

**Ward:** Shepherd's Bush Green

**Site Address:**

58 Uxbridge Road London W12 8LP



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

**Reg. No:**

2021/02919/FUL

**Case Officer:**

Paul Curtis

**Date Valid:**

24.09.2021

**Conservation Area:**

Constraint Name: Shepherds Bush Conservation Area - Number 21

**Committee Date:**

18.04.2023

**Applicant:**

Mr Ghaswala  
58 Uxbridge Road London W12 8LP

**Description:**

Erection of a single storey rear extension to replace the existing structure.

Drg Nos: B-01 Rev C; A-01 Rev C; A-02 Rev C; A-03 Rev C; A-04 Rev C; A-05 Rev C; A-06 Rev C; A-07 Rev C.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the Committee resolve that the Director of Planning and Property be authorised to grant permission subject to the conditions listed below;

That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

**Conditions:**

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

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

- 2) The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

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

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

- Walls: brick to match the existing building in terms of brick and mortar colour and bond pattern.

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

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

- 4) No part of any roof of the building or the extension hereby approved shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to any elevation of the application property to form access onto the roofs.

Such a use would be detrimental to the amenities of neighbouring properties by reason of overlooking and loss of privacy, in accordance with Policies DC4 and HO11 of the Local Plan (2018) and Key Principle HS7 (iii) of the Planning Guidance Supplementary Planning (2018).

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

It is considered that such structures would seriously detract from the appearance of the building, in accordance Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 6) The development shall be carried out and completed in full accordance with the details contained within the Flood Risk Assessment submitted with this application. No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form thereafter.

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

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

So that the visual impact of such installations can be considered in accordance with Policies DC1 and DC8 of the Local Plan (2018).

**Justification for Approving the Application:**

- 1) It is considered that the proposals 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. It is not considered that the development would harm the existing character or appearance of the Shepherd's Bush Conservation Area. Furthermore, the proposals are not considered to significantly increase flood risk. In these respects the proposals comply with Policies CC3, DC1, DC4, DC8, and HO11 of the Local Plan (2018) and Key Principles CAG3, BM2, HS4, HS6 and HS7 of the Planning Guidance Supplementary Planning Document (2018).

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

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

Application form received: 8th September 2021

Drawing Nos: see above

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

**Consultation Comments:**

**Comments from:**  
London Underground Limited

**Dated:**  
06.10.21

## **Neighbour Comments:**

### **Letters from:**

### **Dated:**

16 Sterne Street London W12 8AD	27.10.21
51 Sterne Street, London W12 8AB	27.10.21
27 Caxton Road London W12 8AJ	27.10.21
39 Sterne Street London W12 8AB	27.10.21
1 ShepherdsBush Place London W12 8LX	27.10.21
1 ShepherdsBush Place London W12 8LX	21.11.22
4 Tadmor Street London W12 8AH	27.10.21
6A Caxton Road Basement Flat London W12 8AJ	27.10.21
2 Vanderbilt Villas London W12 8AF	26.10.21
2 Shepherds Bush Place London W12 8LX	27.10.21
4 Vanderbilt Villa Sterne Street London W12 8AF	27.10.21
2 Sterne Street London W12 8AD	27.10.21
10 Sterne Street London W12 8AD	27.10.21
3 Bodington Court Sterne Street London W12 8AD	27.10.21
4 Vanderbilt Villas Sterne Street London W12 8AF	22.10.21
4 Vanderbilt Villas Sterne Street London W12 8AF	18.11.22
29 Tadmor Street London W12 8AH	27.10.21
14 Sterne Street London W12 8AD	27.10.21
1 Shepherd's Bush Place London W12 8LX	16.11.22
8 Sterne Street London W12 8AD	27.10.21
4 Vanderbilt Villa Sterne Street London W12 8AF	18.11.22
16 Sterne Street London W12 8AD	29.11.22
4 Tadmor Street London W12 8AH	27.10.21
2 Shepherds Bush Place London W12 8LX	29.11.22

## **1.0 SITE AND SURROUNDINGS**

- 1.1. The application relates to a three storey terrace property, used as a shop at ground floor level with residential units at upper floor levels, located on the northern side of Uxbridge Road with Shepherds Bush Green to the south. To the rear of the application property there are residential properties being Listed Buildings at 1-18 Shepherd's Bush Place and 37-53 Sterne Street. The subject property forms part of a terrace of locally listed Buildings of Merit (nos. 54-108 Uxbridge Road) and is within the Shepherds Bush Conservation Area. The site is also designated as Prime Retail frontage in Shepherds Bush Town Centre.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 2005/02519/FUL - Change of use from retail (Use Class A1) to restaurant (Use Class A3) and takeaway (Use Class A5); Erection of external extractor flue to rear elevation. Application refused: 12.12.2005. Appeal dismissed 05.09.2006.
- 2.2 1992/01581/ADV - Display of an internally illuminated fascia sign and a projecting box sign. Application approved: 19.04.1993.
- 2.3 1987/00632/FUL - Conversion of the first and second floors to use as a self-contained two bedroom flat and a self contained one bedroom flat. Application approved 07.05.1987.

- 2.4 1982/00713/FUL - Installation of a new shop front. Application approved 25.06.1982.
- 2.5 1969/00802/HIST - Display of an internally illuminated transom sign measuring 17'0" by 2'0", maximum height above ground level 9'6", maximum size letters 5" at 58, Uxbridge Road, W12.
- 2.6 1967/00145/HIST - Display of an internally illuminated overhanging sign measuring 3'0" by 2'0", maximum height above ground level 12'4", projection 3'3", maximum size lettering 3"; at 58 Uxbridge Road W12.
- 2.7 1965/30059/HIST - Formation of store room in basement area at 58 Uxbridge Road, Hammersmith W12.
- 2.8 1965/00301/HIST - The use of the yard at the rear of No.58, Uxbridge Road, W12, for the parking of two motor cars and the formation of vehicular access to Sterne Street.
- 2.9 1955/00472/HIST - The erection of a sign in pearl opal red, green, royal blue, peach, white and yellow neon size 16'0" x 13'0", projection 1'0", maximum height 31'2", across the first and second floor windows at 58 Uxbridge Road, W12.

### 3.0 CURRENT APPLICATION

- 3.1. The application seeks planning permission for the erection of a single storey rear extension. This would replace the existing unauthorised rear ground level roof structure.
- 3.2 The application originally proposed to include a shopfront to the rear of the site on Sterne Street, however, this element of the proposal has since been deleted from the proposed scheme, following concerns from both local residents and officers.

### 4.0 PUBLICITY AND CONSULTATION

- 4.1. The application was publicised by means of a site and press notice, as well as individual notification letters sent to the occupants of neighbouring properties (18).

The original consultations generated 17 objections (from 15 properties). The grounds for objection are summarised as follows:

- Proposed new shopfront would cause noise pollution, traffic problems, littering and anti-social behavior. The shopfront is not in keeping with the surrounding residential streets and would be harmful to the Conservation Area

Officer response: Following consultation responses, the shopfront to the rear has been removed from the proposed development

- Overdevelopment, the proposed extension is oversized and would harm the appearance of rear of the terrace of properties in Uxbridge Road and would result in a loss of garden space.

Officer response - see comments under paragraph 6.3. of this report.

- There should be no commercial access from Sterne Street/Shepherds Bush Place and other nearby residential streets as this could create noise, pollution and anti-social behavior.

Officer response - The revised drawings now show only a fire escape door to the rear of the single storey rear extension and therefore there would be no access from Sterne Street/Shepherd's Bush Place.

- Drawings indicate 2no. extractor fans are to be installed to the rear elevation of the building. This could result in noise and air pollution.

Officer response - These are existing units and are shown in both the existing and proposed drawings and are not part of this application.

- The proposed drawings and documents submitted with the application are inconsistent and it is not clear what the proposals are.

It should be noted that neighbouring properties were re-consulted on the application due to the removal of the rear shopfront from the proposed development, and plans are considered to clearly show the proposed development.

Following re-consultation, a further 6 objections were received from 4 properties. The grounds for objection raised no new issues from what was outlined above.

#### External Responses:

Thames Water - No comments on the application.

## 5.0 POLICY FRAMEWORK

- 5.1. The statutory development plan comprises the London Plan (2021), the Local Plan (2018) and the Planning Guidance Supplementary Planning Document - 2018 (hereafter referred to as Planning Guidance SPD). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

#### National Planning Policy Framework (NPPF)

- 5.2. The NPPF came into effect on 27 March 2012 and was subsequently revised in 2019 and more recently in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 5.3. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise

## The London Plan

- 5.4. The London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years.

## The Local Plan

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

## 6.0 PLANNING CONSIDERATIONS

- 6.1. The main planning considerations in the assessment of this application include the following:-
- Impact on the character and appearance of the host building and Shepherds Bush Conservation Area and Town Centre.
  - Residential amenity of neighbouring occupiers.

## CONSERVATION AND DESIGN

- 6.2. Local Plan Policies DC1, DC4 and DC8 are particularly relevant to the assessment of design. Policy DC1 (Built Environment) states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. Policy DC4 (Alterations and Extensions, Including Outbuildings) sets out to ensure that a high standard of design will be achieved in all alterations and extensions to existing buildings. Policy DC8 seeks to protect the character and appearance of heritage assets. Key Principle CAG2 and CAG3 of Planning Guidance SPD (2018) provide guidance on urban design and new development in conservation areas.
- 6.3. The proposed rear single storey extension covers approximately one half of the rear former yard area of the application property. It is replacing an apparently unauthorised existing covered utility area. The proposed extension is considered to be of an acceptable scale and design and is judged to be subservient to the host building which is a locally listed building of merit. This is also considered to be in keeping with the existing pattern of development to the rear of these properties. Following consultation the design of the proposed development has been revised to remove the originally proposed shopfront entrance onto Sterne Street/Shepherd's Bush Place and the proposed extension would be used as an ancillary area for the existing ground floor shop (Use class E).

- 6.4 The property is situated in a terrace where infilled or covered rear yards are a common feature. It is considered that the proposal respects the established building line of the rear of this parade of properties and is considered to be an improvement on the existing unauthorised structure. The proposed materials are brick walls to match the main building and are considered acceptable. The proposals are considered to have no significant adverse impact on the nearby Listed Buildings in Sterne Street and Shepherd's Bush Place or on the wider Shepherd's Bush Conservation Area which would be preserved by this proposal.
- 6.5 It is considered that the proposed extension would comply with policies DC1, DC4 and DC8 of the Local Plan (2018) and ) and key principles CAG2 and CAG3 of the LBHF SPD (2018).

## RESIDENTIAL AMENITY

- 6.6 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 Policy HO11 states that extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact upon the amenities enjoyed by neighbouring properties to include privacy, daylight and sunlight, and outlook. SPD Housing Key Principles HS4, HS6 and HS7 contain safeguards against sense of enclosure, loss of outlook, loss of privacy and loss of daylight against neighbouring occupiers.
- 6.7 The proposed extension is considered to have no significant adverse impact on No.56 Uxbridge Road which has an existing large rear extension. The extension is also considered to have no significant adverse impact on No.60 Uxbridge Road which has a rear yard abutting the proposed extension. This property is not considered to suffer any significant loss of amenity in terms of loss of light, outlook or sense of enclosure.
- 6.8 To the rear of the application property there are residential properties at 1-18 Shepherd's Bush Place and 37-53 Sterne Street. The revised proposal with no public access from Sterne Street/Shepherds Bush Place (to the rear) is not considered to have any significant adverse impact on these properties in terms of loss light or outlook or to create any increased sense of enclosure or loss of privacy.
- 6.9 Key Principle HS4 states that "The council will have regard to the existing established rear building lines of adjoining properties in determining applications for rear extensions which project beyond the rear building line of the property as originally built." This Key Principle sets out criteria whereby planning permission would not normally be granted for an extension.
- 6.10 Whilst the application proposal would not comply strictly with the criteria relating to extensions generally not exceeding a depth of 3.5m, and extending to within 4m of the rear boundary and covering more then 50 % of the open area to the rear of the property as originally built. However, it is clear that the proposal respects the existing established pattern of development to the rear of the terrace (see comments under paragraph 6.3/6.4 of this report) and as such officers consider that the proposal would be acceptable.

- 6.11 Key Principle HS6 states that 'Any proposed new development and/or extensions to existing buildings should as a general rule, not result in an infringing angle of more than 45 degrees. There are no residential properties immediately abutting the rear boundary and therefore the criteria listed in this Key Principle are not applicable.
- 6.12 Key Principle HS7 relates to the impact of new development in terms of windows and outlook. The criteria listed are not applicable to this proposal.

#### CONCLUSION - RESIDENTIAL AMENITY:

- 6.13 Concerns were raised about access to this commercial property from the rear of the site (Sterne Street/Shepherds Bush Place). As noted the originally proposed shopfront to the rear was deleted from the proposal, and that now to the rear all that remains is a fire escape door. A condition will be attached to ensure that this door is only used as a means of escape.
- 6.14 The proposed extension would not result in any detrimental impact to existing residential neighbouring occupiers in terms of loss of daylight, sunlight, overlooking, sense of encroachment or loss of privacy. The proposed development would therefore comply with HO11 of the Local Plan (2018) and Key principles, KHS4, KHS6 and KHS7 of the SPD (2018).

#### 7.0 CONCLUSION

- 7.1. The proposed extension would not detrimentally affect the character and appearance of the host building, the wider terrace of buildings or the Listed Buildings to the rear and would not result in any harm to the conservation area. There would be no undue harm to the residential amenity of neighbouring occupiers. The proposal is therefore acceptable and in accordance with Policies, DC1, DC4, DC8 and HO11 of the Local Plan (2018) and Key Principles CAG2, CAG3, HS4, HS6 and HS7 of the LBHF SPD (2018).

#### 8.0 RECOMMENDATION

- 8.1 Grant planning permission, subject to the recommendations at the start of the report.