

**Ward:** Munster

**Site Address:**

299, 301 And 303 Munster Road London SW6 6BJ



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

**Reg. No:**

2023/01687/FUL

**Case Officer:**

Robert Cook

**Date Valid:**

27.06.2023

**Conservation Area:**

**Committee Date:**

16.01.2024

**Applicant:**

Mr Charles Dean  
303 Munster Road London SW6 6BJ UK

**Description:**

Erection of an additional floor at roof level to No.s 299, 301 And 303 Munster Road.  
Drg Nos: A-01-03 01; A-01-05 01; A-01-07 01; A-01-09 01; A-01-11 01; Flood Risk  
Assessment (dated 19.06.2023).

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the Committee resolve that the Director of Planning and Property be authorised to refuse permission for the following reason(s):

- 1) In the absence of any appropriate mechanism to secure the delivery of each of the three roof extensions in their entirety, demonstrable harm would arise through the piecemeal or incomplete implementation of the proposed development by reason of a loss of uniformity to the unimpaired terrace that would be detrimental to the character and appearance of the host terrace and surrounding area. The proposals would therefore fail to comply with Policies DC1 and DC4 of the Local Plan (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: 26th June 2023  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2023

The London Plan 2021

LBHF - Local Plan 2018

LBHF – Planning Guidance Supplementary Planning Document  
2018

## **Consultation Comments:**

**Comments from:**

**Dated:**

## **Neighbour Comments:**

**Letters from:**

**Dated:**

18 Turneville Road London W14 9PS  
Brett House 305 Munster Road London SW66BJ

30.06.23  
04.09.23

## **1.0 SITE DESCRIPTION**

- 1.1 The application site includes three adjacent two-storey properties within a terrace of five properties. The site is on the western side of Munster Road, close to the junction with Lillie Road. The three properties are situated towards the southern end of the terrace, and No.299 is a corner property at the junction with Strode Road. Each property is comprised of commercial units to the ground floor, with residential units above.
- 1.2 The site is not located within a Conservation Area, but is located within 50m of the Twynholm Baptist Church which is identified as a Building of Merit. The site is also located within the Environment Agency's Flood Zones 2 and 3.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 The relevant history includes the following:

### **299 Munster Road**

2.2 1987/01087/FUL- Erection of new brick boundary walls and rebuilding of storage building. (Approved).

2.3 1988/00343/FUL- Erection of extensions to flank and rear of shop at ground and first floor level. (Approved).

2.4 1988/01911/FUL- Erection of an additional floor at roof level and extension to back addition at second floor level for use as ancillary office and storage space. Refused on the grounds of: unacceptable overdevelopment out of keeping with the character of the area; proposed size and position would result in an over dominant building that would harm the amenities of adjoining property and the surrounding area; the lack of off-street parking, would create conditions of on-street parking congestion.

2.5 1990/01254/FUL- Alterations including an additional floor at first floor level and an extension at ground floor level in connection with the use of the garage as offices. Refused on the following grounds: additional floor at first floor level would result in loss of outlook; overdevelopment/ subdivision of an already extensively developed site would set an undesirable precedent.

2.6 1999/02679/FUL- Use of first floor for residential purposes and erection of additional floor for use in connection with new residential unit at first floor level; erection of additional floor to store building at rear and its use as a self-contained one bedroom residential unit. Refused on the following grounds: additional floor would result in a visually dominant and obtrusive feature; overbearing development that results in loss of outlook and sunlight; use as a separate residential unit result in over-development/ intensification; no private amenity space.

2.7 2000/02828/FUL- Use of the first floor for residential purposes and erection of additional floor for use in connection with new residential unit at first floor level; erection of additional floor to store building at rear and its use as a self-contained one bedroom residential unit. This application resulted in a non-determination appeal (APP/H5390/A/01/1060806) that was dismissed on the following grounds:

The proposed roof extension would be bulky/ over-dominant and harmful to the character of the area, and result in parking stress and loss of sunlight.

2.8 2005/00281/FUL- Use of the first floor as a 2-bedroom flat; alterations to the Strode Road elevation at ground floor level, comprising the installation of a new door. (Approved)

### 301 Munster Road

2.9 1987/01221/FUL- Alterations to the Munster Road elevation at first floor level. (Approved)

2.10 2023/00735/FUL - Replacement and extension of existing single storey rear conservatory, replacement of atrium glazing to the rear elevation; replacement of single glazed windows to the front elevation at first floor level with white timber framed double glazed windows, to match existing; and installation of 4no. solar PV panels to the flat roof of the two storey back addition. (Approved).

### 303 Munster Road

2.11 1987/00661/FUL- Erection of rear extensions at basement, ground and first floor levels in connection with the conversion of the basement and ground (rear) and first floors as two self-contained three bedroom maisonettes. (Approved).

2.12 2014/01147/FUL- Replacement of existing rear conservatory with enlarged conservatory (Approved).

2.13 In December 2022, officers provided a negative pre-app response to a single additional floor including a roof terrace above one of existing properties within the terrace. Officers advised that a roof extension above a single property on this otherwise unimpaired terrace would be unacceptable due to the incongruous appearance and subsequent harmful visual impact on the character of the terrace.

### **3.0 PROPOSED DEVELOPMENT**

3.1 The current application seeks planning permission for the erection of an additional floor at roof level above Nos. 299, 301 And 303 Munster Road. During the application process, the proposals were revised to include amendments to the design of the proposals.

### **4.0 CONSULTATION AND NOTIFICATION**

4.1 Notification letters were sent to 45 neighbouring properties. Two representations were received, both in support of the proposals. One suggested that the extension would match existing extensions nearby, while the other highlighted that they were considering a similar proposal.

### **5.0 POLICY FRAMEWORK**

5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England. 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 National Planning Policy Framework (NPPF) was first published on 27 March 2012 and updated in July 2018, February 2019, July 2021 and September 2023. The NPPF 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.

5.9 The Council's Climate Change Supplementary Planning Document (SPD) was approved in October 2023 and provides supplementary guidance for the planning policies contained in the council's Local Plan that relate to climate change to help implement the actions contained in the council's climate change strategy.

## **6.0 PLANNING CONSIDERATIONS**

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

- Design and impact upon the character and appearance of the application property and the surrounding area.
- Impact on neighbouring residential amenity.
- Flood Risk.

## **DESIGN AND VISUAL IMPACT**

6.2 The National Planning Policy Framework (NPPF 2023) recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

6.3 Paragraph 124 of the NPPF, making effective use of land, recognises the role of airspace in providing opportunities for new homes. This paragraph suggests that decisions should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. They should also allow mansard roof extensions on suitable properties.

6.4 Policy D1 (London's form, character and capacity for growth) of the London Plan (2021) notes that development should have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.

6.5 Policy D3 (Optimising site capacity through the design-led approach) of the London Plan (2021) 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".

6.6 Policy HC1 of the London Plan (2021) specifies that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

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

6.8 Policy DC4 require a high standard of design in all alterations, and that extensions to existing buildings be compatible with the scale and character of existing and neighbouring development and their setting, integrated into the architectural design of the existing building, and subservient in terms of its bulk, scale, materials, and design.

6.9 Policy DC8 of the Local Plan (2018) specifies that applications affecting designated heritage assets (including alterations and extensions) to buildings will only be permitted if the significance of the heritage asset is preserved. Key Principles AH2, CAG2 and CAG3 of the Planning Guidance Supplementary Planning Document [SPD] (2018) outlines that there will be a presumption in favour of the conservation of heritage assets, and the more significant the heritage asset, the greater the presumption in favour of its conservation will be.

6.10 It is proposed to erect roof extensions to nos. 299, 301 and 303 Munster Road. The principal elevations to the front and side elevations would incorporate mansard roofs and would be set back from the existing building lines by 500mm. This set back from the existing relatively high parapet walls result in a projection above this of 2m. To the rear, the extensions would be set back from the existing parapet wall by 250mm, 4.75m from the rear building line of the two storey rear elements, and 7.88m from the rear elevation of the rear ground floor elements. A consistent roofline would be incorporated across the three properties, with dormer windows to the front and southern side elevations, and uniform windows to the rear elevations. The proposed materials consist of zinc cladding and grey windows.

6.11 The existing application terrace is an unimpaired and uniform group of five properties, with a largely consistent roof line and no extension beyond the parapet. The property immediately to the north (no.327) has been rebuilt with an additional storey, however this is considered to relate more closely to the properties to the north-west than the application terrace.

6.12 The proposed extensions are considered to be of a design, scale and massing that would appear subordinate to the existing terrace. The set back from the existing parapet walls and the incorporation of mansard elevations would significantly reduce the sense of massing and the prominence of the proposals as viewed from the main public vantage points of the highways to the front and south. The limited projection of 2m above the relatively parapet walls would also restrict the sense of massing.

6.13 Furthermore, the proposals would be notably lower than the neighbouring properties to the north and to the southern side of Strode Road, which are generally three storeys with additional roof extensions, ensuring that the extensions would not appear unduly dominant or out of character in the street scene.

6.14 The existing terrace is currently unimpaired; it includes no roof extensions. Furthermore, mansard roof extensions are not a traditional feature of properties within the local area, although have been introduced to a limited number of properties more recently.

6.15 Given the modest scale of the existing buildings forming this terrace, (299-305 Munster Road/325 Lillie Road), the introduction of additions at roof level would be highly visible from a series of localised views.

6.16 In light of this context, it is considered that the proposed extensions to three of the five properties in the application terrace would retain a level of uniformity across the majority of the terrace; albeit changing the character of the terrace. In particular, the inclusion of no.299 would ensure a strong and consistent feature and design to



the most prominent property on the terrace, due to its position on the corner plot and two public facing elevations. This would not be the case if individual roof extensions were to be developed unilaterally. Simultaneous development would be the only way to bring forward roof extensions which would limit localised townscape impacts.

6.17 The current proposals contrast with the unacceptable pre-application proposals that were considered in December 2022; those proposals involved the erection of a single extension. Any proposed extensions involving less than the majority of the terrace i.e. to only one or two of the properties, would fail to achieve a sense of uniformity and pattern of development, and would be incongruous and disrupt the uniformity of this unimpaired terrace. In particular, the omission of the proposed extension to no.299 which is in an especially prominent position, would result in a weak corner and two mid-terrace extensions which fail to relate well to or respect the character and appearance of the rest of the terrace.

6.18 During negotiations throughout the course of the current application, the applicants have indicated that at least one of the applicants/owners of the other two properties are uncertain about whether to implement a proposed extension included in the current proposals. This would result in failure to fully implement the proposals or a piecemeal development.

6.19 The Council has previously tried to use conditions to control single applications involving the implementation of multiple roof extensions. In determining a recent appeal (APP/H5390/W/19/3239206) in March 2020 involving 5 additional floors at roof level at Nos. 2-10 Hopgood Street, the Inspector considered that the use of conditions was not appropriate. The Inspector concluded that

where extensions are joint ventures and individual owners have no control over their neighbour's land and no other binding mechanism, conditions requiring the completion of the extensions as a single operation or preventing occupation until full implementation would not be reasonably enforceable. The appeal application to remove the condition was therefore allowed.

6.20 In dismissing a more recent appeal in May 2023 for the erection of roof extensions at 49-55 Finlay Street (2022/02265/FUL, APP/H5390/W/22/3311871), the Inspector highlighted that in cases where properties are in different ownership,

*'a condition to require that the works to each property were carried out simultaneously would not be reasonable or enforceable' and*

*'in the absence of any legal agreement or other mechanism to properly secure the carrying out of the development as a whole, I cannot be sure that each extension would be completed' and*

*'piecemeal development of this nature would harmfully erode the uniformity of the currently unaltered front roofline of the terrace group on the appeal site'*

6.21 A condition to ensure full implementation or the carrying out of works simultaneously would not satisfy the six tests for the use of conditions set out in the NPPF (2021) and in Planning Practice Guidance (para 003). Given this and the above appeal decisions, the only reasonable and justified mechanism available to the Council to secure full implementation would be through a legal agreement. As such, this has been outlined to the applicant in detail and an example agreement was provided. However, the applicants have refused to enter into the legal agreement and have requested that the application be approved without a legal agreement. A separate application or legal agreement omitting one property was suggested by the agent, but officers considered that this would not secure full implementation or sufficient uniformity on the terrace.

6.22 In the absence of an appropriate legal agreement to secure the full implementation of the proposals, officers cannot be sure that the works would not result in a piecemeal and/or incomplete form development which would harm the appearance and uniformity of the existing unaltered terrace.

6.23 The proposals, in the absence of a satisfactory legal agreement, could result in significant visual harm to the character and appearance of the application terrace and local townscape, and therefore fail to comply with Policies DC1 and DC4 of the Local Plan (2018).

## **IMPACT UPON NEIGHBOURING AMENITY**

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

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

## **Outlook and Light**

6.26 The application site is comprised of three of five properties of a two storey terrace to the western side of Munster Road. The terrace is surrounded by public highway to the front (east) and south, with neighbouring residential properties to the rear (west) and the two remaining properties of the application terrace to the north.

6.27 The highway to the front ensures a separation of over 16m from the opposing terrace to the eastern side of Munster Road, while the highway to the southern side ensures a separation of over 11m to the properties on the southern side of Strode Road. Given this separation, in addition to the limited height and massing of the extensions due to the set back from the parapet walls and the incorporation of mansard roofs to these elevations, the proposals would not result in any notable or harmful loss of light or outlook to the opposing terraces or properties to either the east or south.

6.28 Officers consider that the proposals comply with Key Principle HS6 (Development, extensions, and alterations - scale and massing) of the Council's SPD, which states that where a rear garden of an application site measures less than 9m in depth, the proposals should not result in an infringing angle of more than 45 degrees taken from the ground level at the rear boundary. In this case, the proposed roof extensions, by virtue of their set back from the rear building line, would result in no additional massing beyond the existing two storey elements to the rear. As such, the proposals would not result in any additional sense of enclosure or loss of openness or outlook to the properties to the rear.

6.29 Officer also consider that the proposals comply with Key Principle HS7 (Residential development - windows and outlook) criterion i, which states that proposed extension should not worsen the outlook from any rear habitable room window located lower than the proposed extension. In this case, the proposed extensions would not project beyond any adjacent windows which form the primary and sole source of light to primary habitable rooms. As such, neither no.305 or 307 would suffer from a significant loss of light or outlook.

6.30 Furthermore, immediately to the rear of the site is a blank side elevation of no.2 Strode Road. There are openings to the east and southern elevations of no.307 Munster Road, sited to the north-west, however a good separation would be retained from the proposed extensions and this neighbouring property. It is also sited at an oblique angle from the proposed extension and would retain adequate light and outlook.

## **Privacy**

6.31 Officers consider that the proposals comply with criterion iii of Key Principle HS7, which state that windows should be positioned at least 18m from existing habitable room windows, or should be designed to ensure that no loss of privacy will occur. In this case, the windows to the front (east) elevation only provide views available from windows below, albeit from a higher vantage point. The additional second floor windows to the southern side elevation of no.299, both serving bedrooms, would fall within 18m of the properties to the southern side of Strode Road. However, these would also provide similar views to those available from existing windows below, and would reflect an established relationship and separation between various other neighbouring properties in the area. Double windows are proposed to the rear of each property at second floor level, each serving a bedroom. However, given that the rear building line would be set back 4.75m from the rear building line of the two storey outriggers/extensions, any potential additional downwards views from these windows would be screened by the existing built form at ground and first floor level to the rear. It is therefore considered that, while new windows are positioned within the 18m specified by Key Principle HS7, the additional windows have been designed and positioned so as to avoid any additional opportunities for overlooking or a loss of privacy to neighbouring properties.

6.32 Overall, the proposal is considered unlikely to result in any serious negative impacts on neighbouring residential amenities including impacts to daylight and sunlight, serious impacts on outlook from adjoining properties, and negative impacts on the openness between properties. The proposed development would not impact negatively on the privacy enjoyed by neighbouring properties. Officers consider that the proposed development complies with Policy HO11.

## **FLOOD RISK**

6.33 The site is located within the Environment Agency's Flood Zones 2 and 3. A Flood Risk Assessment has been submitted and includes some mitigation measures to reduce the risk to the proposed development from flooding. As the proposals are all at roof level of existing residential properties, it is considered that the proposals would not result in additional flood risk or introduce more vulnerable uses. The FRA and outlined mitigation measures are considered to be acceptable and the proposal is therefore considered to comply with Policy CC3 and CC4.

## **7.0 RECOMMENDATION**

7.1 Refuse planning permission.