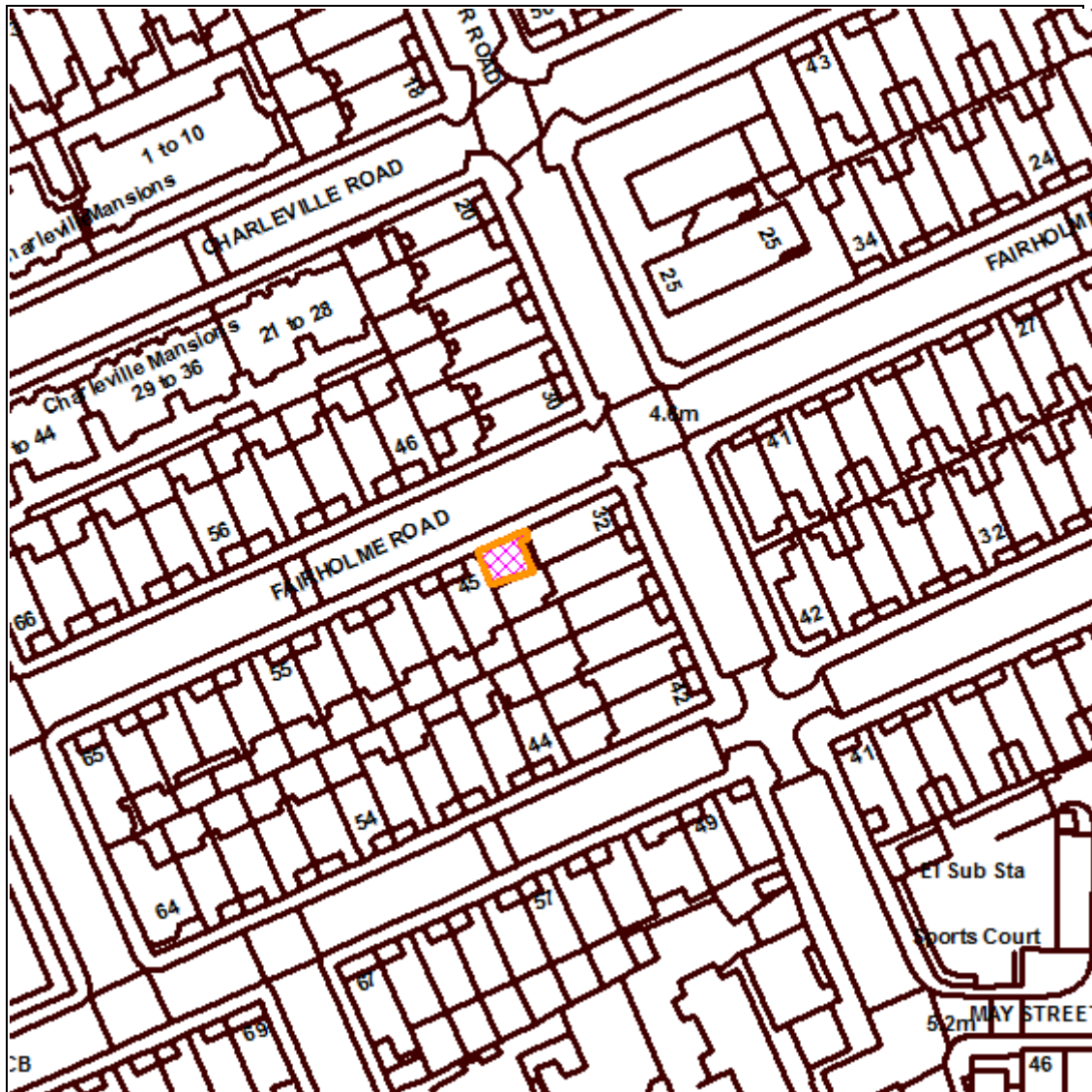


Ward: North End

Site Address:

32A Vereker Road London W14 9JS



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).

For identification purposes only - do not scale.

Reg. No:

2019/01730/FUL

Case Officer:

Graham Simpson

Date Valid:

07.06.2019

Conservation Area:

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

Committee Date:

03.09.2019

Applicant:

Mr Joseph Asombang
32A Vereker Road London W14 9JS

Description:

Replacement of existing roof with a new raised mansard roof, with rooflight, excavation of the basement to provide accommodation at lower ground floor in connection with the existing residential unit, repairs to the brickwork, parapet and doorway portico, replacement of the existing window with new double glazing window, and replacement of front door to the Fairholme Road elevation.

Drag Nos: GA-02A; GA-03A; GA-04A; GA-05A; EL-02A; EL-02A; EL-03A; EL-04A; SC-02A; DET-01A; Flood Risk Assessment dated May 2019

Application Type:

Full Detailed Planning Application

Officer Recommendation:

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

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

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

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

- 2) The development hereby permitted shall be built in complete accordance with the submitted drawings: GA-02A; GA-03A; GA-04A; GA-05A; EL-02A; EL-02A; EL-03A; EL-04A; SC-02A; DET-01A.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Justification for Approving the Application:

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

Local Plan (2018), and Key Principles HS6, HS7, AH1, AH2, CAG3, FR1, FR3, and FR6 of the Planning Guidance SPD (2018).

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

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

Application form received: 6th June 2019
Drawing Nos: see above

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

Consultation Comments:

Comments from:	Dated:
Thames Water - Development Control	11.06.19

Neighbour Comments:

Letters from:	Dated:
34a Vereker rd West Kensington London W149js	11.07.19
8 Bramber Road London W14 9PB	08.07.19
63D Fairholme Road London W14 9JY	13.06.19
29 Hereford Road London W2 4TF	10.07.19
77A Perham Road London W14 9SP	10.07.19
115 Apart 24 Monck Street SW1P 2AJ	10.07.19
174 Campden Hill Road London W8 7AS	10.07.19
12 Lancaster Court Mulgrave Road Sutton SM2 6EY	10.07.19
2 Challoner Crescent, Flat 2 London W14 9LE	15.06.19
178 Kensington Park Road London W11 2ER	10.07.19
120 Oxford Road London W16 6LY	10.07.19
54 Ladbrooke Grove London W11 2PB	10.07.19
94 Queens Gate London SW7 5AB	10.07.19
63 Edith Road London W14 0TH	09.07.19
Challoner Crescent 3 West Kensington W14 9LE	11.07.19
19D Charleville Road London W14 9JJ	04.07.19
Odstock Marine Parade Instow EX39 4JN	20.07.19
23 Palliser Road London W14 9EB	08.07.19
Ground Floor 36 Vereker Road London W14 9JS	12.07.19
27A St Marys Road London SW19 7BT	08.07.19
45 Osborne Road Eastbourne BN20 8JJ	18.06.19

18 Prince Albert Road London NW1 7ST	10.07.19
Basement Flat 56 Comeragh Road West Kensington W14 9HR	16.06.19
22 Holman Hunt House Field Road London W6 8HY	08.07.19
32 Vereker Road Basement Flat London W14 9JS	09.07.19
7 Margravine Gardens London W6 8RL	07.08.19
7 Margravine Gardens London W6 8RL	24.06.19
17 Aillie Gardens London W8 7AN	10.07.19
54A Fairholme Road London W14 9JY	01.07.19
36 Vereker Rd London W14 9JS	09.07.19
34 Vereker Road 1st & 2nd Floor Flat London W14 9JS	12.07.19
34A Vereker Road London W14 9JS	11.07.19
12 Vereker Road Ground Floor London W14 9JR	15.07.19
36 Vereker Road London W14 9PS	10.07.19
36 Vereker Road London W14 9JS	12.07.19
6 Cloncurry Street London SW6 6DS	29.06.19
30 Margravine Gardens W6 8RH	09.07.19
3 jessel Mansions Queens Club Gardens West Kensington W14	18.06.19
34 Vereker Road London W14 9JS	10.07.19

OFFICER'S REPORT

1.0 BACKGROUND

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

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

1.3 Relevant Planning History:

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

In April 2017 a Certificate of Lawfulness was refused (2017/00841/CLE) for the continued use of the building as a single studio dwellinghouse, on the grounds of insufficient information. The subsequent appeal was allowed in May 2018.

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

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

In July 2017 planning permission was refused (2017/02159/FUL) for the replacement of the existing roof with a new raised mansard roof; excavation basement to provide accommodation at lower ground floor; alterations to the Fairholme Road elevation in connection with the formation of a 2-bedroom self-contained unit, on the grounds of inadequate living environment for future occupiers.

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

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

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

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

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

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

1.7 In April 2019, an application (2019/01256/FUL) was submitted for a replacement of existing roof with a new raised mansard roof, including skylights; excavation of the basement to provide accommodation at lower ground floor in connection with the existing residential unit; repairs to the brickwork, parapet and doorway portico and replacement of the existing window with double glazing and replacement of the front door to the Fairholme Road elevation. This application is currently subject to a non-determination appeal which commenced in July 2019

1.8 In August 2019, planning permission (2019/01729/FUL) was refused for the replacement of existing roof with a new raised mansard roof, with rooflight, excavation of the basement to provide accommodation at lower ground floor in connection with the existing residential unit, repairs to the brickwork, parapet and doorway portico, replacement of the existing window with new double glazing window, and replacement of front door to the Fairholme Road elevation. The application was refused on the grounds of the number of opening windows in the front elevation.

1.9 The current application follows on from the previous refusal (2019/01729/FUL), and is for the replacement of existing roof with a new raised mansard roof, with rooflight, excavation of the basement to provide accommodation at lower ground floor in connection with the existing residential unit, repairs to the brickwork, parapet and doorway portico, replacement of the existing window with new double glazing window, and replacement of front door to the Fairholme Road elevation. Amendments to the proposal have been received in order to overcome the reasons for refusal for application 2019/01729/FUL by omitting the most prominent opening windows on the front roofslope and maintaining the existing number of opening panes to the main street facing window on the front elevation.

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

1.10 In this case, Officers consider that the current scheme is materially different from the previous refusals owing to the alterations made at roof level which are designed to overcome the reasons for refusal and concerns raised by the Planning Inspector in the appeal which was dismissed in 2018.

2.0 PUBLICITY AND CONSULTATION RESPONSES

2.1 The planning application was advertised by letters sent to 222 surrounding properties. Site and press notices were also published to advertise the application.

2.2 In total 46 objections from neighbours were received. In addition, the Fulham Society also objected.

2.3 The objections can be summarised as follows:

- Sub-standard quality of accommodation;
- Inadequate daylight/sunlight, outlook, and internal/external amenity space;
- Overdevelopment in terms of intensification of use, form, and height;
- Extent of the basement excavation;
- Design of fenestration and roof form;
- Siting and number of extract flues/ventilation;
- Not in keeping with the conservation area - or the existing appearance of the building as a small Victorian artist studio and its design features (windows, 'north lights', brick detailing);
- Unneighbourly due to loss of daylight/sunlight, outlook, and privacy/overlooking;
- Substandard quality of accommodation for future occupiers;
- Local parking concerns;
- Accessibility of the proposed development;
- Siting of waste/recycling;
- Flood risk;
- Structural damage and/or subsidence to neighbouring properties;
- Noise and disturbance during the construction phase;
- Quality/accuracy of the submitted drawings;
- Number and similarity of planning applications submitted for development of this site.

2.4 Transport for London (London Underground) were consulted and raise no comment on the application.

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

3.0 PLANNING CONSIDERATIONS

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

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

3.3 Based on the above the main planning issues to be considered include: the impact of the development on the character appearance of the host property, streetscene, and Barons Court conservation area; the impact upon neighbours' residential amenity; impact upon parking demand and the highway; and; the impact of the development on the environment.

LAND USE

3.4 In November 2017, following the refusal of several certificates of lawfulness, a certificate was granted (ref: 2017/03557/CLE) for the continued use of the building as a single dwelling house and a concurrent appeal at that time was subsequently allowed for a certificate of lawfulness in May 2018. The current planning application follows the refusal of planning permission under: 2016/05386/FUL, 2017/00855/FUL, and 2017/03558/FUL, to demolish the buildings and erect a new dwelling house. The grounds for refusal on those new build applications related to poor living conditions for future occupiers.

3.5 Unlike the certificates of lawfulness where the applicant needed to submit evidence to demonstrate whether the existing use of a building was lawful and did not require planning permission, the planning applications need to be judged against local plan policies. The aforementioned planning applications related to the formation of new build dwellings, they failed to meet achieve acceptable standards in terms of quality of outlook, daylight, and room sizes for future occupiers. However, as with the 'Appeal B' scheme previously determined under refs: 2017/04889/FUL, and: 3198570 (see paragraph 1.4 above), the current application does not involve significant demolition in a Conservation Area and the existing main elevation fronting Fairholme Road would be retained. The proposals only involve extensions and alterations of a building which already benefits from lawful use as a residential property in order to create a three-storey, two-bedroom dwelling house.

QUALITY OF ACCOMMODATION

3.6 Previous planning application 2017/04889/FUL was refused on the grounds of inadequate living environment for future occupiers. As such, this matter formed a main issue for consideration by the Planning Inspectorate under 'Appeal B' (ref: 3198570), and is covered within the Inspector's decision notice (paragraphs 32-34).

3.7 However, whilst referencing the previous scheme, the Inspector noted that the proposals concerned extensions and alterations as opposed to a new dwelling. Local Plan Policy HO11 (Detailed Residential Standards) lists the criteria against which a proposal for an extension should be considered, with no reference to the adequacy of living conditions for future occupiers. On this basis, the Inspector concluded that the quality of living conditions for future occupiers fell outside the scope of his assessment, with the internal alterations and layout of the 'Appeal B' scheme and he did not raise objections because these works do not require planning permission, and even if they did, they would not breach the requirements of the development plan.

3.8 Given the nature of the proposals for which planning permission is sought under this application, and having regard to the conclusions of the Planning Inspector in the determination of Appeal B (ref: 3198570), the refusal of planning permission on the grounds of quality of accommodation would be unreasonable.

HERITAGE, CHARACTER, AND APPEARANCE

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

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

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

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

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

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

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

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

Context:

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

3.18 As with the 'Appeal B' scheme previously determined under 2017/04889/FUL, and appeal ref: 3198570, the current application does not include the demolition of the existing front elevation, rather its retention together with the installation of a replacement window and front entrance door, the erection of a new mansard roof to replace the existing flat roof and the excavation of the basement to provide additional living accommodation.

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

Basement:

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

3.21 The proposal involves excavation of the original lower-ground floor by 1.6m to 3.3m to enable the creation of three internal floors within the existing dwelling. The internal area of the original building was already 'sunk' by approximately 1.7m below street level and was accessed via a staircase inside the front door. As the excavation remains within the footprint of the existing basement, and would provide one additional storey of accommodation below the original lowest floor level, the excavation works are considered acceptable and accord with Policy DC11 of the Local Plan (2018).

Roof Extensions and Alterations:

3.22 From the main Fairholme Road elevation the existing building has a single storey appearance and is situated between Nos. 32 Vereker Road and 45 Fairholme Road which are both three storey end-terrace properties. The building comprises a mostly flat roof which rises to a sharp pitch towards the northern elevation nearest the street. The street facing roofslope of this pitch contains glazed northlights. The proposed grey slate replacement roof raises the height of the existing roof by 800mm above the height of the existing parapet wall, and mirrors the pitched elevation along both northern, east and southern sides of the property. Overall, the increased ridge height and the form of the roof would be subservient and therefore be visually acceptable. Moreover, the Planning Inspector raised no objection to this element of the proposals where, within paragraph 20, he states that 'The roof extension would be set back from the eaves line thereby acknowledging the historic height and profile of The Studio.'

3.23 However, the Inspector did find harm with the extended roof form being 'overwhelmed with roof windows' (paragraph 18), particularly at the Fairholme Road elevation. The Inspector noted that 'Rooflights are not a common feature in the conservation area with the Victorian roof scape being largely characterised by solidity.' The seven previously proposed rooflights to the front roofslope were not considered to appear inconspicuous, as the roof would be increased in height above the eaves. Furthermore the 'heavy frames' appeared as poorly resolved modern insertions which harmfully eroded the solidity of the roof, related poorly to the ground floor window, and failed to convincingly reflect the appearance of historic 'northern lights' (paragraph 19). In weighing up the public benefits of the appeal proposal against the identified harm to the conservation area, the Inspector concluded that 'the insertion of roof lights is not essential to achieve these [identified] benefits as the existing property could be renovated in its current form as a studio dwelling' (paragraph 21).

3.24 The solid slate front roofslope proposed in the appeal scheme has been omitted from the current proposals and replaced with a traditional glazed northlight, similar in design to the existing, albeit enlarged to extend to meet the new roof height. The most prominent opening windows of the most recently refused scheme (2019/01729/FUL) have been omitted and replaced with individual panes which are fixed in position similar to the existing arrangement. There are four openable rooflights in the glazed northlight, but these are positioned to either side of the front elevation where they would be largely hidden from view by the front parapet wall upstand, ensuring that the proposal would not detract from the strong parapet line of the building and views from the street. The proposals also differ from the most recently refused scheme (2019/01729/FUL) in that the number of opening panes in the replacement main street facing window in the north elevation has been reduced to two, matching the number in the existing window. It is therefore considered that the reason for refusal of 2019/01729/FUL has been addressed, and that the proposal is acceptable.

3.26 The proposals would not harm the significance of the Conservation Area.

3.27 The proposed development is considered acceptable in the interests of visual amenity. The alterations and the design, scale and massing of the proposed extensions would be compatible with the building and would preserve the character and appearance of the Conservation Area in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals therefore comply with the NPFF (2019), Policies DC1, DC4, DC6, and DC8 of the Local Plan (2018), and Key Principles AH1, AH2 and CAG3 of the Planning Guidance SPD (2018).

Other External Alterations:

3.28 The existing front elevation of the property has a 'run-down' appearance. The submitted plans show that the proposal includes the retention and repair/restoration of the brickwork to this elevation, to include the soldier course capping and decorative brick banding (over three courses). Other alterations to this elevation include the repair of the entrance architrave, and the installation of a replacement timber front entrance door and replacement double glazed metal window of the same subdivision and opening style as the existing single glazed frames. All of these alterations would improve the appearance of the building. Conditions would ensure the retention of the front elevation and that the brickwork to this elevation is repaired with matching (reclaimed) bricks, and in matching pointing style. The replacement window to the front elevation would retain the same 'slim' profile of the existing window frame and mullions/glazing bars, details of which are to be secured by condition (Condition 7).

Conclusion:

3.29 The character and appearance of the Conservation Area would be preserved in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in compliance with Policies DC1, DC4, DC6, and DC8 of the of the Local Plan (2018) and Key Principles AH1, AH2 and CAG3 of the Planning Guidance SPD (2018).

RESIDENTIAL AMENITY

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

Outlook and daylight:

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

3.32 The siting and orientation of the existing building, due to its position between Nos.32, 34, and 36 Vereker Road already breaches this standard. Although the proposals raise the height of the existing flat roof by approximately 800mm (from the height of the original parapet wall), the new roof would be set inside the existing party boundaries, and would slope away from the neighbouring properties. In particular the roof is set back from the boundary with No.32 Vereker Road by 200mm. In this form and design, and as found in the assessment of the previous application 2017/04889/FUL and by the Inspector in Appeal B (ref: 3198570) 'the increase in the ridge height would

not worsen the existing arrangement, so as to warrant refusal of the application' (paragraph 37).

Privacy and Overlooking:

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

3.34 The previous application 2017/04889/FUL was refused by the Council owing to the impact of the proposed roof extension, by reason of its siting, design, and close proximity to the rear of No. 32 Vereker Road, upon the amenities of neighbouring occupiers in terms of light pollution, overlooking and loss of privacy. Unlike the previous application, no additional windows would be within the new pitched roof facing east towards No.32 Vereker Road. There would therefore be no additional impact on the neighbouring properties from this side in terms of overlooking or loss of privacy.

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

Light Pollution:

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

3.37 Having regard to the conclusions of the Inspector, together with the indicative mitigation measures proposed, Officers consider that the additional openings would not result in such adverse light pollution to No.32 Vereker Road so as to warrant refusal of the application on this basis.

Noise and Disturbance:

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

3.39 Planning conditions are recommended requiring the submission of a construction management and logistics plan.

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

HIGHWAYS AND PARKING

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

3.42 No off-street parking has been included with the proposal. As a certificate of lawfulness has already been granted which establishes the continued use of the building as a single dwellinghouse (2017/03557/CLE), the Council is unable to exercise any planning control with regards to parking restrictions upon this property.

Waste Management

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

Impact of building work

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

3.45 A condition would be attached to any permission requiring a Construction Management Plan and a Construction Logistics Plan be submitted (Condition 4), to ensure that the amenities of local residents were protected as far as possible during the construction phase.

FLOOD RISK

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

including the incorporation of sustainable urban drainage systems, and specifies a drainage hierarchy for new development.

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

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

3.49 As required, a Flood Risk Assessment (FRA) has been submitted with the application, which provides details of adequate flood proofing measures to the proposed basement accommodation and notes the use of water efficiency measures. Following review by Officers of the Council's Environmental Policy team, and having regard to the assessment under previous applications 2017/04889/FUL (appeal ref: 3198570), the submitted FRA outlines adequate flood protection and water efficiency measures, the implementation are to be secured by condition (Condition 12). Subject to such a condition the proposed development is considered compliant with Policy CC3 of the Local Plan (2018).

LAND CONTAMINATION

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

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

4.0 CONCLUSION

4.1 The proposed development creates a well-designed scheme that would be compatible with the character and appearance of the building and which would preserve the character and appearance of the Conservation Area. The design, height and massing of the development would be compatible with the surrounding development. The development has an acceptable impact on neighbouring living conditions. The impact of the development subject to conditions would not have a significant impact on the highway, parking, flooding or the environment. As such the proposal is considered to be in accordance with relevant national guidance, London Plan policies, the Local Plan, and Planning Guidance Supplementary Planning Document Key Principles.

5.0 RECOMMENDATION:

5.1 That the Committee resolve that the Strategic Director of the Economy Department be authorised to determine the application and grant permission subject to conditions.

5.2 To authorise that the Strategic Director of The Economy Department in consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of the detailed negotiations with the applicant which may necessitate the modification, variation, addition or deletion of the conditions as drafted to ensure consistency between the two sets of provisions.