

**Ward:** Palace and Hurlingham

**Site Address:**

5 And 7 Melbray Mews London SW6 3NS



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**Reg. No:**  
2022/02556/FUL

**Case Officer;**  
Ronny Ferley

**Date valid:**  
13.09.2022

**Conservation Area:**

**Committee Date:**  
06.06.2023

**Applicant:**  
C/O Agent

**Description:**  
Erection of an additional floor at roof level (with 6 solar panels at main roof level) in connection with the creation of two 1 bedroom self-contained flats (1 x 1 bed at 7 Melbray Mews and 1 x 1 bed at 5 Melbray Mews) and the formation of a roof terrace at roof level to 7 Melbray Mews.

**Application type:**  
Full Planning Application

**Officer Recommendation:**

- 1) That the Committee resolve that the Director of Planning and Property be authorised to grant permission subject to the condition(s) listed below:
- 2) 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 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.

**1) Time limit**

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) Approved Drawings**

The development shall be carried out and completed in accordance with the following approved drawings:

777/08 Rev C; 777/09 Rev A; 777/10 Rev A; 777/11 Rev A; 777/12 Rev B;  
777/13; 777/14 Rev A; 777/15 Rev A; 777/19

## Flood Risk Assessment; Transport Technical Note

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

### **3) Materials**

Prior to commencement of the development hereby permitted, details (including manufacturer's specifications, photographs and/or brochures) of the external surfaces (including fenestration) and, where applicable, all areas of hard surfacing shall be submitted to, and approved in writing by the Council.

The development shall be carried out and completed in accordance with the approved details. 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 appearance in line with Policies DC1, DC4 and DC8 of the Local Plan (2018).

### **4) Noise Sensitive Rooms**

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$  of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site is not adversely affected by household/neighbour noise transmission to adjoining dwellings at unreasonable levels due to unsuitable layout and arrangement of rooms and communal areas, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

### **5) Flood Risk Assessment**

The development shall be carried out and completed in full accordance with the details of the flood mitigation measures including sustainable drainage measures contained within the hereby approved Flood Risk Assessment by ARK Ltd. (dated October 2020).

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 and maintained as necessary thereafter.

To limit the impact on flood risk and mitigate the susceptibility of the development to flooding in accordance with Policies CC2, CC3 and CC4 of the Local Plan (2018).

## **6) Zero Emission Heating**

Prior to occupation of the of the Residential Units (Use Class C3) development hereby permitted, details of the installation of the Zero Emission MCS certified Air/ Water Source Heat Pumps or Electric Boilers to be provided for space heating and hot water for each of the three residential units shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To ensure that the development does not contribute to in an increase in air pollution locally in accordance with Policy CC10 of the Local Plan (2018).

## **7) Construction Logistics Plan**

Prior to commencement of the development hereby permitted a Construction Logistics Plan (CLP) in accordance with Transport for London guidance shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The CLP shall cover the following minimum requirements:

- Site logistics and operations;
- Construction vehicle routing;
- Contact details for site managers and details of management lines of reporting;
- Location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking;
- Membership of the Considerate Contractors Scheme.

The works shall be carried out in accordance with the approved Construction Logistics Plan throughout the whole construction period.

To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the operation of the public highway, the amenities of residents and the area generally in accordance with Policy T7 of the London Plan and T1, T6 and T7 of the Local Plan (2018).

## **8) Cycle Parking**

Prior to the first occupation of the development hereby permitted, cycle parking spaces as specified on the hereby approved Dwg No. 777/08 Rev C shall be implemented and installed in full in accordance with the approved drawings and shall thereafter be retained solely for the designated use.

To ensure adequate cycle parking is available on site and to promote sustainable modes of transport in accordance with Policy T3 of the Local Plan (2018) and Policy T5 of the London Plan (2021).

## **9) London Underground Safeguarding**

Prior to commencement of the development hereby approved, details of the following shall be submitted to and approved by the Local Planning Authority, in conjunction with London Underground / Transport for London consultation in regard to;

- Construction details on the additional floor
- The use of tall plant and scaffolding
- Demonstration of access to elevations of the building adjacent to the property boundary with London Underground infrastructure can be undertaken without recourse to London Underground entering their land
- Mitigation of the effects of noise and vibration arising from the adjoining operations within the structures.

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

## **10) Residential Use – Permitted Development Restrictions**

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

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

## **11) No Alterations**

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

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2, and DC4 of the Local Plan (2018).

## **12) Roof Terrace**

Other than the area explicitly identified on the approved drawings as a terrace/balcony, no other part of the roof 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 properties to form access onto the roofs.

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

### **13) Windows Obscure Glazed / Non Opening**

Prior to the occupation of the development hereby permitted, the windows in the east / north-eastern elevation of Flat 9 [as shown on Dwg No. 777/15 Rev A], shall be fitted with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3 and shall be non-opening and fixed shut up to a height of 1.7m above the finished floor level. The window shall thereafter be permanently retained as approved.

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

### **14) Details of Solar PV Panels**

Prior to the occupation of the development hereby approved, details of the siting, gradient and number of Solar PV Panels to be installed on the new dwellings as shown on Dwg No.777/12 Rev A, shall be submitted to and approved in writing by the Local Planning Authority, implemented as approved and thereafter maintained.

To promote sustainable development and ensure that the proposed development does not prejudice the appearance of the nearby conservation areas in line with policies CC1 and DC8 of the Local Plan (2018).

### **15) Refuse / Recycling**

No part of the development hereby approved shall be occupied until the provision for the storage of refuse and recycling have been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the provision for refuse and recycling storage shall be permanently maintained in this form for the lifetime of the development.

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

### **Justification for approving application:**

1. Land Use: The scheme proposes two new small residential units in a sustainable mixed-use location where there is no loss of commercial floorspace and as such, the residential units would be in addition to the existing units and the proposed development would make efficient use of land by optimising residential use at the site. This would help to increase and diversify housing supply in the borough. The proposal is therefore considered to be in accordance with Policy D3 and GG2 of the London Plan (2021), Policies HO1, HO4, and HO5 of the Local Plan (2018).
2. Housing: The quality of accommodation, including internal design and layout of the new residential units, is considered to be of good quality having regard to the Mayor's Design Guidelines and compliant to London Plan (2021) Policy D6, together with Policies HO3, HO6, and HO11 of the Local Plan (2018).
3. Design: The development is considered to be sensitively designed to respect the character and appearance of the locality and surrounding conservation areas. The integrity of the host building would not be unduly compromised upon and the established built form would be largely maintained due to the moderate scale of the proposed roof additions. Therefore, the proposed development would be in accordance with the aims and objectives of policies DC1, DC4 & DC8 of the Local Plan (2018) which seek, inter-alia, that developments are of good design and having due regards to the surrounding aesthetics of the built environment, including heritage assets.
4. Residential Amenity: The impact of the proposed development upon adjoining properties is considered to be acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of daylight/sunlight, outlook, privacy and noise and disturbance. The intensification of residential use is appropriate for the mixed-use location. In this regard, the proposed scheme would adhere to the principles of good neighbourliness and would therefore comply with Policies HO11 and DC4 of the Local Plan (2018).
5. Transport & Highways: The scheme is proposed as car-free and it is considered that there would be limited impacts on the local highway network or local car parking demands. The site is in a sustainable location with adequate local services, facilities and amenities reducing the need to travel and the area has a high PTAL score of 6a, indicating excellent access to frequent public transport options. The development thereby accords with Local Plan (2018) Policies CC7, T1, T3 and T7 as well as London Plan (2021) Policies T5 and T6.
6. Environmental Issues: The impact of the development with regards to land contamination, flood risk, sustainability and air quality are considered to be acceptable subject to the recommended conditions, in accordance with Local Plan (2018) Policies CC9, CC10, CC3 and CC4.

**That the applicant be informed as follows:**

1. In determining this application, the local planning authority has worked in a pro-active 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. 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.

Notification to neighbours of demolition/ building works:

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and 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.

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.

Dark smoke and nuisance:

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

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.

3. The Police have a security standard for the manufacture of doors and windows. This standard is known as Secured by Design (SBD). Numerous long term studies have shown that by fitting Police approved specification doors and windows you will reduce the chances of being burgled.



The Met Police encourage you to purchase Secured by Design accredited products for your own build. You can find a list of product suppliers on the secured by design web site [www.securedbydesign.com](http://www.securedbydesign.com).

SBD products are tested and certificated by an independent third party to ensure that they meet the minimum British Security Standards as well as all other appropriate requirements.

If you are building or converting into several flats then The Met Police would recommend all communal doors, doors allowing direct access into flats, e.g. front and patio door sets, as well as easily accessible windows and balcony doors should be SBD approved, security tested and certificated or an agreed equivalent.

Ensure that there are no trades release buttons fitted/active on your entrance system. Try to ensure any utility meters are external to properties thereby avoiding the need for persons to access individual flats to 'read the meter' an excuse often used by distraction burglars.

The Met Police recommend that all glazing in doors and windows is either laminated glass or if double glazed, inner pane laminated outer toughened. All balcony or balustrade glazing should be laminated.

Always ask (if fitting a euro-profile style locks) for the enhanced anti-snap lock BS TS007 3\* CCTV can help deter crime and criminal behaviour and provide reassurance for residents and visitors. It can also provide key evidence of any criminal activity. We therefore recommend a CCTV & lighting strategy around the building and communal areas.

4. The dwellings hereby approved shall not be occupied other than in accordance with a water consumption target of 105 litres or less per person per day.

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## Officer Report

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### LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 7<sup>th</sup> September 2022

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

## **Consultation Comments:**

Comments from:	Dated:
Met Police Crime Prevention	07.10.2022
London Underground / Transport for London	30.09.2022
Thames Water	16.09.2022

## **Neighbour Comments:**

Letters from:	Dated:
Ground Floor Flat 158 Hurlingham Road	07.12.2022
154 Hurlingham Road	25.11.2022
4 Melbray Mews	27.10.2022
6 Melbray Mews	27.10.2022
1 <sup>st</sup> Floor Flat 7 Melbray Mews	27.10.2022
1 <sup>st</sup> Floor Flat 7 Melbray Mews /158 Hurlingham Road	25.10.2022
13 Grimston Road	12.10.2022
12 Grimston Road	12.10.2022
148 Hurlingham Road	10.10.2022
156 Hurlingham Road	10.10.2022
11 Grimston Road	08.10.2022
154 Hurlingham Road	03.10.2022
82 Merrion Square South Ballsbridge Dublin	03.10.2022

## OFFICER REPORT

### **SITE DESCRIPTION**

- 1.1 This backland application site has an irregular shape and includes two and three storey buildings around a courtyard which provide accommodation to several small businesses and some residential dwellings. The application buildings relate to Nos. 5 and 7 Melbray Mews which is in a circular shaped mixed-use building situated at the north-western part of the site and No.7 shares a flank elevation with Melbray House immediately to the southwest. The access to the site is from a vehicular undercroft along Hurlingham Road.
- 1.2 The surrounding area includes a mix of residential and commercial properties. To the south and east are the rear gardens of two and three storey residential Victorian terraces fronting Hurlingham Road and Grimston Road. To the north, is a railway line and an access road to railway arches which serve small commercial units; beyond this are the rear gardens of properties fronting New Kings Road. Immediately, to the west are Nos. 160-164 Hurlingham Road which includes vacant single storey, light industrial units.

1.3 The main access on Hurlingham Road falls within the Hurlingham Conservation Area, however, the remainder of the site, albeit adjacent, does not fall within any conservation area. The site also falls within Flood Zone 3 (Low Residual Risk), a Controlled Parking Zone, the London Underground Zones of Interest and has a Public Transport Accessibility Level (PTAL) of 6a (on a scale of 1- 6b with 6b having the highest PTAL).

## **2 PLANNING HISTORY**

2.1 There are planning records for Nos.5 & 7 individually, these are detailed below:

### **No.5**

2.2 In 2022, planning permission (2022/00645/FUL) was granted for the change of use of the ground and first floor levels from office (Class E) into 2 x 2 bedroom self-contained flats (Class C3); alterations to eastern elevation at ground floor level to include replacement of 2no windows with doors, and installation of new steps following the removal of existing staircase to patio garden; installation of new planter box and 2no cycle lockers to south western elevation at ground floor level.

2.2 In 2021, a prior approval application (ref: 2022/00656/PDAB56) was refused for the erection of additional floors at roof level (with 6no solar panels at main roof level) in connection with the creation of 2 x 1 bedroom self-contained flats (1 x 1 bedroom at no. 7 Melbray Mews and 1 x 1 bedroom at no. 5 Melbray Mews); formation of a roof terrace at roof level to no. 7 Mebray Mews on the following ground:

- The proposed development does not constitute permitted development as the height of the highest part of the roof of the extended building would exceed by more than 3.5 metres the height of the highest part of the roof of No. 1-3 Melbray Mews the cycle enclosures would extend beyond the curtilage of the existing building the cycle enclosures would be situated on land forward of a wall forming the principal elevation of the main building and the side elevation must not include windows in any wall or roof slope forming a side elevation of the building.

2.3 In 2014, prior approval application (2014/00798/PD56) was granted for the change of use of second floor from office (Class B1) into a one bedroom self-contained flat (Class C3).

2.4 In 1999, planning permission (1999/01611/FUL) was refused for the erection of an additional floor at roof level (north-eastern block); use of the whole of units 5, 6 and 7 (as extended) for office (Class B1) purposes, together with related car parking on the following grounds:

- i. Unacceptable in the interests of visual amenity; more particularly, the addition of an extra storey would result in an overdominant building which would be out of keeping with the remainder of the development and out of

scale with its general surroundings, particularly the adjacent two storey residential properties in Grimston Road.

- ii. Contrary to the Council's traffic restraint policies and car parking standards the proposed parking spaces was in excess of the maximum number of off- street car parking spaces identified in the Unitary Development Plan for a site of this size. If permitted, the proposal would establish an undesirable precedent which would make it difficult to resist similar developments with excessive on-site car parking provision, the cumulative impact of which would be to add significantly to the high levels of traffic generated on the Borough's already overstretched and congested road network, particularly at peak times, to the further detriment of the amenities of the Borough and its residents.

2.5 The subsequent appeal against the above refusal was dismissed by the Planning Inspectorate in December 2000. The Inspector concluded that the proposal would be out of keeping with its surroundings and in general the proposal was harmful to adjoining Conservation Area. The Inspector also agreed that the car parking provision was excessive.

#### **No.7 –**

2.6 In 2017, a prior approval application (2017/01481/PD56) was refused for the change of use of the first floor level from office (Class B1) into 1 x one bedroom self-contained flat (Class C3) on the following grounds:

- i. The proposal fails to assess the transport and highways impacts of the proposed development and how they are to be mitigated.
- ii. The proposal fails to assess the noise impacts of the proposed development and how they are to be mitigated.

2.7 In 2012, planning permission (2012/01003/FUL) was granted for the Change of use of existing 'live/work' unit to create a separate B1 commercial unit and a self-contained flat.

### **3 PROPOSAL**

3.1 The application is for the erection of an additional floor at roof level (with 6 solar panels at main roof level) in connection with the creation of two 1 bedroom self-contained flats (1 x 1 bed at 7 Melbray Mews and 1 x 1 bed at 5 Melbray Mews) and the formation of a roof terrace at roof level to 7 Melbray Mews.

### **4 PUBLICITY AND CONSULTATION**

4.1 The application was advertised by way of site and press notices and individual notification letters were sent to 64 neighbouring properties.

4.2 In response, 12 objections were received. The main issues are summarised below:

- Out of keeping with remaining development at the site
- Inappropriate height (including with mounted solar panels)
- Unsightly solar panels
- Impact on nearby conservation areas
- Loss of privacy (particularly from roof terrace)
- Loss of daylight/sunlight
- Overshadowing
- Noise and disturbance from roof terrace
- General loss of amenity (including visual amenity)
- Inaccurate drawings
- Inadequate cycle parking provision
- Car and cycle parking area not part of the application site
- Increase in traffic, congestion and pollution
- Inadequate road access (including for emergency vehicles)
- Previous similar development was dismissed at appeal
- Reasons for previous refusals not overcome
- Frequent proposals with little or no change
- Unwanted precedent
- Disruption to businesses in the Mews
- No benefit for the local community
- Lack of affordable housing.
- Construction noise and disruption.

4.3 Officer response: the main concerns outlined above are addressed within the main body of this report. This application is being considered on its own merits against and previous material planning decisions will be taken into account. Regarding, affordable housing, the application falls below the threshold of 10 new units or more to make an affordable housing contribution on or off site. In terms of whether the car and cycle parking area are/are not part of the application site, officers have reviewed the drawings and are satisfied that these are sufficiently accurate for a planning assessment.

4.4 In addition to the above material planning objections, the following non-material issues were also raised:

- Loss of views (officer response: unless a view is statutorily protected, the loss of views is not a material planning consideration)
- Encroachment/ownership issues (officer response: these are civil matters, officers are satisfied that the correct ownership certificate has been signed and any grant of planning permission would not override separate ownership rights)
- Structural damage (officer response: this is an engineering matter covered by alternative building legislation which ensures that buildings are safely constructed)

- Drawings do not accurately show adjoining properties (officer response: whilst helpful, this is not a statutory validation requirement. The impact on neighbouring properties forms part of the planning assessment in this report)
- Developers financial gains (officer response: this is not a material consideration in this case, as there is no viability assessment required for these proposals).
- Impact on property value (officer response: this not a material planning consideration).

## **5 POLICY FRAMEWORK**

5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England. Additionally, for sites in Conservation Areas, the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant.

5.2 Collectively these Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

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

### **National Planning Policy Framework (NPPF)**

5.4 The NPPF (2021) is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

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

### **London Plan**

5.6 The latest London Plan was published in March 2021. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. As Hammersmith & Fulham is one of the 32 London Boroughs, the London Plan forms part of the development plan for the borough.

### **Local Plan**

5.7 The Council adopted the current Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The role of the development plan is to guide decision making on planning applications and inform investment in social and physical infrastructure.

5.8 The 'Planning Guidance' Supplementary Planning Document (SPD) 2018 is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

## **6 PLANNING ASSESSMENT**

6.1 The main planning considerations in this assessment include:

- Principle of Development / Land Use;
- Quality of Accommodation;
- Design and Heritage;
- Residential Amenity;
- Transport and Highways;
- Environmental Considerations (flood risk, air quality, sustainability, contamination etc.);
- Planning Obligations.

### **PRINCIPLE OF DEVELOPMENT / LAND USE**

#### **Housing Supply**

6.2 Policy H1 of the London Plan (2021) states that 66,000 net additional units should be delivered per annum in London. From that, this Borough has a target to deliver 1,609 net additional dwellings per annum. London Plan Policy H2 supports housing on small sites, The need to increase housing supply is reiterated in Local Plan (2018) Policy HO1.

6.3 Policy H2 (Small sites) of the London Plan sets out that Boroughs should proactively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making. The site is approximately 0.085 hectares in size and therefore represents a small site for the purpose of this policy. Officers consider that the proposed 2 unit scheme on this small mixed use site would contribute a more efficient use of this land. The proposals would accord with Policy H2 and would contribute to the overall housing need in the Borough.

6.4 Local Plan Policy HO4 expects housing in existing residential areas to be predominantly low to medium density and to consist of low to medium rise developments, it recognises that high density development may be appropriate in highly accessible areas, subject to design, compatibility with local contexts and transport impacts and highway capacity. It adds that high density housing with limited car parking can help ensure housing output is optimised and may be appropriate in locations with high levels of PTAL, provided it is compatible with the local context and principles of good design and is satisfactory in other respects.

6.5 The site is in Public Transport Accessibility Level (PTAL) 6a using Transport for London's methodology, indicating that it has excellent accessibility by public transport. Officers consider that the addition of three 1-bed flats (6 habitable rooms) is compatible in this location which has excellent access to public transport. Whilst the resulting building would be slightly larger than some surrounding properties the scale would broadly conform with the character of the wider area. As a result, the density of development is considered to be acceptable and would make the most efficient use of a small site within the urban area.

6.6 Overall, the proposal would create 2 new residential units. These additional units would contribute to the boroughs housing supply target and the proposals would accord with London Plan Policy H2 and Local Plan Policy HO1.

### **Housing Mix**

6.7 London Plan Policy H10 (Housing size mix) expects that schemes should generally consist of a range of unit sizes. The policy recognises that a higher proportion of one and two bed units is generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity. The policy also recognises that the provision of one and two bed units plays a role in freeing up existing family housing. Policy H05 of the Local Plan also seeks to ensure that developments provide a mix of housing types and sizes, in particular, it seeks to increase the proportion of family accommodation. Developments should aim to meet the following mix subject to viability, locational characteristics and site constraints being considered on a site by site basis.

6.8 The proposals include the provision of 2 Nos. 1-bed flats. The application site has a high public transport access, PTAL 6a (with 6b being the highest), indicating that access to frequent public transport options is excellent. Given the modest scale of additional units, the location and constraints of the site, the proposed unit mix would be appropriate for this small site and would make a positive contribution towards identified housing need in the Borough.

## **QUALITY OF ACCOMMODATION**

### **Unit Size**

6.9 HO11 of the Local Plan (2018) outlines that developments must provide housing that will meet the needs of future occupants and respect the principles of good neighbourliness. London Plan Policy D6 outlines housing quality and standards including internal space standards.

6.10 Unit sizes – Table 1.3 of Policy D.6 of the London Plan (2021) sets out space standards for different residential units. For the units proposed as part of this scheme the standards would be as follows:

- 50sqm for 1Bed/2person, 1 storey dwelling (52.5sqm proposed for Flat 8)
- 37sqm for 1Bed/1Person, 1 storey dwelling (43.6sqm proposed for Flat 9)



- 6.11 Both units would comply with the standards for their given size. As a result, the units would be of a sufficient size to provide a suitable internal living arrangement.
- 6.12 In terms of outlook, the plans show that the new units would benefit from predominantly south facing windows. On this basis, there would be sufficient light and outlook to the habitable rooms which would afford reasonable living conditions to future occupiers.

### **External Amenity Space**

- 6.13 London Plan Policy D6 states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m in new housing development. Local Plan Policy HO11 and SPD Key Principle HS1 require new dwellings to have access to an area of amenity space appropriate to the type of housing being provided. Para. 3.2 of the 'Planning Guidance' SPD outlines that access to high quality and adequate amounts of private open space significantly adds to the quality of life of all occupants.
- 6.14 Only the larger of the two units (1b/2p) would have access to private external amenity space through a front roof terrace (of 5.2sqm). Most of the existing residential properties within this mixed-use Mews development with its courtyard, do not have access to external amenity space. There are a number of public open spaces within walking distance of the site, most notably Hurlingham Park is just 220m to the east. Given the site characteristics and its proximity to existing public open space, the proposed level of external private amenity space is considered acceptable in this case.

### **Daylight**

- 6.15 The proposed development would face into an open courtyard. The nearest existing development to the proposed south facing dwellings are three storey and some 30m away. Given these particular site circumstances, the overall level of daylight provided to units within the development would be very good and would provide a suitable standard of amenity for future occupiers.

### **Noise and Disturbance**

- 6.16 Local Plan (2018) Policies HO11 and CC11 are aimed at ensuring that residents of future housing are not unduly affected by noise and disturbance from adjoining sites or the wider setting. SPD Noise Key Principle NN3 concerning the sound insulation between dwellings states that "...careful consideration should be given to stacking and layout of rooms in relation to adjoining walls/floors/ceilings."
- 6.17 The site is in a noise sensitive location and there are commercial and industrial uses with the Mews. The Council's Environment Protection Team have reviewed the application and are satisfied that the surrounding noise sources would not adversely impact upon the amenity of occupiers. However, in order to

ensure suitable internal noise levels conditions would be attached in respect of sound proofing between different room types. Subject to these conditions, the proposal would provide an acceptable living environment for occupiers in accordance with Policies CC11 and CC13 of the Local Plan (2018) and Key Principle NN3 of the Planning Guidance SPD (2018).

6.18 Overall, the proposed development would provide satisfactory living conditions and amenities to future occupiers and provide generally good quality of residential accommodation, in accordance with Policies D6 of the London Plan, HO11 and CC11 of the Local Plan (2018), and Key Principle NN3 of the 'Planning Guidance' SPD.

## **DESIGN AND HERITAGE**

6.19 The National Planning Policy Framework (NPPF 2021) recognises that creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

6.20 London Plan Policy D3 (Optimising site capacity through the design-led approach) states that, in terms of quality and character, development proposals should "respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well".

6.21 Local Plan (2018) Policy DC1 Built Environment states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets.

6.22 Policy DC2 Design of New Build states that new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting. All proposals must be designed to respect: a. the historical context and townscape setting of the site, and its sense of place; b. the scale, mass, form and grain of surrounding development and connections to it; c. the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline; d. the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness; e. good neighbourliness and the principles of residential amenity; f. the local landscape context and where appropriate should provide high quality landscaping and public realm with good permeability; g. sustainability objectives; including adaptation to, and mitigation of, the effects of climate change; h. the principles of accessible and inclusive design; and i. principles of Secured by Design.

- 6.23 The Council's Supplementary Planning Guidance SPD (2018) is relevant, in particular Key Principles These Key Principles provide guidance which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance in accordance with the NPPF.
- 6.24 The proposal site forms part of an existing mews development which is situated in a backland location between a group of two and three storey terraced houses on Hurlingham Road and Grimston Road to the south and east, and the raised viaduct of the District Line to the north. Immediately to the west is the 3 storey Melbray House currently in industrial/commercial use which is bounded by Nos.160 – 164 Hurlingham Road. (Most recently, proposals for redevelopment of the featuring a taller, part 4, part 5 storey building where allowed on appeal in 2019, Ref. 2017/02950/FUL and 2018/01638/FUL)
- 6.25 The proposal is for the addition of two separate roof structures to serve as an extra floor on top of the existing 3 storey building. The two structures would occupy the two ends of the existing flat roof that span between Nos. 5 and 7, leaving a central gap of some 9.5m between them. They would extend from the front to the rear of the roof covering its full depth (of roughly 8m) and cumulatively cover about two thirds of the width of the whole roof (measured at approx. 27m). The overall height of the proposals would sit marginally lower than the roofline of Melbray House to the immediate west.
- 6.26 The design of the proposal scheme would be of a simple, lightweight appearance overall, with a mix of transparent and translucent glazing panels forming the main elevations and featuring a curved profile roof, detailed in a polymer roof covering.
- 6.27 The proposed solar panels would sit on top of the proposed roofscape of each additional units, and form a group lined up with each other in two rows each (6Nos. in total). The submitted drawings demonstrate that these would not protrude above the roofline and the panels would be integrated into the design of the additional floor. The panels would be installed within the envelope of the building in an unobtrusive manner and be positioned in the least intrusive location to minimise their visual impact. Details of the solar panels would be secured by condition.
- 6.28 Overall, the proposed additional floor of development in this backland location are considered to be sympathetic to the form, appearance and scale of the surrounding existing buildings and would not be visible from any public realm locations.

### **Heritage**

- 6.29 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. It is key to the assessment of these applications that the decision-making process is based on the understanding of specific duties in relation to listed buildings and

Conservation Areas required by the relevant legislation, particularly the s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.

6.30 S.72 of the above Act states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

6.31 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was most recently revised in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

6.32 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.

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

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

6.35 Para 197 of the NPPF states that: In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

6.36 Para 199 of the NPPF states that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential

harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 6.37 Para 200 of the NPPF states that: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 6.38 Para 201 of the NPPF states that: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.39 Para 202 of the NPPF states that: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.40 The NPPF makes a clear distinction between the approach to be taken in decision-making where the proposed development would affect the significance of designated heritage assets (listed buildings, conservation areas, Registered Parks and Gardens) and where it would affect the significance of non designated heritage assets (buildings of local historic and architectural importance).
- 6.41 The NPPF also makes a clear distinction between the approach to be taken in decision-making where the proposed development would result in 'substantial' harm and where it would result in 'less than substantial' harm.
- 6.42 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 202 and 203, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 6.43 The Planning Practice Guidance notes which accompany the NPPF remind us that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.

- 6.44 The scheme would impact heritage assets indirectly, namely through impacts on setting. These impacts are considered separately in the report below.
- 6.45 In the first instance, the assessment to be made is whether the development within the setting of a designated heritage asset will cause harm to that designated heritage asset or its setting. If no harm is caused, there is no need to undertake a balancing exercise. If harm would be caused, it is necessary to assess the magnitude of that harm before going to apply the balancing test as set out in paragraphs 201 and 202 of the NPPF as appropriate.
- 6.46 The London Plan was published in March 2021. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. It forms part of the development plan for Hammersmith and Fulham.
- 6.47 Policy HC1 of the London Plan (Heritage conservation and growth) advises that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 6.48 The Council adopted the current Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.
- 6.49 Local Plan (2018) Policy DC1 Built Environment states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets.
- 6.50 Policy DC8 Heritage and Conservation states that the council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. These assets include: listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings and features of local interest. When determining applications affecting heritage assets, the council will apply the following principles: a. the presumption will be in favour of the conservation, restoration and enhancement of heritage assets, and proposals should secure the long term future of heritage assets. The more significant the designated heritage asset, the greater the presumption should be in favour of its conservation; b. applications affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is conserved or enhanced; c. applications should conserve the setting of, make a positive contribution to, or reveal the significance of the heritage asset. The presence of heritage assets should inform

high quality design within their setting; d. applications affecting non-designated heritage assets (buildings and artefacts of local importance and interest) will be determined having regard to the scale and impact of any harm or loss and the significance of the heritage asset in accordance with paragraph 135 of the National Planning Policy Framework; e. particular regard will be given to matters of scale, height, massing, alignment, materials and use; f. where changes of use are proposed for heritage assets, the proposed use, and any alterations that are required resulting from the proposed use should be consistent with the aims of conservation of the asset's significance, including securing its optimum viable use; g. applications should include a description of the significance of the asset concerned and an assessment of the impact of the proposal upon it or its setting which should be carried out with the assistance of a suitably qualified person. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Where archaeological remains of national significance may be affected applications should also be supported by an archaeological field evaluation; h. proposals which involve substantial harm, or less than substantial harm to the significance of a heritage asset will be refused unless it can be demonstrated that they meet the criteria specified in paragraph 133 and 134 of the National Planning Policy Framework; i. where a heritage asset cannot be retained in its entirety or when a change of use is proposed, the developer should ensure that a suitably qualified person carries out an analysis (including photographic surveys) of its design and significance, in order to record and advance the understanding of heritage in the borough. The extent of the requirement should be proportionate to the nature and level of the asset's significance; j. the proposal respects the principles of accessible and inclusive design; k. where measures to mitigate the effects of climate change are proposed, the applicants will be required to demonstrate how they have considered the significance of the heritage asset and tailored their proposals accordingly; l. expert advice will be required to address the need to evaluate and conserve archaeological remains, and to advise on the appropriate mitigation measures in cases where excavation is justified; and m. securing the future of heritage assets at risk identified on Historic England's national register, as part of a positive strategy for the historic environment.

6.51 The Council's Supplementary Planning Guidance SPD (2018) is relevant, in particular Key Principles AH1 (Information Requirements for applications for consent affecting heritage assets) AH2 (Protection of Heritage Assets) and BM2 (Proposals affecting buildings of merit). These Key Principles provide guidance which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance in accordance with the NPPF.

6.52 With the exception of the access from Hurlingham Road, the application site is not situated within a Conservation Area but is adjacent to the Hurlingham Conservation Area to the west and south which includes properties along Hurlingham Road. Additionally, the Fulham Park Gardens Conservation Area lies beyond the railway viaduct to the north.

6.53 As such, the impact of the proposals upon the setting, character and significance of these heritage assets require due consideration. 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.

- 6.54 The designated heritage asset that stands to be affected by the proposals is the character, appearance, and setting of the Hurlingham Conservation Area which was designated in 1971 and subsequently extended in 1981 and 2002. The northern part of this Conservation Area includes the properties on Hurlingham Road and the Putney rail bridge provides the western boundary of the Conservation Area.
- 6.55 The Hurlingham Conservation Area Character Profile was approved in 1997 as supplementary planning guidance and splits the conservation area into 4 sub-areas to distinguish areas of similar character and similar periods of historic development. The front of the application site falls into the Western Housing Development (sub-areas C) which consists of three-storey residential terraces and semi-detached properties. The residential terraced properties fronting Hurlingham Road are three storeys, or two storeys with further accommodation in the roof space. The majority are late nineteenth century in date. The terraces have different detailing from each other which provides variety and interest and helps to capture the space along the road frontage.
- 6.56 The western end of Hurlingham Road around the application site is relatively enclosed space due to the terraced nature of the development with solid facades and the compact grain. By contrast, the eastern end of the Road within the Conservation Area is more open due to the presence of Hurlingham Park with its green open edge on the south side of the road.
- 6.57 The proposed development does not include any works along the Hurlingham Road frontage. The proposed works would take place at the rear of the site and views to and from that location are largely screened by the existing railway viaduct and intervening development. The elevational treatment and materiality of the proposed additional floor would be sympathetic to the existing building and would not compete or appear incongruous with the surrounding building typologies. The proposed height would broadly match other properties in and around the mews and would not be visible from the street. In this form, it is considered that the proposal would be of an acceptable scale not out of keeping with its surroundings.
- 6.58 In assessing the impact of the proposals upon the setting, character and appearance of the adjacent Conservation Areas, officers have given due consideration to the earlier appeal decision, in 2000 against the planning refusal (ref 1999/01611/FUL) which included the erection of an additional floor at No 5 Melbray Mews; one of the grounds stated that the addition of an extra storey would be out of keeping with its surroundings and in general, the proposal was harmful to adjoining Conservation Area.
- 6.59 In the substantive intervening period since this decision was taken, there have been significant changes to the character of this section of the Conservation Area owing to the cumulative scale of rooftop additions to properties situated within the



Hurlingham Conservation Area. Coupled with these changes, officers have also given due regard to the earlier appeal decisions allowed for the development of 160-164 Hurlingham Road, which would introduce a part 4/5 storey building to the west of the site, which would rise well above the viaduct and be markedly higher than other buildings in this part of the Conservation Area. In granting permission for this development, the inspector did not conclude the development would result in any harm to the Conservation Area.

6.60 Consequently, considering the current context of the site, coupled with the lightweight design of the proposal scheme, officers suggest that the proposals would have limited visibility from surrounding views of both Conservation Areas. Whilst the development would introduce some minor change to dynamic views encountered when travelling by tube, it is not considered that this would unduly change the appreciation of the Hurlingham Conservation Area. As such, it is considered that the development forms an appropriate, response to this context; which would not result in any harm to the setting and therefore, character or appearance of the Hurlingham Conservation Area.

6.61 Furthermore, officers consider that the proposals would not harm the Fulham Park Gardens Conservation Area which lies beyond the railway viaduct to the north. Overall, the small scale and sensitive design of the proposal scheme is not considered to result in any harm to the setting of any heritage assets.

### **Design and Heritage Conclusion**

6.62 Subject to conditions, the proposed works, due to their design, scale and situation, would not have any harmful impacts on the character, significance or setting of the Conservation Area. The works are designed sympathetically to the character of the site; the development would preserve the character and appearance of the Hurlingham Conservation area.

6.63 Officers have assessed the impact of the proposal upon the setting of adjacent heritage assets and consider that the proposals would not result in any harm to these assets overall. As such, the scheme is considered to comply with s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF and strategic local policies on the historic environment and urban design. The proposed development is also considered acceptable in accordance with the NPPF, the London Plan and Policies DC1, DC2, and DC8 of the Local Plan, and Key Principles of the Planning Guidance SPD.

### **RESIDENTIAL AMENITY**

6.64 Local Plan Policy DC4 states all proposals must be formulated to respect the principles of good neighbourliness. Policy HO11 (Detailed Residential Standards) state that the council will ensure that the design and quality of all new housing, including new build, conversions and change of use, is of a high standard and that developments provide housing that will meet the needs of future occupants and respect the principles of good neighbourliness. Key Principles HS6, HS7, and HS8 of the Planning Guidance SPD seeks to protect the existing amenities of

neighbouring residential properties in terms of outlook; daylight, sunlight, and overshadowing, privacy, and noise and disturbance.

- 6.65 Policies CC11, CC12 and CC13 of the Local Plan (2018) relate to environmental nuisance and require all developments to ensure that there is no undue detriment to the general amenities enjoyed by neighbouring occupiers.

### **Outlook**

- 6.66 'Planning Guidance' SPD Key Principle HS6 notes that the proximity of a development can have an overbearing and dominating effect detrimental to the amenities of adjoining residential occupiers. Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point at ground level or at 2m on the rear curtilage. On-site judgement will be a determining factor if any part of the proposed building extends beyond these lines.
- 6.67 Currently, there are no other third floor windows within the Mews itself and all the existing habitable room windows are located at ground, first or second floors. This situation is replicated at the residential properties along Hurlingham Road and Grimston Road. Due to the unusual shape of the plot, the 45 degree rule is not strictly applicable within the Mews. But given the modest scale of the additional floor, the offset from the lower two floors and the lightweight appearance at the front elevation, officers consider that a satisfactory sense of openness would be retained.
- 6.68 The proposed additional floor would be separated by between some 25m – 37m from the residential properties along Hurlingham Road and this is sufficient to limit any loss of outlook, sense of enclosure and overbearing impacts.
- 6.69 The residential properties at Nos.14 – 16 Grimston Road which lie parallel to the eastern elevation of No.5 have gardens of less than 9m in depth and when measured from a point at the rear residential boundary at ground level, the proposed additional floor would infringe on a 45 degree line. However, the existing eastern elevation of the host building already infringes on this line and based on an on-site judgement, the proposals would have an acceptably modest impact that would not significantly worsen the existing situation for the occupiers at Nos.14 – 16 Grimston Road.
- 6.70 Overall, the proposals accord with Policy DC4 and HO11 of the Local Plan (2018), and Key Principle HS6 of the 'Planning Guidance' SPD.

### **Daylight / Sunlight**

- 6.71 The British Research Establishment (BRE) guide on 'Site layout planning for daylight and sunlight', set out good practice for assessing daylight and sunlight impacts for new development. In urban and city centre areas, BRE Guidelines advise that the guidance be applied flexibly.

6.72 The applicants have submitted a Daylight and Sunlight Report and this document is based on the latest changes to the BRE assessment methodologies made in June 2022. In total, 26 windows in the closest residential properties within the Mews and at Nos.14 – 16 Grimston Road were tested under Vertical Sky Component, No Sky Line and Annual Probable Sunlight Hours.

6.73 The submissions conclude that the siting of the proposed additional floors would have no adverse detrimental impact and the proposals would be compliant with the BRE guidelines. Officers have reviewed this submission and have no reason to question the conclusions of the report. Therefore, the proposals would not result in a significant loss of light to surrounding neighbours who would still have sufficient access to daylight and sunlight complying with Policies DC1, DC4 and HO11 of the Local Plan.

### **Privacy**

6.74 'Planning Guidance' SPD Key Principle HS7 states that new windows should normally be positioned so that they are a minimum of 18m away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window. In addition, a roof terrace/balcony is unacceptable if it would result in an additional opportunity for overlooking and consequent loss of privacy.

6.75 The proposed front facing windows would be orientated and be separated by the same distance as the existing windows in the front elevation of the floors below by between 12m and 16m, and the views from the proposed windows would be no closer to opposing windows within the Mews. The proposed windows in the east/ north-eastern elevation facing the rear gardens of Nos. 14 – 16 Grimston Road are high level and would include 1.7m high obscure glazing from the finished floor level to prevent overlooking and this would be secured by condition.

6.76 A small roof terrace is proposed for Flat 8, and this would be sited to the side/front of the dwelling, it would face the front of the building and courtyard below and the windowless north-eastern elevation of Melbray House. Part of the terrace would have a staggered layout which includes a partial offset behind the front windows and the proposed terrace would not directly face any opposing windows within the Mews. Beyond the Mews, are the rear elevations of the properties fronting Hurlingham Road which are at least 25m away. In its proposed form, the development would have an acceptable impact in terms of overlooking.

6.77 The proposal would not result in any undue loss of privacy or harmful overlooking and therefore accords with Policies DC4 and HO11 of the Local Plan, and Key Principle HS7 of the 'Planning Guidance' SPD.

### **Noise and Disturbance**

- 6.78 'Planning Guidance' SPD Key Principle HS8 adds that roof terraces or balconies likely to cause harm to the existing amenities of neighbouring properties by reason of noise and disturbance will not be supported.
- 6.79 Only Flat 8 (1bed/2person) would have access to the proposed roof terrace (5.2sqm) which is well below the maximum size of 15sqm set out under Key Principle HS8. Officers consider that the proposed size of the terrace would limit the number of people that could congregate in that space and in turn limit potential harmful impact of noise and disturbance.
- 6.80 It is not considered that the additional comings and goings at this mixed-use residential site would cause undue nuisance to existing residents.
- 6.81 The proposed solar PV panels would be fairly low scale and low profile with a marginal protrusion level above the roof which would make them appear as subtle and unimposing. The solar panels would absorb rather than reflect sunlight and would not cause any undue impact in terms of solar glare. Further details of the panels would be secured by condition.
- 6.82 The proposed development is therefore considered to comply with Policies DC4, HO11, and CC11 of the Local Plan (2018), and SPD Key Principle HS8.

#### Conclusion – Residential Amenity

- 6.83 Overall, the proposals would have an acceptable impact on the residential amenities of existing neighbouring occupiers. The proposals would therefore accord with Local Plan Policy HO11, CC11, CC12 and CC13 and SPD Key Principles HS6, HS7 and HS8.

## **TRANSPORT AND HIGHWAYS**

### **Car Parking**

- 6.84 Policy T4 of the Local Plan specifies that car parking permit free measures will be required on all new development unless evidence is provided to show that there is a significant lack of public transport available.
- 6.85 The site lies in an area with a PTAL 6a indicating that there is excellent access to frequent public transport options, and it is in a sustainable location for both transport and amenities. The Council's Highways Team have assessed the proposal in relation to parking and have confirmed that because the application site has a PTAL 6a rating, the proposed residential units must be made car permit free to be in accordance with Policy T4 of the Local Plan. This will be secured through a legal agreement.

### **Cycle Parking**

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

development. Local Plan Policy T3 seeks to increase and promote opportunities for cycling and walking and states that new development to include provision of accessible and safe secure parking within the boundary of the site.

6.87 The proposals include secured and covered cycle storage for 4 bicycles. The Council's Transport officers have considered the proposals and are they are satisfied that the proposed storage arrangements with the application site are appropriate and a condition will be imposed requiring the implementation of the cycle stores.

### **Refuse and Recycling**

6.88 Local Plan Policy CC7 states that new developments, including conversions should aim to minimise waste and should provide convenient facilities for future occupiers.

6.89 Given the existence of other residential units within the Mews, it is considered that adequate refuse and recycle facilities for residential use is already in place at the site which the proposed units can make use of. The applicants submitted Transport Note states that "bins and refuse storage for the new flats will be added to the existing store within the site grounds. Also, refuse collection will operate using the existing servicing arrangements. Details of the additional storage and servicing will be secured by condition.

6.90 The proposed arrangement is accepted by officers, and it would accord with Key Principle WM7 of the 'Planning Guidance' SPD.

### **Construction Impacts**

6.91 The main impact of the development in highway terms would be during the construction stage. In accordance with Local Plan Policy T7 and Planning Guidance SPD Key Principle a detailed Construction Logistics Plan will be secured by a condition.

6.92 Transport for London have been consulted due to the close proximity of the site to London Underground's infrastructure (the viaduct to the north serving the Wimbledon branch of the District Line); they have raised no objection subject to a condition to ensure the safeguarding of their infrastructure during the construction phases.

### **Conclusion – Transport and Highways**

6.93 Overall, in terms of highways and transport implications, subject to appropriate conditions, the proposed scheme would comply with Policies CC7, T1, T2, and T3 of the Local Plan and relevant Transport Key Principles of the 'Planning Guidance' SPD.

## **ENVIRONMENTAL CONSIDERATIONS**

### **Flood Risk**

- 6.94 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. This is echoed within London Plan Policy SI 12.
- 6.95 Local Plan Policy CC3 requires that new development reduce the use of water and be designed to take account of increasing risks of flooding. Policy CC4 states that new development would be expected to manage surface water run off by implementing a range of measures, such as sustainable drainage systems (SuDs) where feasible and the use of water efficient fittings and appliances.
- 6.96 The site is within the Environment Agency's Flood Zone 3 and a Flood Risk Assessment (FRA) is submitted in support of the application. The FRA references the existing ground floor units but they are not part of the application. Although in a Flood Zone 3 area, the nature of the proposed development, with an additional floor on the roof, means that flood risk is not a significant issue for the proposed residential units. The Council's Environmental Protection team have no issues to raise in this respect. However, as new residential units are being created, there is a requirement under Policy CC3 that internal water use should be no more than 105 litres per person / per day which can be achieved by installing water efficient fixtures/fittings and appliances. This can be covered by condition.

### **Air Quality**

- 6.97 London Plan Policy SI 1 and Policy CC10 of the Local Plan seek to reduce the potential adverse air quality impacts of new developments by requiring appropriate consideration and mitigation of air quality issues.
- 6.98 The development site is within the borough wide Air Quality Management Area (AQMA) and an area of existing poor air quality due to the road traffic emissions from New Kings Road (A308) and Hurlingham Road. The Council's Environmental Quality team have considered the proposal and have recommended conditions relating to Ventilation Strategy and Zero Emission Heating. The ventilation strategy requires the limited opening of windows (to 200mm) amongst other things.
- 6.99 However, the only openable windows proposed in both units would face within the Mews away from the main roads. Given this and the fact that there are existing similar residential windows without restricted openings in the building, it is not considered as reasonable to impose the ventilation strategy condition. But the use of Zero Emission MCS certified Air/ Water Source Heat Pumps or Electric Boilers is justifiable in this case and would be required via condition.
- 6.100 The proposals accord with Policy London Plan Policy SI 1 and Policy CC10 of the Local Plan.

## **Land Contamination**

- 6.101 Local Plan Policy CC9 state that the Council will support the remediation of contaminated land, and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place.
- 6.102 Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. However, the proposed new residential units would be on third floor of the building and no excavation or landscaping works are proposed at ground level which would potentially bring human into contact with contaminated land or cause contamination to controlled waters. As the units would effectively be new builds, there is also no potential of internal contamination from past uses in this case.

## **Sustainability**

- 6.103 The London Plan Policy SI 2 and Local Plan Policy CC1 both require proposals to including carbon curbing measures where appropriate. This is applicable for all major applications and highly encouraged in all other types of development.
- 6.104 Solar energy technologies have been identified as one of the most practical and feasible way of achieving regulated on-site carbon emissions reduction target and is a popular choice in both commercial and residential schemes. The Council will support all measures which tackle climate change and promote the use of renewable sources of energy, so therefore the use of the Solar PV panels is welcomed.

## **PLANNING OBLIGATIONS / LEGAL AGREEMENT**

- 6.105 The NPPF provides guidance for local planning authorities in considering the use of planning obligations. It states that 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.
- 6.106 London Plan (2021) Policy DF1 recognises the role of planning obligations in mitigating the effects of development and provides guidance on the priorities for obligations in the context of overall scheme viability. Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).
- 6.107 A unilateral legal undertaking will be required to secure a car free development to prohibit any occupiers of the residential unit, other than Blue Badge Holders, from obtaining a parking permit, under Section 16 of the Greater London Council (General Powers) Act 1974.

## **COMMUNITY INFRASTRUCTURE LEVY**

- 6.108 This development would be subject to the London-wide Community Infrastructure Levy. The Mayor's new CIL charging schedule (MCIL2) came into effect on 1st April 2019 and will be used to fund Crossrail 1 and Crossrail 2. As the Collecting Authority, the Council is expected to secure the levy in accordance with London Plan (2021) Policy DF1 and is chargeable at £80 per sqm uplift in floorspace, regardless of the use. This development would be subject to this London wide community infrastructure levy which in this case would be £7,688 plus indexation.
- 6.109 In addition, the development would also be subject to the Borough's own local CIL, which is to help pay for facilities and community services such as transport, schools, health services and open space. Local CIL is chargeable at £200 per sqm for a residential development in this part of the borough. The CIL Charging Schedule was presented to Council and approved 20 May and formally took effect on the 1st September 2015 and in this case the contribution would be £38,440 plus indexation.

## **7 CONCLUSION**

The proposals would contribute towards the quantity of the borough's housing stock. The proposal is acceptable in visual terms and is considered to be of a high quality design which would not adversely impact upon the setting of the Conservation Areas. Subject to conditions, the proposals would not result in unacceptable impacts upon the amenities of neighbouring residential properties. The new residential units comply with the relevant standards and provide a good quality of accommodation for the future occupants. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality and land contamination have also been satisfactorily addressed and will be subject to conditions and a legal agreement. In these respects, the proposals comply with the relevant policies of the NPPF (2021), the London Plan (2021), the Local Plan (2018) and the applicable Key Principles contained within the 'Planning Guidance' Supplementary Planning Document (2018).