such, Hazel House and the terrace of which it forms part would continue to add to the significance of the CA as a heritage asset. Consequently, the character and appearance of the CA would

be preserved'.

- 6.31 Officers have assessed the impact of the proposal on the 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 (2024) and strategic local policies on the historic environment and urban design.
- 6.32 The proposed development is also considered acceptable in accordance with Sections 12 and 16 of the NPPF (2024), Policy HC1 of the London Plan (2021) and Policies DC1, DC4 and DC8 of the Local Plan (2018).

IMPACT UPON NEIGHBOURING AMENITY

- 6.33 Policy HO11 of the Local Plan (2018) specifies that any proposal should ensure an acceptable impact upon the amenity of neighbouring residential occupants, especially with regard to outlook, privacy, daylight/sunlight and a sense of enclosure.
- 6.34 Key Principles HS6, HS7 and HS8 of the Planning Guidance SPD (2018) provide guidance on how proposals should mitigate against detrimental harm to the amenity of neighbouring occupants, in regard to a loss of outlook, privacy and noise levels.
- 6.35 In this case, the key considerations are the impact to the six existing flats within Burnham House, and to the flats within the adjoining mansion blocks of Holkham House and Irene House. No residential properties would be located to the rear of the proposed development.

+ Daylight and sunlight

- 6.36 The proposed development would not result in undue harm to daylight/sunlight levels. Notably, the bulk of the proposed development would be contained within the main roof of the parent building, and the proposed terrace screening would consist of obscured glass, which would still allow light through to neighbouring properties. Overall, the proposal would not be considered detrimental to the amenity of neighbouring occupants, with regard to outlook, light and a sense of enclosure.

+ Outlook

- 6.37 The proposed development would not result in undue harm to outlook. No residential properties would be located directly to the rear of the proposed development, with the Hammersmith and City Tube line beyond the rear boundary of the application site. Furthermore, because the bulk of the rear roof extension would be contained to the main rear roof slope of the parent building and would not extend over the existing back addition, this element of the proposal would not be visible from the existing windows serving the existing six residential units within Burnham House, and would not result in detrimental harm to the amenity of neighbouring occupants when viewed from the back addition windows serving Holkham House and Irene House.

6.38 The proposed screens on top of the back addition, serving the terrace, would be no higher than the existing ridge height of the back addition, would have a modest projection, and would be set back by over 1m from either side elevation. Together with the lightweight and largely transparent material, it is not considered the screens would cause undue harm to outlook to the windows contained within the main building and back additions of both Holkham House and Irene House either side of the subject building, in accordance with Key Principle HS7 of the Planning Guidance SPD (2018).

+ Privacy

6.39 Key Principle HS7 (iii) of the Planning Guidance SPD (2018) specifies that any new windows should be positioned at least 18m away from existing habitable room windows, measured by an arc of 60-degrees taken from the centre of the proposed new window to ensure there is no loss of privacy. If this standard cannot be met, then windows should be designed to ensure that no loss of privacy will occur.

6.40 The proposed development would not result in undue harm. The newly created fenestration would face the railway line to the rear of the site. The proposed terrace would be enclosed by 1.7m high obscure glazed privacy screens to the sides and as such no views would be afforded into the windows of the properties located either side of the subject building (Holkham House and Irene House). The glazing specification is secured by a condition.

+ Noise

6.41 Policy D14 of the London Plan (2021) outlines that in order to reduce, manage and mitigate noise, residential and other non-aviation development proposals should manage noise by, amongst other measures, mitigating and minimising the existing and potential adverse impacts of new development.

6.42 Policies CC11 and CC13 of the Local Plan (2018) specify that all proposed development will be required to demonstrate that there will be no undue detriment to the general amenities enjoyed by existing surrounding occupiers as a result of nuisances (including noise).

6.43 Key Principle NN3 of the Planning Guidance SPD (2018) states that in the design of new residential dwellings (including change of use and conversions), careful consideration should be given to stacking and layout of rooms in relation to adjoining walls, floors and ceilings. To ensure the amenity of occupiers is not adversely affected by noise, the council expects all parts of adjoining dwellings to enhance the sound insulation, including where the adjoining room is of a similar use.

6.44 The proposed residential studio unit would sit above the existing habitable rooms of Flats 5 and 6, which occupy the second-floor level of Burnham House. There is therefore potential for noise transmission between both the new and the existing flats.

- 6.45 Officers highlight that planning permission was refused at Hazel House (Ref. 2020/02012/FUL) for a similar scheme on grounds relating to noise transmission, however this was not supported by the Inspector during the subsequent appeal. In determining the appeal, the Inspector considered the supporting acoustic report and concluded in Paragraph 16 that 'with a suitable condition in place to secure appropriate insulation, as proposed, I conclude that the proposal would not materially harm the living conditions of existing or future occupiers with regard to noise, vibration or general disturbance'.
- 6.46 Separately, as part of the Hazel House Appeal, the Inspector acknowledged that there would be some additional activity associated with an extra resident, such as the general coming and going of people and their visitors to the property. However, the Inspector stated in Paragraph 15 of the Appeal decision that, 'there is no convincing evidence that the additional noise and general disturbance associated with these movements would be so great as to materially harm the living conditions of others'.
- 6.47 The Council's Environmental Protection team have been consulted on the current planning application, and following review, have confirmed that the proposed sound insulation would be compliant with the relevant Building Regulation standards. They therefore raise no objection to the sound insulation specification (Ref. 0901241NR, REV 0.0, dated 31.01.2024) prepared by Peak Acoustics Ltd, subject to a compliance condition being attached to ensure that this is installed prior to occupation of the proposed residential unit.
- 6.48 Key Principle HS8 of the Planning Guidance SPD (2018) specifies that planning permission will not be granted for roof terraces or balconies if the use of the terrace or balcony is likely to cause harm to the existing amenities of neighbouring occupiers by reason of noise and disturbance. Supporting Paragraph 3.16 of the Planning Guidance SPD (2018) specifies that the Council may seek for balconies and terraces to be no bigger than 15sqm to reduce noise and disturbance to neighbours.
- 6.49 The proposed terrace would not exceed the typical guidance on terrace sizes contained within Key Principle HS8 of the Planning Guidance SPD (2018), and accordingly, would be considered to limit the number of people who could occupy the terrace at any one time. This is considered sufficient to prevent neighbouring occupants from being exposed to harmful levels of noise associated with usage of the terrace.
- 6.50 Overall, for the reasons outlined above, the proposal would be considered to mitigate against detrimental harm to the amenity of neighbouring occupants with regard to outlook, light, privacy and noise, consistent with Policy D14 of the London Plan (2021), Policies CC11, CC13 and HO11 of the Local Plan (2018) and Key Principles HS6, HS7, HS8 and NN3 of the Planning Guidance SPD (2018).

HIGHWAYS/PARKING AND REFUSE/RECYCLING

+ Highways/parking

6.51 Policy T1 of the Local Plan (2018) seeks to encourage the provision and use of public transport and bicycles, to improve congestion and air quality within the Borough. Policy T5 of the London Plan (2021) specifies that cycle parking should be fit for purpose, secure and well-located, with the following standards for residential accommodation:

- 1 space per studio unit or 1-person, 1-bedroom dwelling
- 1.5 spaces per 2-person, 1-bedroom dwelling
- 2 spaces per all other dwellings

6.52 Policy T6 (B) of the London Plan (2021) specifies that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport.

6.53 Policy T4 of the Local Plan (2018) specifies that car parking permit free measures will be required on all new development unless evidence is provided to show that there is a significant lack of public transport available.

6.54 Using Transport for London's methodology, the application site has a PTAL 6a rating, indicating excellent public transport accessibility levels. Accordingly, to be compliant with Policy T6 of the London Plan (2021), Policy T4 of the Local Plan (2018) and to prevent an increase in parking stress within surrounding streets, as well as to reduce the impact on air quality which additional car generation would otherwise create, it should be ensured that the proposed residential unit is car parking permit free. The Council's chosen method to ensure car parking permit free development is via a Legal Agreement, and the applicant has confirmed in writing that they are willing to agree a Legal Agreement to secure the proposed residential unit as car free development. Subject to this, officers are satisfied that the proposal would mitigate against harmfully exacerbating any existing levels of parking stress and congestion within the locality, or from impacting on air quality levels. This is considered to be in accordance with Policy T6 of the London Plan (2021) and Policies T4 and CC10 of the Local Plan (2018).

6.55 The current application proposes to locate the cycle storage internally, utilising the under stair communal cupboard in the hallway. Comments received from residents' question whether a bicycle can fit in the space and suggest the storage of the bicycle would obstruct access to the building's meters located inside. Officers highlight that the same internal cycle storage location was proposed as part of planning application ref. 2015/05734/FUL, and whilst that was not deemed acceptable by the Council, this was not supported by the Planning Inspector in determining that appeal (Appeal Decision dated 27.01.2017). The Planning Inspector was satisfied that the use of the space under the stairs for cycle storage was an acceptable solution and accordingly did not uphold that particular reason for refusal.

6.56 Officers note that the proposed cycle storage would provide secure and weather-proof storage and that a similar arrangement was also allowed under the previous appeal at Hazel House (Ref. 2020/02012/FUL), and under Ref. 2022/00833/FUL at Myrtle House. Accordingly, officers raise no objection to this element of the proposal, which is considered to be consistent with Policy T5 of the London Plan (2021).

+ Refuse/recycling

6.57 Policy CC7 of the Local Plan (2018) specifies that all developments should aim to minimise waste and should provide convenient refuse and recycling storage facilities.

6.58 The existing ground-floor plan demonstrates that the existing bin storage is located within the front garden of Burnham House, and this was confirmed during the officer site visit. Annotations on the proposed ground-floor plan specify that one additional bin would be provided for the proposed residential studio unit, and that this would be stored in a similar location to the existing bins. Officers consider that this arrangement would ensure adequate provision for bin storage for future occupants of the proposed residential unit. Accordingly, officers are satisfied that the proposal would be compliant with Policy CC7 of the Local Plan (2018).

FLOOD RISK

6.59 The application site lies within the Environment Agency's Flood Risk Zones 2 and 3, and accordingly a flood risk assessment (FRA) would typically be required by Policy CC3 of the Local Plan (2018). Whilst acknowledged that a FRA has not been submitted as part of this application, officers recognise that the proposal relates to the erection of a rear roof extension to accommodate a residential studio unit. Accordingly, the siting of the proposal is considered sufficient to mitigate against harmfully exacerbating the application site's flood risk.

AIR QUALITY

6.60 NPPF (2024) Paragraph 199 relates to air quality, and states planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan. The council's Air Quality Action Plan 2025-2030 was approved and adopted by the council on the 16th of December 2024.

6.61 The development site is within the borough wide Air Quality Management Area (AQMA) and in an area of existing poor air quality due to the road traffic emissions from Shepherds Bush Road (A219) and Goldhawk Road (A402).

6.62 The Council's Air Quality team have reviewed the application and recommended conditions 6 and 7 to secure details of air quality mitigations to ensure the development is in accordance with Local Plan Policies CC1 and CC10, London Plan Policy SI 1, and the council's Air Quality Action Plan.

FIRE SAFETY

6.63 In the interests of fire safety and to ensure the safety of all building users, Policy D12 of the London Plan (2021) states that 'all development proposals must achieve the highest standards of fire safety'. Part A of Policy D12 specifies that proposals should ensure that they:

- 1) Identify suitably positioned unobstructed outside space:
 - a) for fire appliances to be positioned on
 - b) appropriate for use as an evacuation assembly point
- 2) Are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
- 3) Are constructed in an appropriate way to minimise the risk of fire spread
- 4) Provide suitable and convenient means of escape, and associated evacuation strategy for all building users
- 5) Develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
- 6) Provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

6.64 As required by Policy D12 of the London Plan (2021), a fire strategy statement (dated 01.02.2024) has been submitted as part of this proposal. This outlines how consideration has been given to Part A, criteria 1 - 6 of Policy D12. Officers do also highlight that paragraph 3.12.2 of the London Plan (2021) specifies that 'the matter of fire safety compliance is covered by Part B of the Building Regulations'.

6.65 The proposal has been reviewed by the Council's Building Control Fire Safety & Means of Escape Officer. Their comments confirm that because the proposal seeks to add an additional floor to the building, there is a requirement to improve the means of escape to meet current Building Control standards; which is the reason for the proposed installation of fire doors and glazed screens to create internal fire lobbies. The creation of internal fire lobbies is considered to be a significant improvement to the means of escape for existing and future occupants, and the use of glazed doors is not a concern as long as these meet the required fire-resisting standards. Glazed screens would also have the added benefit of allowing a greater proportion of natural light into the internal landings and staircases.

6.66 The Council's Building Control Fire Safety & Means of Escape Officer has confirmed that all works, materials and installations would be examined during the building control process, and that as part of this, a consultation with the fire service would also be undertaken seeking their observations.

BIODIVERSITY NET GAIN

6.67 Biodiversity Net Gain (BNG) became mandatory for major development proposals from 12th February 2024 and for minor development proposals from 2nd April 2024.

6.68 Officers highlight that the current planning application would be considered a minor development, and that the application was received on 06.02.2024 and validated on 12.02.2024. Accordingly, by reason of the application date preceding the introduction of BNG, the development would be exempt from BNG.

7.0 CONCLUSION

7.1 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.

7.2 In summary, the proposed development would result in the net-gain of one self-contained residential studio unit of satisfactory standard, contributing towards the borough's housing supply targets. Furthermore, the scale, massing, design and material finishes would ensure a high standard of design which would preserve the character and appearance of the surrounding area and designated heritage assets, whilst mitigating against detrimental harm to the amenity of surrounding occupants. Highway impacts would be mitigated via a Legal Agreement (Unilateral Undertaking) to secure car permit free development.

7.3 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted in line with the recommendations above.

8.0 RECOMMENDATION

8.1 Grant permission, subject to conditions and a unilateral undertaking.

Agenda Item 6

Ward: Lillie

Site Address:

15 Eustace Road London SW6 1JB



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For identification purposes only - do not scale.

Reg. No:
2024/02909/FUL

Case Officer:
Robert Cook

Date Valid:
05.12.2024

Conservation Area:

Committee Date:
04.03.2025

Applicant:

Mr. Adrian Bennett

15 Eustace Road London Hammersmith And Fulham SW6 1JB

Description:

Erection of a rear extension at upper ground floor level, on top of the existing back addition; increasing the size of the existing roof terrace at first floor level to the rear elevation by addition of new railings on top of the proposed upper ground floor back addition.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Director of Planning and Property be authorised to grant permission subject to the condition(s) listed below:

That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director of Legal Services 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.

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 hereby permitted shall be carried out in complete accordance with the following approved drawing numbers, other than where those details are altered pursuant to the conditions of this planning permission:

A101 RV-004;

A102 RV-004;

A103 RV-004;

A201 RV-004;

A202 RV-004;

A301 RV-004;

A302 RV-004.

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

- 3) The development hereby approved shall be carried out and completed in accordance with the materials details (including colour and finish) specified below:
- Walls: Brick to match the existing building in terms of brick and mortar colour and bond pattern.
 - Windows and doors: Timber or white UPVC framed, to match the existing.

The development shall be permanently retained in accordance with the approved details.

Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

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

Justification for Approving the Application:

- 1) It is considered that, on balance, the proposal would not have an unacceptable impact on the existing amenities of the occupiers of neighbouring residential properties and surrounding area, and would be of an acceptable visual appearance which would not harm the character of the parent building, terrace or nearby Conservation Area. In this respect the proposal complies with the aims of relevant Policies of the Local Plan (2018) and applicable Key Principles of the Planning Guidance SPD (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 13th November 2024

Policy documents: National Planning Policy Framework (NPPF) 2024
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:

27 Ashcombe Street London SW6 3AW
17 St. Alban's Grove Kensington London W8 5BP
20 Eustace Road London London SW6 1JD

18.12.24
06.01.25
10.12.24

1.0 SITE DESCRIPTION

1.1 The application site relates to a three-storey (plus mansard) mid-terrace property in use as a single family dwelling on the southern side of Eustace Road. The site adjoins, but is not in, the Walham Green Conservation Area which lies to the south. None of the buildings are statutory or locally listed.

2.0 RELEVANT PLANNING HISTORY and ENFORCEMENT HISTORY

2.1 The relevant history includes the following:

2.2 In 1987, planning permission was refused (ref 1987/01548/FUL) for a rear extension at first floor level on the following summary grounds: daylighting and inadequate natural light to land at the rear/13 Eustace Road and an over dominant back addition. The subsequent appeal (T/APP/H5390/A/88/093048/P5) was dismissed and Inspector stated:

'In my opinion the proposed extension would unacceptably reduce the amount of daylight available to the occupants of 13A Eustace Road and because of the bulk of the extension so close to the other building would create an unacceptable feeling of enclosure to other residents. In addition, I would expect the rear bedroom of the appeal property at lower ground floor level to suffer a loss of daylight'.

2.3 In January 2023, planning permission was refused (ref 2022/03107/FUL) for: the erection of an additional floor at roof level, a rear extension at upper ground floor level and a terrace at first floor to the roof of the upper ground floor extension; the installation of a new single door to replace the existing French doors to the rear elevation, infilling of 2 windows and the installation of French doors to the side of rear back addition at lower ground floor level. The application was refused on the following summary grounds:

1. Visual amenity: the proposed additional storey at roof level would be out of keeping with the scale of the host building, the character of the uniformity of the application terrace and the wider street scene.
2. Residential amenity: the proposed rear roof terrace would be unneighbourly

by reason of overlooking and loss of privacy with no adequate screening.

3. Residential amenity: the proposed rear extension would result in a loss of light, outlook and an increased sense of enclosure to No.13.
- 2.4 In August 2024, in determining the subsequent appeal, the Inspector issued a split decision (ref APP/H5390/D/23/3319239). The appeal allowed the additional floor at roof level together with various alterations to doors and windows. However, Inspector dismissed the proposed rear extension at upper ground floor level and terrace at first floor level to of upper ground floor extension. The Inspector concluded that

'...the rear extension at upper floor level would cause unacceptable harm to the living conditions of neighbouring occupiers'.

2.5 The Inspector was 'satisfied that the proposal would not cause a harmful loss of Privacy but considered that 'the rear extension would cause a loss of outlook for occupiers of the lower-ground floor level of No 13 and it has not been demonstrated that there would not also be a harmful loss of light to these occupiers. Taken together, I conclude that there would be unacceptable harm to the living conditions of the occupiers of 13 Eustace Road.'

2.6 During August 2024, it was brought to the attention of the Council that works had commenced on site prior to the submission of any application. The works appeared to involve the erection of a rear extension at upper ground floor level. The Council's Enforcement Officers carried out various site visits in August, September and November 2024; officers advised that the unauthorised works require planning permission and during the last visit, the owner agreed to cease works.

2.7 The current planning application was submitted in October 2024 and seeks retrospective planning permission for the proposed works. Officers visited the site on several occasions during December 2024; the works have ceased. The existing unauthorised structure has been built up to approximately half the total height of the proposed development; the works have been enclosed with a temporary plastic roof.

Concurrent Application

- 2.8 In November 2024, a concurrent planning application (ref 2024/02723/FUL) was submitted for a similar proposal involving the erection of a rear extension at upper ground floor level, on top of the existing back addition; increasing the size of the existing roof terrace at first floor level to the rear elevation by addition of new railings on top of the proposed upper ground floor back addition. The main difference between that application and the current proposals is that the concurrent application includes no windows in the proposed elevations for the proposed rear bedroom at first floor level. The applicant has advised that the concurrent application will be withdrawn from consideration should the current application be approved.

3.0 PROPOSED DEVELOPMENT

- 3.1 The current application seeks partially retrospective planning permission for the erection of a rear extension at upper ground floor level, on top of the existing back addition, with a terrace and associated railings above. The extension would project the full depth of the existing back addition, with brickwork up to a height of 5.7m and include a roof terrace with railings up to 1m high. The extension would incorporate an additional bedroom and W/C.
- 3.2 The proposals closely reflect and follow on from the 2023 refusal of planning permission (Ref 2022/03107/FUL) for a similar proposal for a rear extension at upper ground floor level, on top of the existing back addition, with a terrace and associated railings above. That application was subsequently dismissed on appeal in 2024 (Ref APP/H5390/D/23/3319239) on the grounds of outlook and a lack of daylight and sunlight assessment. The submissions included in the 2023 refusal and subsequent appeal, did not include a Daylight & Sunlight Report; however, the current proposals do include a report which assesses potential loss of light to neighbouring properties.

4.0 CONSULTATION AND NOTIFICATION

- 4.1 Individual notification letters were sent to 10 neighbouring properties. In response, 3 representations were received; including 1 in support and 2 objections. The objections can be summarised as follows:
- Reasons for dismissing previous appeals are not addressed with regard to unacceptable harm to the living conditions of the occupiers of 13 Eustace Road.
 - Similar development at Nos.13 and 17 are historic and should not provide justification for these proposals.
 - No Design and Access statement submitted; plans are insufficient to understand relationship with neighbouring properties
 - Heat issues resulting from limited natural air movement around the site.

Officers Response

- 4.2 The planning history including the relevant appeals, are considered and taken into account as part of the assessment for the current application. While planning decisions are a material consideration, each application is assessed on its own merits.
- 4.3 The submitted proposals meet the validation requirements for planning applications. In respect of the submitted drawings, officers have reviewed the drawings and plans, and these are of sufficient details and accuracy for a planning assessment. In addition, as part of a robust planning assessment, officers have conducted site visits to review the site and its context in detail.
- 4.4 The proposals represent small scale residential development, which officers consider do not represent overdevelopment and would not have a material impact on natural air movement or heat issues.

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 legislation for town planning in England.
- 5.2 Collectively these 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 of the London Plan (2021) and the Local Plan (2018). Other strategic and local supplementary planning guidance, including the 'Planning Guidance' (2018) Supplementary Planning Document (hereafter referred to as 'Planning Guidance' SPD), and other documents from the Council and the Greater London Authority/Mayor of London are also material to the determination of the application.

National Planning Policy Framework (2024)

- 5.4 The National Planning Policy Framework - NPPF (as updated 2024) 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 current London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. 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 role of the development plan is to guide decision making on planning applications and inform investment in social and physical infrastructure. The 'Planning Guidance' (February 2018) and 'Climate Change' (October 2023) Supplementary Planning Documents (SPDs) are also material considerations. These provide supplementary detail to the policies and are organised around key principles.
- 5.8 With regard to this application, all planning policies in the National Planning Policy Framework (NPPF, 2024), London Plan (2021), Local Plan (2018), and

Supplementary Planning Guidance (SPG) / Supplementary Planning Documents (SPDs) have been referenced where relevant.

6.0 PLANNING CONSIDERATIONS

6.1 The main planning considerations in the assessment of this application include the following: -

1. Design and impact upon the character and appearance of the application property and the surrounding area and
2. Impact on neighbouring residential amenity.

DESIGN AND VISUAL IMPACT

6.2 The NPPF recognises that the 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.

6.3 London Plan Policy D1 (London's form, character and capacity for growth) notes that development should have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.

6.4 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".

6.5 Local Plan Policy DC1 (Built Environment) states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets.

6.6 Local Plan Policy DC4 states that the Council will require a high standard of design in all alterations and extensions to existing buildings. In particular, design in all alterations and extensions 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.

6.7 Policy DC8 concerns Heritage and Conservation, and states that 'The council will conserve the significance of the borough's historic environment by protecting,

restoring and enhancing its heritage assets. 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'. Key Principle CAG3 then provides further guidance on new development within Conservation Areas, and states that 'new buildings, extensions and alterations should be sympathetic to the architectural character of the built context and should not have a harmful impact on the character and appearance of the conservation area'.

- 6.8 It is proposed to erect a rear extension at upper ground floor level, on top of the existing back addition, with a terrace and associated railings above. This extension would project the whole length of the existing back addition, with brickwork up to a height of 5.7m and a terrace platform and railings up to a maximum height of 6.7m. The extension would incorporate an additional bedroom and W/C.
- 6.9 The proposals closely reflect the design and scale of a recent application refused and dismissed at appeal (2022/03107/FUL & APP/H5390/D/23/3319239). However, the design, appearance and visual impact of this element of the proposals was not raised as a particular concern or a reason for refusal.
- 6.10 Furthermore, in the recent appeal, the Inspector found that the rear extension element would not harm the character or appearance of the host building, terrace or area. It was also concluded that privacy screening would not be required and as such, 'the terrace would not be out of keeping with those to Nos 13 and 17, and I am satisfied that it would be suitably subservient to the dwelling'.
- 6.11 Given the similarity between the proposals, and the lack of significant or relevant changes to the site and surroundings in the meantime, the current assessment is largely consistent with the previous assessment.
- 6.12 The rear elevation of neighbouring properties and the wider application terrace are varied with regard to the height, depth and massing of back additions. However, the properties to either side, at nos. 13 and 17, benefit from two storey back additions with terraces atop, of a similar height and appearance to the current proposals. In this site specific context, it is considered that the proposed extension and terrace would not appear incongruous and would provide a level of consistency between the application site and neighbouring properties.
- 6.13 The proposed extension and terrace would sit well below the eaves of the existing building, and the materials would match those of the existing building. The use of low level railings rather than the 1.7m privacy screening often required for terraces, found acceptable by the previous Inspector with regard to overlooking, would limit the massing and prominence of the terrace. It is therefore considered that the proposal would appear subordinate to the existing building and would not appear as unduly dominant in the wider application terrace given the aforementioned existing examples of similar development.
- 6.14 Furthermore, proposals would not be visible from the main public vantage point of the highway to the front and would have little to no impact on the wider street scene. As such, proposals would have limited visibility from the adjacent Walham Grove conservation area and would not result in any harm to the setting of the designated heritage asset.

6.15 Overall, it is considered that the proposals would not result in visual harm to the character and appearance of the building, application terrace or the adjacent Walham Grove conservation area. The proposals, therefore, on balance, comply with Policies DC1, DC4 and DC8 of the Local Plan (2018).

IMPACT UPON NEIGHBOURING AMENITY

6.16 Local Plan policy HO11 relates to ensuring new developments do not impact on existing residential standards; The council will ensure that the design and quality of all new housing, including new build, conversions and change of use, is of a high standard and that developments provide housing that will meet the needs of future occupants and respect the principles of good neighbourliness.

6.17 Key principles of the Council's 'Planning Guidance' Supplementary Planning Document (SPD) 2018 also provide a framework for assessment of impact on neighbouring properties.

Daylight and Sunlight

6.18 The application property is located in an area of relatively dense built form, with limited separation from neighbouring properties and windows. In particular, the proposals would result in additional massing in close proximity to the garden and various windows to the side and rear elevations of no.13 Eustace Road and a first floor door in the rear of 17 Eustace Road.

6.19 The equivalent proposed works within the previous refusal (ref 2022/03107/FUL) were partly refused on the grounds that the proposed rear extension would impact on ground floor windows at No.13 Eustace Road, which appear to be the only sources of light to the rooms that they serve. The Inspector concluded that the appeal proposals (APP/H5390/D/23/3319239) would:

'...result in a loss of light, outlook and sense of enclosure to no.13, therefore resulting in an unacceptable detrimental impact on the amenity of this neighbouring property. In this regard the proposal fails to comply with Policy DC1, DC4 and HO11 of the Local Plan (2018), and Key Principle HS7 of the Planning Guidance Supplementary Planning Document (2018)'.

6.20 In particular, the Inspector stated that the proposals could:

'...cause a loss of natural light, both daylight and potentially sunlight during the later part of the day. The onus is on the appellant to demonstrate that the proposal would not be harmful, and there is no substantive technical evidence before me to demonstrate that any effect on light to No 13 would be imperceptible or insignificant'.

6.21 The Inspector therefore makes it clear that 'the rear extension at upper floor level would cause unacceptable harm to the living conditions of neighbouring occupiers' in the absence of contrary evidence.

6.22 Policy HO11 of the Local Plan includes requirements for residential developments to avoid detrimental impacts on the amenities of residents in the

surrounding area. The policy states the protection of existing residential amenities, including such issues such as loss of daylight, sunlight, privacy, and outlook.

6.23 Policy DC4 requires development to be designed to respect residential amenity and to demonstrate good neighbourliness. This is expanded on within the 'Planning Guidance' SPD. Amongst other things, Key Principles HS6 and HS7 of the SPD seek to protect the existing amenities of neighbouring residential properties, in terms of light.

6.23 Officers have had regard to the guidance set out in Building Research Establishments' (BRE) Guidelines 2022 - "Site Layout Planning for Daylight and Sunlight - A guide to good practice". The BRE guidelines advise that the guidance should be applied flexibly and there are circumstances that will exist where a greater degree of obstruction to light can on occasion be acceptable.

6.24 The applicant's submitted Daylight and Sunlight Report assesses the impacts of the proposals in relation to daylight, sunlight and overshadowing matters. The report demonstrates that all 7 of the windows tested (See Image 1) at Nos.13 and 17 Eustace Road are compliant with BRE guidance for light impacts.

Image 1: Tested Windows at No.13 Eustace Road



6.25 The submitted daylight and sunlight report includes an assessment of the following relevant measures: vertical sky component; daylight distribution; probable sunlight hours and sunlight to gardens

Vertical Sky Component

6.26 Vertical sky component (VSC) which measures daylight to the outside of a window. To accord with the BRE, the VSC as measured from the centre of a window should be no less than 27%, or if reduced to below this, no less than 0.8 times the former value. The Report demonstrates that all of the tested windows would exceed the BRE 80% target (See Table 1 below). At lower ground floor level, there is only 1 window (Window 4) that serves a habitable room; that is the most affected habitable window and it serves a bedroom at No.13 Eustace Road which retains 83.88% of its former value.

Table 1 VSC Results

Vertical Sky Component				
Window	Existing VSC	Proposed VSC	% Retained	Meets BRE Guidance?
1	17.074	13.894	81.38%	Yes
2	25.947	24.345	93.83%	Yes
3	11.404	9.217	80.82%	Yes
4	13.674	11.471	83.88%	Yes
5	23.586	23.586	100.00%	Yes
6	37.054	37.054	100.00%	Yes
7	36.179	36.179	100.00%	Yes

No Skyline (Daylight Distribution)

6.27 No Skyline also known as daylight distribution measures how much of a room can receive direct daylight. To meet BRE standards, the No Sky Line should not be reduced to less than 80% of its former value. The Report demonstrates that all of the tested windows would exceed the BRE 80% target (See Table 2 below). Notably, there is only one adjoining habitable room (R3) situated at the lower ground (basement) level of No.13 Eustace Road, a bedroom that would retain 92.12% of its former value.

Table 2 Daylight Distribution

No Sky Line						
Room	Window Ref	Room Served	Existing NSL (%)	Proposed NSL (%)	% Retained	Meets BRE Guidance?
R1	W1	Bathroom	74.25%	69.86%	94.09%	Yes
R2	W3	Kitchen	58.29%	51.06%	87.60%	Yes
R3	W4	Bedroom	43.27%	39.86%	92.12%	Yes
R4	W2	Bedroom	89.21%	86.39%	96.84%	Yes
R5	W5	Kitchen	57.84%	57.84%	100.00%	Yes
R6	W6	Bedroom	77.25%	77.25%	100.00%	Yes

Probable Sunlight

6.28 Probable sunlight hours for the whole year and for winter are measures of direct sunlight, which are still used to assess loss of sunlight to existing living rooms and conservatories. To meet BRE guidance, a window should receive at least 25% of available annual sunlight hours and more than 5% during the winter months

(September 21st to March 21st), or, where this is not the case, 80% of its former value. The Report demonstrates that the assessed windows retain in excess of 80% of their existing sunlight hours, both annually and over the winter months (See Table 3 below)

Table 3: Probable Sunlight

Window	Annual Sunlight Hours			Winter Sunlight Hours			Meets Guidance?
	Ex. Hrs Received (%)	Prop. Hrs Received	% Retained	Ex. Hrs Received	Prop. Hrs Received	% Retained	
4	19.612	15.881	80.98%	2.356	2.356	100.00%	Yes
5	44.906	42.342	94.29%	9.148	8.455	92.42%	Yes
6	81.012	81.012	100.00%	28.690	28.690	100.00%	Yes
7	80.735	80.735	100.00%	28.413	28.413	100.00%	Yes

Loss of Sunlight - Gardens

6.29 Loss of sunlight to gardens is assessed using the hours of sunlight received on 21 March, with the spring equinox offering representative conditions between summer and winter as an average for the year. Residential gardens are generally assessed using the sunlight hours test. BRE guidance describes a well-lit space as being one which receives at least 2 hours of direct sunlight on this date over 50% of its area. The scheme is therefore compliant with the BRE guidance in relation to sunlight impacts to gardens and overshadowing. (See Image 2 and Table 4) .

Image 2: Tested Gardens

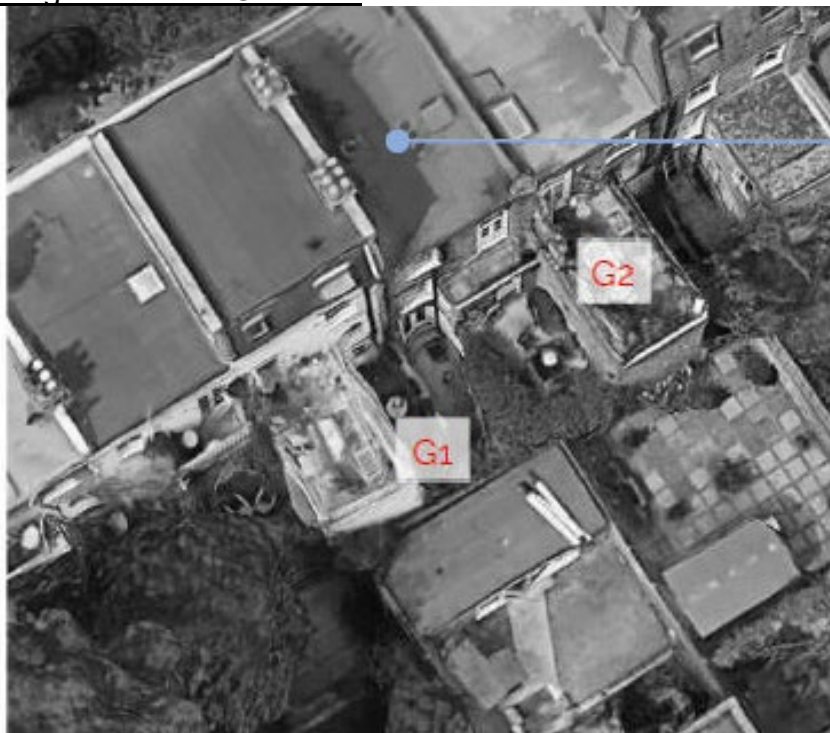


Table 4 Sunlight Impact - Gardens

Amenity Sunlight Hours				
Garden	Existing Area Receiving 2 Hours	Proposed Area Receiving 2 Hours	% Retained	Meets BRE Guidance?
G1	0.00%	0.00%	100.00%	Yes
G2	79.87%	79.25%	99.22%	Yes

6.30 The submitted Daylight and Sunlight Report includes substantive technical evidence to address the previous concerns raised during the 2023 refusal and the subsequent appeal. The proposed development would have no undue impact on No. 13 Eustace Road and would not significantly affect light to No.17 due to the existing corresponding extension at that property. Furthermore, the proposed development would not be harmful to neighbouring properties to the rear due to the reasonable separation from windows in the opposing terrace.

6.31 Officers have considered the daylight and sunlight report and have no reason to disagree with its conclusions. Overall, the relationship between properties would not be unduly impacted so as to cause noticeable loss of light to any of the adjoining

Outlook and sense of enclosure

6.32 Key Principle HS6 (Development, extensions, and alterations - scale and massing) makes clear that the proximity of a development can have an overbearing and dominating effect detrimental to the amenities of adjoining residential occupiers. Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point at ground level or at 2m on the rear curtilage. An on-site judgement will be a determining factor if any part of the proposed building extends beyond these lines. The intention of HS6 is to ensure that development does not result in loss of outlook or increased sense of enclosure for properties to the rear of application sites.

6.32 Key Principle HS7 outlines that an extension to either the roof of the back addition or to the rear of the back addition should enable an unobstructed angle of 45 degrees to be achieved to any window to a habitable room on the ground floor of the back addition if that forms the sole window to that room. This requirement needs to be satisfied by measuring either over or around the back addition as extended. HS7 further states that where there is an existing rear addition, the angle of unobstructed visibility for this purpose should not be reduced by more than 15%. In addition, any extension at the side of the back addition shall not extend above a height of 2 metres on the boundary with the adjoining property as measured from the ground level of the adjoining property

6.33 Regarding HS6, the proposed upper ground floor rear extension would back partly onto the existing single storey outbuilding in the rear garden of 5 Walham Grove and partly onto the rear garden at No. 17 Eustace Road which includes an existing two storey back addition. Given the existing structures at No. 5 Walham Grove and No.17 Eustace Road, officers consider that the proposed development would not result in any undue harm in terms of sense of enclosure nor outlook. The proposals would therefore accord with Key Principle HS6.

6.34 In assessing the 2024 appeal the Inspector found that:

'...the rear extension would cause a loss of outlook for occupiers of the lower-ground floor level of No 13 and it has not been demonstrated that there would also be a harmful loss of light to these occupiers. Taken together, I conclude that there would be unacceptable harm to the living conditions of the occupiers of 13 Eustace Road'.

6.35 The Inspector's conclusion and dismissal of the appeal was therefore based on a combination of the loss of light and outlook, 'taken together'. In this case, loss of light has been addressed but the concerns regarding outlook and sense of enclosure remain.

6.36 In terms of HS7, there are no habitable windows at lower ground floor in the opposing back addition at No.13 Eustace Road. Also, the proposed development would not breach a notional 45 degree line taken from the opposing upper ground windows in the side elevation of the back addition at No.13.

6.37 The application site includes an existing 1.7m deep projection at upper ground floor which would be extended to full depth. Based on an officer site visit which included taking views from inside No.13, officers note that there is one affected window within the main rear elevation (that is below the proposed extension) which serves a habitable room at lower ground floor level. From that habitable window, the site visit revealed, there are only very limited views of the existing 1.7m deep rear projection of the upper ground floor at the application site

6.38 Technically, the proposed increase in depth of the upper ground floor would not comply with HS7 of the SPD as the angle of unobstructed visibility from the lower ground floor bedroom window of No.13 would be reduced by some 50% which exceeds the HS7 SPD Guidance target of 15%. To comply with the 15% Guidance target, the proposed 3.5m deep extension would need to be reduced by 2.5m to 1m deep. However, officers note that the existing bedroom at lower ground floor of No.13 is not the main living space of that dwelling and the proposed extension at upper ground floor would be some 3m away from the window that serves that bedroom. Although, the proposed extension would project an additional 3.5m in depth to match existing 'back additions' at Nos.13 and 17, views of the proposed upper ground floor would be restricted from within the affected lower ground floor bedroom at No.13.

6.39 On balance, in this case and based on an on-site assessment, officers consider that the proposed upper ground floor element would not by itself result in a loss of outlook or increased sense of enclosure that would be sufficient to withhold planning permission.

Privacy

6.40 SPD Key Principle HS7(iii) requires that any new windows should be positioned at least 18m from existing habitable room windows. This will be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure there is no loss of privacy. If this standard cannot be met, then windows should be designed to ensure that no loss of privacy will occur.

- 6.41 The application proposes additional upper 'ground floor' windows to the south-western side elevation of the back addition, directly facing No.13. One of these would serve a W/C and would be expected to be obscure glazed, however the other would serve a bedroom and would need to be clear glazed in order to provide a reasonable level of amenity to the proposed bedroom. A terrace is also proposed at first floor level, on top the proposed extension at upper ground floor, to replace an existing terrace at upper ground floor.
- 6.42 In assessing the previously refused scheme (ref: 2022/03107/FUL) which included the same openings and proposed roof terrace, the Inspector raised no concerns regarding the additional side facing windows or relationship between the adjoining neighbouring terraces, and stated that:

'While it would be of greater depth than the existing first floor terrace on the appeal site and of greater height than the ground floor terrace, I find that the terrace would not result in new views or overlooking that would cause a meaningful loss of privacy for neighbouring occupiers in comparison to the existing situation'.

- 6.43 As the proposals remain unchanged in this regard, the Inspector's assessment and conclusion remains material. Based on an on-site assessment and taking into account the Inspector's conclusions, officers consider that the proposals would not result in any additional overlooking or loss of privacy to neighbouring properties that is sufficient to withhold permission.

Noise

- 6.44 With regard to Policy CC11 (Noise), the use of part of the roof of the existing back addition as an external amenity space has the potential to generate an increase in social activity, which could result in noise and disturbance that may be harmful to the amenities of surrounding residential occupiers. The Supplementary Planning Document Key Principle HS8 (balconies and terraces) states that roof terraces should not exceed 15 sqm to restrict the impact of noise and disturbance to neighbours. In this case, the existing roof terrace at upper ground floor is 11 sqm and the proposed replacement at first floor level would be 16.3sqm. Although, the proposed terrace marginally exceeds the HS8 target by 1.3 sqm; this difference is modest and would not result in a significantly greater number of people using the terrace. Officers consider that the size of the proposed terrace will not cause unacceptable levels of noise and disturbance to neighbouring occupiers and would accord with Key Principle HS8 of the SPD.

Residential Amenity - Conclusion

- 6.45 Overall, on balance, the proposal is considered unlikely to result in sufficient serious negative impacts on neighbouring residential amenities in terms of daylight and sunlight, outlook from adjoining properties, and privacy to neighbouring properties. Officers therefore consider that the proposed development accord with Policy HO11.

7.0 CONCLUSION

- 7.1 The planning assessment of the application has had regard to the NPPF,

London Plan, and Local Plan policies as well as applicable guidance. Overall, the proposed development would be visually acceptable and would not harm the character and appearance of the parent building, application terrace or the adjacent Walham Grove conservation area. Furthermore, the proposed development would not result in unacceptable impacts upon the amenities of neighbouring residential properties.

- 7.2 All the representations received have been taken into account and having regard to the development plan as a whole and all other material considerations, officers conclude that planning permission should be granted subject to the conditions listed.

8.0 RECOMMENDATION

- 8.1 The application is therefore recommended for approval, subject to conditions.