
Ward: North End

Site Address:

32A Vereker Road London W14 9JS



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For identification purposes only - do not scale.

Reg. No:
2020/01112/FUL

Case Officer:
Graham Simpson

Date Valid:
04.05.2020

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

Committee Date:
05.05.2021

Description:

Replacement of existing roof; Insertion of No. 8 skylights on flat section of the replaced roof, excavation of the basement to provide accommodation at lower ground floor in connection with an existing residential unit. Repairs to the brickwork, parapet and doorway portico and replacement of the existing window with double glazing and replacement of front door to Fairholme Road.

Drg. Nos: GA03; GA 04; GA 05; EL 02; EL 03; EL 04 Rear elevation; SC 02; DET 01 (All dated 2 June 2020)

Application type:

Full Detailed Planning Application

Officer Recommendation:

That the application be approved subject to the condition(s) set out below

- 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: GA03; GA 04; GA 05; EL 02; EL 03; EL 04 Rear elevation; SC 02; DET 01 (All dated 2 June 2020)

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

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

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

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

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

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

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

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

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

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

To ensure that any replacement window on the front elevation has a similar appearance to the existing and is in keeping with the appearance of the surrounding area, in accordance with Policies DC1, DC4, DC6, and DC8 of the Local Plan (2018).

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

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

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

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

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

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

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

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

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

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

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

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC4 and DC8 and HO11 of the Local Plan (2018).

- 14) No mezzanine floors or additional floorspace should be added to the proposals hereby approved without planning permission first being obtained.

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

Justification for approving 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).

That the applicant be informed as follows:

- 1) In determining this application, the local planning authority has worked in a proactive and positive manner with the applicant to foster the delivery of sustainable development, in accordance with the requirements of paragraph 38 of the National Planning Policy Framework (2018).
- 2) INFORMATIVES for Demolition and Construction, Installation, Refurbishment etc:

1. Prior Consent under The Control of Pollution Act 1974

Under Section 61 of COPA 74, developers and their contractors may apply for prior consent for noise-generating activities during construction work. The application must contain the details of the works to be carried out, the methods by which they are to be carried out, and the steps proposed to minimise noise resulting from the works. The Council may also attach conditions to the consent and also limit its duration. Applications for prior consent must be received at least 28 days prior to the commencement of works and should be submitted to the London Borough of Hammersmith and Fulham, Noise and Nuisance Team, Council Offices, 37 Pembroke Road, London, W8 6PW or by email environmentalprotection@lbhf.gov.uk

2. Permitted hours for building work

Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

3. Notification to neighbours of demolition/ building works

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

4. Dust

Best Practicable Means (BPM) should be used in controlling dust emissions, in accordance with the Supplementary Planning Guidance issued by the GLA 2014 for The Control of Dust and Emissions from Construction and Demolition.

5. Dark smoke and nuisance

No waste materials should be burnt on site of the development hereby approved.

6. Noise and Vibration from demolition, piling, concrete crushing, drilling, excavating, etc.

Best Practicable Means (BPM) should be used, including low vibration methods and silenced equipment and machinery, in accordance with the Approved Codes of Practice of BS5228:2009 for noise and vibration control on construction and open sites.

OFFICER'S REPORT

1.0 BACKGROUND

- 1.1 The application site relates to the single storey building at the rear of No.32 Vereker Road, known as 32A Vereker Road. The building occupies the whole site and is accessed from Fairholme Road. The site is surrounded by residential properties. Immediately to the west is No.45 Fairholme Road, the rear gardens of No.34 and No.36 Vereker Road are to the south, with No.32 Vereker Road to the east.
- 1.2 The site is situated within the Barons Court Conservation Area and within Flood Risk Zones 3 but is not subject to any Article IV directions. None of the buildings on or immediately surrounding the site are listed buildings or locally listed Buildings of Merit.
- 1.3 Relevant Planning History:
- 1.4 In February 2017 planning permission was refused (2016/05386/FUL) for the replacement of the existing roof with a new raised mansard roof; excavation of the basement to provide accommodation at lower ground floor; alterations to the Fairholme Road elevation in connection with the formation of a 2-bedroom self-contained unit, on the grounds of inadequate living environment for future occupiers.
- 1.5 In April 2017 a Certificate of Lawfulness was refused (2017/00841/CLE) for the continued use of the building as a single studio dwellinghouse, on the grounds of insufficient information. This application was subsequently allowed on appeal in May 2018, following the Council's approval of a further application for a Certificate of lawfulness (2017/03557/CLE, para 1.9 below) in November 2017. The Inspector concluded that 'extensive' information had been provided to demonstrate that the property had been in use from 1979 to 2011 and that there was no evidence that the residential use of the studio had been abandoned after that date.
- 1.6 In April 2017 planning permission was refused (2017/00855/FUL) for the replacement of the existing roof with a new raised mansard roof; excavation of the basement to provide accommodation at lower ground floor; alterations to the Fairholme Road elevation in connection with the formation of a 2-bedroom self-contained unit, on the grounds of inadequate living environment for future occupiers.
- 1.7 In July 2017 a Certificate of Lawfulness was refused (2017/02152/CLE) for the continued use of the building as a single studio dwellinghouse, on the grounds of insufficient information.
- 1.8 In July 2017 planning permission was refused (2017/02159/FUL) for the replacement of the existing roof with a new raised mansard roof; excavation basement to provide accommodation at lower ground floor; alterations to the Fairholme Road elevation in connection with the formation of a 2-bedroom self-contained unit, on the grounds of inadequate living environment for future occupiers.

- 1.9 In November 2017 a Certificate of Lawfulness was granted (2017/03557/CLE) for the continued use of the building as a single dwellinghouse.
- 1.10 In December 2017 planning permission was refused (2017/03558/FUL) for the demolition of front elevation and removal of roof of existing building and erection of a two storey plus basement building in connection with the formation of a 2-bedroom self-contained unit, on the grounds of inadequate living environment for future occupiers.
- 1.11 In March 2018 planning permission was refused (2017/04889/FUL) for extensions and alterations to the building in connection with the existing residential unit to include the replacement of the existing roof with a new raised mansard roof with skylights; the excavation of the basement to provide additional habitable accommodation; repairs to the brickwork, parapet and doorway portico; and; replacement of the existing window with double glazing and replacement of the front door to the Fairholme Road elevation. This application was refused by the Council's Planning Committee on the grounds of:
1. the siting, design, and elevated position in close proximity to the rear of No. 32 Vereker Road would result in an unacceptable light pollution, overlooking and loss of privacy
 2. an overdevelopment which results in a substandard accommodation - no outlook at basement level and unsatisfactory levels of light to the basement due to restricted light through the glass structural floor of the ground floor.
- 1.12 In September 2018, both appeals against the planning applications 2017/03558/FUL (a new build dwelling, para. 1.10) and 2017/04889/FUL (extensions to the existing studio dwelling para. 1.11) were dismissed. Although, the Inspector, considered that Appeal A (2017/03558/FUL) for a new dwelling would result in harm to the conservation area (CA) and inadequate living conditions for future occupants, he concluded that the proposed alterations and extensions under Appeal B (2017/04889/FUL) would not result in harm to the living conditions of neighbours or future occupants but would harm the CA. Overall, the Inspector concluded that the 'harm that would arise from the proposals would outweigh the benefits' and 'the proposed developments would not accord with the development plan and there are no other considerations which outweigh this finding.
- 1.13 The grant of a Certificate of Lawfulness under application 2017/03557/CLE establishes the lawful use of the site as a dwellinghouse.
- 1.14 In February 2019, a revised application (2019/00006/FUL) for extensions and alterations was refused planning permission. The proposals included the following elements: the replacement of the existing flat roof with a raised mansard roof, including skylights; excavation of the basement to provide accommodation at lower ground floor in connection with the existing residential unit; repairs to the brickwork, parapet and doorway portico and replacement of the existing window with double glazing and replacement of the front door to the Fairholme Road elevation. The application was refused on the grounds of loss of visual amenity due to the proposed rooflights, by reason of their number and prominent siting,

and insufficient details on the appearance and finish of the proposed elevation on Fairholme Road.

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

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

1.16 In August 2019, planning permission (2019/01729/FUL) was refused for the replacement of the existing roof with a new raised mansard roof, with rooflight, excavation of the basement to provide accommodation at lower ground floor in connection with the existing residential unit, repairs to the brickwork, parapet and doorway portico, replacement of the existing window with new double glazing window, and replacement of front door to the Fairholme Road elevation. Although the number of opening rooflights had been reduced in response to officer discussions for the above non-determination appeal (para 1.16, app 2019/01256/FUL), the application was refused on the grounds that:

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

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

1.18 The proposals included a reduction of the number of rooflights. The windows facing No.32 Vereker Road were excluded and the proposed number of front rooflights facing the street were reduced from 7 to 4 (openable windows) which is

no more than the existing number. Also, the design of the windows was changed from a heavy framed dormer windows set within a solid tiled roof to a more lightweight glazed roof akin to the existing design. The proposed grey slate replacement roof raised the height of the existing flat roof by 800mm above the height of the existing parapet wall.

The application was refused on the grounds of:

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

- 1.19 In April 2020 planning permission (2019/03879/FUL) was refused for the replacement of the existing roof with a new raised mansard roof, with rooflights, excavation of the basement to provide accommodation at lower ground floor in connection with the existing residential unit, repairs to the brickwork, parapet and doorway portico, replacement of the existing windows with new double glazing windows, and replacement of front door to the Fairholme Road elevation.
- 1.20 The proposal had been revised during the course of the application including a reduction in height of the proposed roof extension to be no greater than the existing ridgeline. The proposal which has no rooflights facing No. 32 Vereker Road, and no openable additional windows in the front elevation, and is therefore essentially a refurbishment of the front elevation, with a raised roof to the height of the, and to the rear of, the existing front ridgeline.
- 1.21 Although the original submissions were considered to have overcome two reasons (design and residential amenity) included in the 2019 Committee refusal, no amendments had been made to address the remaining objections relating to substandard quality of accommodation. The application was therefore refused for this one remaining reason.
- 1.22 In November 2020, an appeal against the above two previous refusals involving accommodation over 3 floors (2019/03879/FUL and 2019/01730/FUL) was dismissed by the Planning Inspectorate on the grounds that the increased roof height under 2019/01730/FUL was unacceptable on visual amenity grounds, and the standard of accommodation unacceptable for both proposals (Appeal ref. APP/H5390/W/19/3243229 and APP/H5390/W/20/3253728).
- 1.23 The current application (2020/01112/FUL) follows on from previous refusals and is for the replacement of existing roof, the insertion of 8 skylights on flat section of the replaced roof, excavation of the basement to provide accommodation at lower ground floor in connection with an existing residential unit. The proposals also include repairs to the brickwork, parapet and doorway portico and replacement of the existing window with double glazing and replacement of front door to Fairholme Road.

The application was submitted in May 2020 and was previously granted planning permission under delegated powers on 30th June 2020. The application took into account previous refusals and included revisions that were intended to overcome the previous reasons for refusal. Notably, the proposed roof profile now matches that of the existing which means that there would be no increase in roof height

and the proposed internal mezzanine has been omitted so that the accommodation is over two floors rather than three.

On 19 February 2021, the decision notice for this permission was quashed by the Courts some incorrect drawing numbers. Following the quashing of the notice the application is now back with us for reconsideration for final determination.

- 1.24 The application has now been reserved for determination by the Planning Committee
- 1.25 Following the quashing of the decision notice, the application has been be reconsulted upon to allow for any updates following the last consideration of the application. 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.
- 1.26 In this case, Officers consider that the current scheme is materially different from the previous refusals owing to the alterations made at roof level and the omission of the proposed internal first floor mezzanine level to provide accommodation of 2 floors rather than 3.

2.0 PUBLICITY AND CONSULTATION RESPONSES

- 2.1 The planning application was originally advertised in May 2020 by letters sent to 225 properties. Site and press notices were also published to advertise the application. A second consultation in June 2020 was carried out after revised drawings were submitted which included changes to the internal floor arrangements by removing the first floor mezzanine level. Following the judicial review and subsequently quashed decision, a further round of consultation letters was sent to neighbours.
- 2.2 Overall, in terms of consultation response we received the following:-
1. First round: 22 objections from residents plus 11 objections from outside of the borough, an objection from the Fulham Society, and 2 letters of support from residents.
 2. Second round: 15 objections from residents; and 9 objections from outside the borough. Notably, no new issues were raised.

3. Third Round: 12 objections from residents and 4 from outside the Borough

2.3 The objections can be summarised as follows:

Representations Received	Response
<p>Incorrect ownership details and applicant's address on application form</p>	<p>The applicant has signed a certificate of ownership (A) as part of the application submissions which make clear that he is the owner of the site.</p>
<p>Inaccuracies and inadequacies of drawings:</p> <ul style="list-style-type: none"> - Existing lower ground floor level - Proposed basement level unclear - Drawings not to scale - More detailed drawings of the front elevation should be submitted to ensure that the proposed development is acceptable - Lack of photographs, diagrams or accurate plans showing the existing detailing of decorative brick courses, window casement and rooflights, which could lead to their loss - Survey of surrounding levels not submitted 	<p>Officers have considered several applications and are satisfied that the proposed drawings provide sufficient information for a planning assessment. The proposed new roof would be no higher than existing and the new basement would be 1 storey below the established internal floor level. In addition, the same drawings, together with survey drawings submitted as part of neighbour objections, have been independently assessed by several Inspectors at appeal stage and they have also concluded that the drawings submitted by the applicant were in fact sufficient and accurate to enable an informed judgment to be made on the potential effects of the appeal schemes. Detailed 1:20 drawings are secured by Condition 7</p> <p>Officers consider that we have sufficient information from previous personal site visits from planning, enforcement and building control officers to enable us to assess the current application. In addition, officers rely upon available information online such as street views and aerial photographs and information provided to us. Due health risks associated with the Covid pandemic, we are not inspecting properties internally, neither are we entering properties to access other parts of the development. Inspectors have also carried out site visits and have raised no concerns.</p> <p>The proposals do not involve any changes to the rear party wall with No. 34 Vereker Road or the flank elevation with No. 32 Vereker Road which means that there would be no change to the</p>

<ul style="list-style-type: none"> - Construction Method Statement as per Local Plan DC11 not provided. - Statement on underpinning inadequate 	<p>appearance that would harm the visual amenity of that properties at 32 and of No 34 Vereker Road.</p> <p>The submitted CMS does not include an author, however a condition would be attached to any permission requiring the submission of a more detailed CMS.</p> <p>Concerns about underpinning are covered by building control regulations rather than planning</p>
<p>Unauthorised works</p> <ul style="list-style-type: none"> - Front elevation is deteriorating due to neglect, hoarding and invasive plant - Hoarding to front elevation without planning permission - Demolition has taken place without planning permission. Development has already commenced - Building Control plans have already been passed 	<p>The existing building is falling into disrepair and the application seeks to address this. The proposed external alterations largely relate to the refurbishment of the and re-instatement of the brickwork</p> <p>The hoarding does not need planning permission and is temporary.</p> <p>Internally, site preparation works have been carried out and following a planning enforcement investigation it is considered not prudent to take any action whilst applications, appeals have been under consideration and permission was granted.</p> <p>Building control operates under separate legislation.</p>
<p>Overdevelopment (general)</p> <ul style="list-style-type: none"> - Proposed layout is very strange, including a very high ceiling to top part – a mezzanine floor could be added at a later date - The proposals go far beyond an ordinary extension or alterations, and include a fundamental change in the character, historic significance, appearance and size of the Studio - Proposal extends an extension, contrary SPD housing policy HS6 - Site unsuitable for a 2 storey house - Proposal would result in a house with two basements - A new dwelling is being created - Could be a new build/could be demolished 	<p>Condition 14 is attached to prevent any additional mezzanine level.</p> <p>- Character and appearance are addressed in paragraphs 3.15 to 3.36</p> <p>- HS6 is not relevant in this case as it relates to rear extensions.</p> <p>- The proposal does not include any external extensions, only a basement excavation below the footprint of the existing building.</p>

<ul style="list-style-type: none"> - The proposal would result in the demolition of the front elevation - Replacement roof would be higher than existing - Replacement roof is structurally not possible to build 	<ul style="list-style-type: none"> - Demolition of the front elevation is not proposed. The proposals involve extensions and alterations to an existing dwelling rather than a new house. A certificate of lawfulness has been granted at both application and appeal for the studio dwelling which included living accommodation that was split over 2 floors. A new build dwelling would require planning permission. The proposal does not involve the increase in height of the roof. The roof would replace an existing structure.
<p>Overdevelopment (basement)</p> <ul style="list-style-type: none"> - Proposed basement would be lower than previous applications - No need for a new basement. The property could be renovated without a new basement - Basements should not exceed 50% of the depth of the host building. 	<ul style="list-style-type: none"> Each application is considered on its own merits. There is no policy requirement to justify the need for the proposed basement and the proposals need to be assessed on their own merits. The proposed basement does not extend beyond the footprint of the existing building.
<p>Substandard quality of accommodation</p> <ul style="list-style-type: none"> - Outdoor area is dark, humid, small, overlooked, very close to the house at 32 Vereker Road - No outlook, ventilation or windows/daylight to the new basement - Lack of outlook to the lower ground floor level - Habitable windows face northerly direction contrary to SPD Housing Policy 8 - Living space would be overlooked by passers-by and upper floors of 32 Vereker Road - Lack of garden/amenity space contrary to local plan policy DMA2. 	<ul style="list-style-type: none"> - The outdoor area is an existing arrangement and would be retained in its current form. - Outlook, ventilation and daylight are addressed in paragraphs 3.9 and 3.14 - The proposed outlook from lower ground floor would be very similar the existing arrangement - SPD Housing Policy 8 applies to new build and is therefore not applicable. In either case, the existing dwelling is exclusively north-facing and the outlook would not therefore worsen - The proposed arrangement is considered acceptable. No policy requirement for additional outdoor amenity space for the proposed extensions and

<ul style="list-style-type: none"> - Basement is not fit for purpose. Fails to comply with London Plan internal space standards, and LBHF's SPD HS2, regarding storage, ceiling heights, room sizes - Outdoor space is overlooked by neighbour at 32 Vereker Road 	<p>alterations to an existing residential unit</p> <ul style="list-style-type: none"> - Addressed in para 3.9 and 3.14 of the report - The outdoor area is an existing arrangement, already overlooked by No. 32
<p>Noise and disturbance</p> <ul style="list-style-type: none"> - Intensification of the site's use and use of existing outdoor (space kitchen, noise, music, talking/shouting, mobile phones, babies screaming, barbecues and cigarette smoke) - Noise and disturbance from building works - Unclear where the soil vent pipes, and air extraction and air conditioning units may be placed 	<ul style="list-style-type: none"> - The proposed additional living space resulting from the extensions and alterations would not result in any significant increase in potential nuisance. - Impacts from building works are controlled through Building Regulations and Environmental Protection Legislation. - Any ventilation equipment would require planning permission, and Condition 13 has been attached.
<p>Health and Safety</p> <ul style="list-style-type: none"> - Use of outdoor space would breach current COVID19 guidelines as the gulley is only 1m wide - Potential fire hazard 	<p>The outdoor area is an existing space.</p> <p>Addressed under Building Control assessment</p>
<p>Refuse</p> <ul style="list-style-type: none"> - Refuse will have to be left on the pavement - Poor access to waste storage area - Smells and rodents from the waste storage. 	<p>Addressed in paragraph 3.50</p>
<p>Cycle storage</p> <ul style="list-style-type: none"> - No provision made for bicycle storage 	<p>The application relates to extensions and alterations to an existing residential unit rather than a new build. It is therefore unreasonable to require cycle storage.</p>
<p>Accessibility</p> <ul style="list-style-type: none"> - Design of staircase and doorway is impractical, inaccessible (Contrary to Policy DC4 of the Local Plan) - No escape route 	<p>The staircase is an existing access arrangement, the application relates to extensions and alterations to an existing residential unit rather than a new build.</p> <p>This is addressed under by Building Control</p>

	regulations
Parking Increased parking stress	Addressed in paragraphs 3.48 and 3.49
Light pollution Light pollution from skylights	Addressed in paragraphs 3.43 and 3.44
Environmental impacts - Inadequate FRA Insufficient drainage - Basement excavation will cause damage, and impacts on drainage and ground water, to neighbouring properties - Energy inefficient house	 Flood risk is addressed in paragraphs 3.53 to 3.56 Thames Water have considered the proposals and confirmed that they raise no objections. This is addressed under Building Control Regulations This is not a planning consideration for minor applications of this scale.
Commercial use The cupboard marked audio racks suggest that some form of commercial business is intended in this site.	The application does not include any change of use to commercial, which would require separate planning permission.
Number of applications The Council has not used the powers available in Section 70 of the Town and Country Planning Act 1990	- Addressed in paragraph 1.25.
Ownership/other matters - Possible works to neighbour's property - Building works would be very close to No. 32 Vereker Road - Building works to date have been inadequate, little confidence that a building project of this complex nature will be handled in the correct manner without causing damage to nearby properties given previous events of workers who claim not to speak English on unsupported ladders working from the pavement, scaffolding on the	 A Party Wall agreement will need to be signed by all interested parties to address any works that affect neighbouring properties. Boundary disputes this will be subject to separate legal proceedings financial impacts and builders' behaviour are not planning considerations.

<p>pavement, sacks of earth dumped in the road, skips in the road without parking allocated, heavy objects passed from the roof to the pavement, and a short ladder with two workers on it.</p> <ul style="list-style-type: none"> - Lack of engagement by applicant with neighbours - Lack of progress with the planning applications has resulted property becoming derelict - The basement flat 32 Vereker Road has been let to tenants and provides income to the occupiers of 32 Vereker Road. Development will result in loss of revenue, as it will be impossible to let during building works. - Party Wall Act agreement cannot be relied upon to assist matters between neighbours. 	
Proposals would not prevent later addition of a mezzanine floor	Condition 14 requires planning permission for the addition of a mezzanine floor
Policy HO4 (Housing quality and density) and HO11 (Residential Standards) require that changes to existing housing stock should be fit for purpose	Policy HO4 and HO11 relate to new housing development including the conversion and change of use to existing stock to create new units and is not applicable in this case.
DC11 (basement) restricts basement development to 1 storey below the original lowest floor level. The proposals would result in the formation of 2 basements.	Applications for 1 storey basements below the original lowest floor will not be considered to run contrary to part d) of Policy DC11. A 'single storey' is considered to be one that cannot be subdivided in the future to create additional floors.
Optimal viable use should be considered	The is addressed in para 3.35a of the report

Table 1: Objections received

2.4 Cllr Culhane raised objections on the following grounds:-

- Poor quality of residential accommodation
- Failure to address the issues identified in rejection of 2019/03879/FUL.
- Failure to comply with the London Plan 7.6
- Lack of accurate application drawings
- Lack of a professionally prepared Construction Method Statement to ensure compliance with the requirements of Policy DC11
- Failure to address the impact on neighbours

2.5 Andrew Slaughter MP raised objections on the following grounds:-

- Sub-standard quality of accommodation contrary to London Plan Policy D3
- Mezzanine floor level could be added later to create 3 floors
- Harm to character and appearance of the Conservation Area
- Ambiguity regarding size of rooflights, materials and windows facing Fairholme Road
- Construction Method Statement not carried out by a qualified engineer
- Structural impacts on neighbouring properties

2.6 The Fulham Society have raised the following objections:-

- The proposed basement
- Mezzanine floor level could be added later to create 3 floors
- More details should be submitted for the restoration of the front elevation and roof
- Height of the roof
- Details of flue, ducts, vents and pipes to assess impact on conservation area
- Fails to preserve/ enhance the conservation area

2.7 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, 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 identified to be considered include:

- (i) the standard of accommodation proposed;
- (ii) the heritage character and appearance
- (iii) impact upon neighbours' residential amenity
- (iv) highways
- (v) flood risk
- (vi) contamination

QUALITY/STANDARD OF ACCOMMODATION

3.4 While the Local Plan includes housing standards for new development, it does not include any such standards that applicable for extensions and alterations to existing dwellings.

3.5 In September 2020, the Planning and Development Control Committee refused the application 2020/01566/FUL and was refused for the following reason:

“The proposed development is considered to provide substandard levels of residential accommodation for future occupiers. More particularly the proposed layout including the basement together with the small plot and the physical constraints of the site combine to provide a residential unit that would have an unacceptable level of amenity for prospective occupiers in terms of substandard levels of sunlight and daylight to the living accommodation at basement and lack of ventilation to the kitchen. In this respect the proposal is contrary to Policy 7.6 of the London Plan 2016.”

- 3.6 In November 2020, the Planning Inspectorate issued its appeal decision against the two previous refusals (para 1.22 above) which involved the provision of accommodation over 3 floors, alterations to the form of the roof and a new basement. Notably, in respect of quality of accommodation the Inspector considered that when taken in isolation, the extensions to the roof and basement would not result in harm to living conditions. However, he also considered that the appeal proposals ‘would facilitate the provision of three internal floors. Accordingly, he advised that he ‘must assess the resultant living environment, which is only achievable as a result of the development, against Policy 7.6 and the Framework. The Inspector acknowledged, ‘in that instance that whilst outlook would be constrained, it would not be dissimilar to the basement flats nearby’ and that ‘the only natural light to the new basement would be ‘borrowed light penetrating through a structural glass floor.’ The Inspector makes clear that, ‘the occupation of the building without the roof and any basement extensions would be less intensive’. Overall the Inspector concluded that the appeal proposals would not provide suitable living conditions for future occupiers of the host dwelling in respect of outlook, light and outdoor space, contrary to Policy 7.6 of the London Plan.
- 3.7 Since September 2020, The London Plan 2016 has been replaced by the new London Plan 2021 and therefore Policy 7.6 no longer exists. The new London Plan Policy D3 (Optimising site capacity through the design-led approach) presents the broad policy approach covered in the old Policy 7.6. In addition, London Plan Policy D10 (Basements development) is also now relevant.
- 3.8 Policy D3 relates to optimising site capacity through a design-led approach and describes appropriate locations for higher density developments. The explanatory text describes optimising site capacity to accommodate London's growth. In the Plan one aspect of growth is delivering housing to meet London's growing need and the Plan establishes the framework to deliver the housing it needs. Officers consider that the intention of policy D3 is to provide guidance for design on sites for intensification in the number of units on a site.
- 3.9 Policy D3 sets out a range of criteria 1-13 for the assessment of development including:
1. 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;

(Response: see paragraphs 3.15 to 3.36 in design section of this report).

2. Encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes, crossing points, cycle parking, and legible entrances to buildings, that are aligned with peoples' movement patterns and desire lines in the area;

(Response: This criterion is not intended to be applied to a basement application that is creating additional living space to an existing dwelling. There would be no adverse impact).

3. Be street-based with clearly defined public and private environments;

(Response: see paragraphs 3.15 to 3.36 in design section of this report. There would be no adverse impact)

4. Facilitate efficient servicing and maintenance of buildings and the public realm, as well as deliveries, that minimise negative impacts on the environment, public realm and vulnerable road users;

(Response: This criterion is not intended to be applied to a basement application that is creating additional living space to an existing dwelling. The existing access and refuse collection arrangements would be retained. See paragraphs 3.50)

5. Achieve safe, secure and inclusive environments;

(Response: This criterion is not intended to be applied to a basement application that is creating additional living space to an existing dwelling. The existing established layout at lower ground floor would be retained and in this case the physical constraints of the site does not lend itself to an inclusive environment. There are no objections in terms of safety and security).

6. Provide active frontages and positive reciprocal relationships between what happens inside the buildings and outside in the public realm to generate liveliness and interest;

(Response: Apart from new basement and rooflights which are not visible from street level, the proposals are equivalent to a refurbishment of the existing dilapidated building. The proposed refurbishment would repair the street frontage and would enhance the conservation area.

7. Deliver appropriate outlook, privacy and amenity;

(Response: Regarding privacy, the proposals would not result in a loss to any adjoining occupiers.

In terms of amenity space, Key principle HS1 of the Council's SPD sets out the following requirements for new units: family dwellings should provide 36sqm gardens; family dwellings that result from conversions should include a useable rear garden and where balconies/ terraces are provided they must be designed to respect the amenity of neighbours and be designed so as not to detract from the character of the surroundings. The proposals do not include the formation of a new dwelling and there are therefore no policy requirements

to provide additional outdoor space to this existing non-family unit that would remain as a non-family unit.

In respect of light, unlike the previous appeal proposals considered in November 2020 (para 1.22 above), the proposed accommodation would be split over 2 floors rather than 3 floors because the mezzanine floor has been excluded from the proposals. Notably, this means that the 8 new roof lights in the replacement flat roof would allow significantly more natural light to penetrate to both lower ground and basement when taken together with the natural light gained from the very large replacement windows in the front elevation (which would be the same size as the existing).

In terms of outlook, the proposed lower ground floor would include an open plan living/bedroom and the experience would be comparable with the established situation at lower ground floor. The new basement would provide a kitchen/ dining area that would be constrained but as acknowledged by the Inspector in November 2021, the outlook 'would not be dissimilar to the basement flats nearby'. Due to site constraints, it is not physically possible to include additional windows in the rear elevation without having a potential adverse impact on the residential amenity of the property at 34 Vereker Road which lies to the rear of the site. The creation of a basement below an existing internal ground floor (including lower ground floor) is not an uncommon form of development across the whole borough. Furthermore, the new London Plan 2021, Policy D9 (Basements), considers that smaller-scale basement excavations, where they are appropriately designed and constructed, can contribute to the efficient use of land, and provide extra living space without the costs of moving to a new house.

There is no minimum floor to ceiling heights for extensions to dwellings. However, most Building inspectors still require a practical minimum ceiling height for home extensions and loft conversions. In practical terms, this means a floor to ceiling height of at least 2.0m.

8. Provide conveniently located green and open spaces for social interaction, play, relaxation and physical activity

(Response: The existing building footprint virtually covers the whole site and would remain unchanged. It is not physically practicable to provide additional opportunities for more open space).

9. Help prevent or mitigate the impacts of noise and poor air quality;

(Response: The proposed additional floorspace to an existing dwelling is considered modest. There are no objections in terms noise from the Council's Environmental Protection or Air Quality Teams. Furthermore, any AC, extract, or ventilation for kitchen could be secured by a condition as modern technology does not require large extract equipment and could easily just be a small flue(s) in the roof.

10. Achieve indoor and outdoor environments that are comfortable and inviting for people to use;

(Response: The previous Policy 7.6 (criterion F) referred to providing high quality indoor and outdoor space, has been superseded by the current requirement D3 (criterion 10) which now seeks to achieve a comfortable and inviting living environment. The additional rooflight in the new roof would significantly enhance the quality of natural light within the property and the revised layout of accommodation would achieve a more inviting and comfortable living environment and circulation space for the occupiers. The refurbishments and alterations to the external fabric would reinstate and repair the brickwork (which is crumbling and falling into disrepair) and provide a new replacement roof that would prevent further water leakage. Apart from new basement, the proposals are tantamount to refurbishment and alterations (including rooflights) to the existing building. Overall, the proposals would achieve a more comfortable and inviting indoor and outdoor living environment for people to use).

11. 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;

(Response: Covered paragraphs 3.15 to 3.36 in design section of this report).

12. 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

(Response: Covered paragraphs 3.15 to 3.36 in design section of report).

13. Aim for high sustainability standards (with reference to the policies within London Plan Chapters 8 and 9) and take into account the principles of the circular economy;

(Response: The proposals would result in the re-use and refurbishment of this vacant building. The proposed small scale development is in any case below the threshold for requiring additional sustainability measures.

3.13 London Plan D10 relates to basement development. The supporting text makes clear that smaller-scale basement excavations, where they are appropriately designed and constructed, can contribute to the efficient use of land. In this case, officers consider that the introduction of a new basement is acceptable.

3.14 Overall, officers consider that the proposals create an acceptable quality of living environment for the future occupiers. The existing dwelling included accommodation over a lower ground floor and a partial upper floor (taking into account the balcony and circulation space) and the current proposals are now over 2 full floors, which means that the proposal results in a less intensive use of the site than the 3 floors previously considered on appeal. The reduction in floors

together with the improved natural light to internal areas would improve the quality of life within the enlarged non-family unit without having any demonstrable harm to the residential amenity of neighbouring occupiers. The current condition of the site has a negative impact on the appearance of the conservation area, by contrast the proposed external alterations would improve the appearance of the building and make a positive contribution to the conservation area. On balance, the proposed development is considered acceptable and in accordance with Policy D3 and D10 of the London Plan.

HERITAGE, CHARACTER, AND APPEARANCE

- 3.15 London Plan Policy HC1 states that "Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities".
- 3.16 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).
- 3.17 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.
- 3.18 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).
- 3.19 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).

- 3.20 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.
- 3.21 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.
- 3.22 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:

- 3.23 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.
- 3.24 As with the 'Appeal B' scheme previously determined under 2017/04889/FUL, and appeal ref: 3198570, the current application no longer includes the demolition of the existing front elevation, rather its retention together with repairs, and a new roof to replace the existing flat roof, with larger basement to provide additional living accommodation.
- 3.25 The proposal has been revised during the course of the application including a reduction in height of the proposed roof to be no greater than the existing roof, but with the inclusion of 8 skylights to the flat roof to the rear of the existing pitched roof. The profile of the roof would remain as existing - there would be no rooflights facing No. 32 Vereker Road, no openable additional windows in the front elevation, and the proposals are therefore amount to a refurbishment of the front elevation, with no increase in height or bulk.
- 3.26 No.32A Vereker Road was erected as an artist's studio extension to No.32 Vereker Road towards the end of the nineteenth century. Therefore, whilst not part of the original architectural composition of the surrounding terraces, it is contemporary with the Victorian growth of the area. Commenting on the existing building, paragraph 15 of the Inspectors decision states that 'Although tired in appearance the building is not without interest. It is finished in materials that broadly match the terraces nearby and the brickwork includes some attractive detailing at eaves level. The large street facing window and 'northern lights' in the roof distinguish the building as an artist studio. The Studio was associated with, and probably built by, the apparently well renowned local artist...and this adds additional local interest. There are other clusters of Victorian artist studios with

distinctive architectural features within the conservation area and the scheme should be understood in this context. As such, the building is of local interest and significance and worthy of retention.'

Basement:

- 3.27 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.

London Plan 2021 Policy D10 relates to basement development and states that 'Boroughs should establish policies in their Development Plans to address the negative impacts of large-scale basement development beneath existing buildings, where this is identified as an issue locally.' The supporting paragraph (3.10.3) makes clear that the Mayor supports boroughs in restricting large-scale basement excavations under existing properties where this type of development is likely to cause unacceptable harm. Significantly, paragraph 3.10.6 states that the Mayor considers that 'smaller-scale basement excavations, where they are appropriately designed and constructed, can contribute to the efficient use of land, and provide extra living space without the costs of moving to a new house. In areas where basement developments could cause particular harm, boroughs can consider introducing Article 4 Directions to require smaller-scale proposals to obtain planning permission.'

- 3.28 The lower ground floor level of the original building was already below street level and was accessed via a staircase inside the front door approximately 1.1m - The proposal involves excavation below the existing lower ground floor to create a basement that would be 3.6m below the pavement level. As the excavation remains within the footprint of the existing would provide additional floorspace below the original lower floor level, the excavation works are acceptable and accord with Policy D10 of the London Plan 2021 and Policy DC11 of the Local Plan (2018).

Roof alterations

- 3.29 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. Whereas in the previously refused schemes it was proposed to raise the height of the existing roof, the current application no longer proposes any changes to the height of the existing roof in any way with the exception of the eight roof lights on the flat roof behind the pitched section of roof. The rooflights would project approximately 0.05m above the height of the existing flat roof and would not be visible from the street. Overall, the form of the roof would remain as existing, and the proposed changes would therefore be subservient and visually acceptable.

- 3.30 With regards to the proposed alterations to the front elevation's windows and rooflights, in September 2018 the Inspector concluded (2017/04889/FUL) that 'the insertion of roof lights is not essential to achieve these [identified] benefits as the existing property could be renovated in its current form as a studio dwelling' (paragraph 21). Whereas the Inspector found harm with the previously proposed extended roof form being 'overwhelmed with roof windows' (paragraph 18), particularly at the Fairholme Road elevation, under the current application the proposed replacement windows and rooflights to the front elevation would be no greater in number or size than the existing. In light of this the proposed number of windows and their proportions is now acceptable.
- 3.31 The proposals also differ from the previously refused schemes in that the number of opening panes in the main street facing window in the north elevation would not introduce any further opening windows and would remain as existing.
- 3.32 The designated heritage asset that stands to be affected by the proposals is the character, appearance, and setting of the Barons Court conservation area.
- 3.33 The proposed rooflights to the rear of the existing ridge would not be visible from the street. Considering the wider setting of the Barons Court conservation area heritage asset, at street level the rooflights would only be visible from restricted views within the conservation area. The proposed alterations are considered modest in scale and subservient to the parent building. Given the location and scale of the proposed development at the front and the obscured views of the rooflights which is also small in scale, the proposed scheme would have less than significant harm to the heritage asset overall.
- 3.34 The proposed development is acceptable in the interests of visual amenity and would not harm the character and appearance of the building, or the Barons Court Conservation Area which it is desirable to preserve in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The less than substantial harm identified to the significance of the Barons Court Conservation Area would be outweighed by public benefits and the proposals are therefore considered to comply with the NPFF (2019), Policies DC1, DC4, DC6, and DC8 of the of the Local Plan (2018), and Key Principle CAG3 of the Planning Guidance SPD (2018).

Other External Alterations:

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

3.35a Regarding whether the securing of a heritage asset's optimum viable use is appropriate in planning terms in this instance, it is noted that the application site is neither a designated nor non-designated heritage asset in its own right. 'Area-based' designated heritage assets such as World Heritage Sites and conservation areas will not themselves have a single use. Therefore, securing the optimum viable use of the area-based asset as a whole, in this case the Baron's Court Conservation Area, is not a relevant consideration in assessing the public benefits of the development proposal affecting such heritage assets."

Conclusion:

3.36 When weighing the public benefits of the proposals against the harm to the conservation area identified above, the merits of the proposals in providing extended, modernised accommodation, are considered to outweigh the less than substantial harm identified to the conservation area. Therefore, the proposed development complies with Policies DC1, DC4, DC6, and DC8 of the Local Plan (2018), and Key Principle CAG3 of the Planning Guidance SPD (2018).

RESIDENTIAL AMENITY

3.37 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:

3.38 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.

3.39 The siting and orientation of the existing building, due to its position between Nos.32, 34, and 36 Vereker Road already breaches this standard. Significantly, the proposals do propose any increase in the height of the existing roof structure. The proposal would retain the status quo and would not worsen the existing outlook arrangement. In terms of outlook respect the proposals are considered acceptable.

Privacy and Overlooking:

3.40 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).

- 3.41 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 applications, the roof excludes any windows 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.
- 3.42 While the new windows to the front elevation would be transparent, rather than obscured as existing this would not result in a loss of privacy. In addition, the new rooflights are set 3.5m from the first floor rear windows at No.32 Vereker Road and would not provide an additional opportunity for overlooking. In this respect, the proposal complies with Key Principle HS7(iii).

Light Pollution:

- 3.43 In respect of the emission of artificial light, this matter was considered within paragraph 36 of the Inspectors decision notice where he stated that 'outside daylight hours... (the impact) could be mitigated to an acceptable extent if the windows were fitted with blinds that could be pulled to limit light spillage. Moreover, the occupants of 32 Vereker Road would probably pull their own bedroom curtains in the evening and this would limit light penetration from the roof windows at the appeal site.' It is also noted that this current application has omitted most of the rooflights closest to first floor windows at 32 Vereker Road, with the nearest (3.5m) two proposed lights being only 0.56sqm each.
- 3.44 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:

- 3.45 Some of the representations received raised concern over the impact of the intensified use of the premises, including lightwell/external space, upon the generation of additional noise and disturbance. This matter was covered by the Inspector within paragraph 41 of their decision, which stated that whilst 'there may be some additional activity associated with the occupation of the property following the proposed works, including a greater use of the light well between No.32 and 32A, such activity is unlikely to be so great as to be harmful given the lawful fall-back position of the property as a studio dwelling.'
- 3.46 Planning conditions are proposed to be attached to any permission requiring details of any external extraction equipment, and the submission of a construction management and logistics plan.
- 3.47 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

- 3.48 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.
- 3.49 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

- 3.50 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

- 3.51 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.
- 3.52 A condition will be attached to any permission securing the submission of a Construction Management Plan and a Construction Logistics Plan to ensure that the amenities of local residents were protected as far as possible during the construction phase.

FLOOD RISK

- 3.53 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.

- 3.54 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.
- 3.55 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.
- 3.56 As required, a Flood Risk Assessment (FRA) has been submitted with the application, which provides details of adequate flood proofing measures to the proposed basement accommodation and notes the use of water efficiency measures. Following review by Officers of the Council's Environmental Policy team and having regard to the assessment under previous applications 2017/04889/FUL (appeal ref: 3198570), the submitted FRA outlines adequate flood protection and water efficiency measures, the implementation of which are to be secured by condition. Subject to such a condition the proposed development is considered compliant with Policy CC3 of the Local Plan (2018).

LAND CONTAMINATION

- 3.57 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.
- 3.58 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 permission.

4.0 RECOMMENDATION

- 4.1 1) That the Committee resolve that the Chief Planning Officer be authorised to grant planning permission subject to the conditions listed below; and
- 2) To authorise that the Chief Planning Officer after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.