

**Ward:** Coningham

**Site Address:**

58 Boscombe Road London W12 9HU



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

**Reg. No:**  
2023/02697/FUL

**Case Officer:**  
Elliot Brown

**Date Valid:**  
25.10.2023

**Conservation Area:**

**Committee Date:**  
16.04.2024

**Applicant:**

WEP TWO LTD

11 High Street Acton Harrow W3 6NG

**Description:**

Erection of an additional floor with roof terrace at roof level and erection of a rear extension at second floor level on top of the existing back addition, in connection with the creation of 1no. self-contained two bedroom maisonette at second and third floor level and the conversion of the existing maisonette at first and second floor level into 1no. self-contained studio flat at first floor level; erection of a two storey rear infill extension at basement and ground floor level; excavation of the front garden and part of the rear garden to form lightwells, in connection with the enlargement of the existing basement; associated works including provision of refuse and cycle storage.

Drg Nos: A100 REV P3; A101 REV P3; Flood Risk Assessment and SuDS Report (Ref. 4721/2023 REV D, dated January 2024) prepared by EAS; Internal Daylight Assessment (Ref. 5230, Issue 2, dated December 2023) prepared by T16 Design.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

- 1) That the Committee resolve, that the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.
- 2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director of Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

**Conditions:**

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

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

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

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

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

Additional floor at roof-level: Natural grey slate tiles.

Dormer projections within additional floor at roof-level: clad in lead. The windows within the dormer projections to be white timber or aluminium.

External walls of the proposed second-floor rear extension and the two-storey lower ground and ground-floor infill extension: brickwork to match the existing rear elevation brickwork finish.

New and replacement windows/doors: white timber or aluminium material.

Terrace screening: 1.1m high black painted metal railing.

Front lightwell railing: 1.1m high black painted metal railing.

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

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

- 4) No relevant part of the development (i.e. groundworks and basement level works) shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 5) No relevant part of the development (i.e. groundworks and basement level works) shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 6) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no relevant part of the development (i.e. groundworks and basement level works) shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 7) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no relevant part of the development (i.e. groundworks and basement level works) shall commence until, a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks

are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 8) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no relevant part of the development (i.e. groundworks and basement level works) shall commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 9) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no relevant part of the development (i.e. groundworks and basement level works) shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 10) Prior to commencement of the development (excluding demolition, initial site clearance and ground works), details shall be submitted to, and approved in writing by, the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from the basement dwelling (Flat 1) and the first-floor dwelling (Flat 2). Details shall demonstrate that the sound insulation value  $D_{nT,w}$  is enhanced by at least 10dB above the Building Regulations value. If additional mitigation measures are required to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the basement and first-floor dwelling, then these details shall be submitted to, and approved in writing by, the Council prior to their installation. The approved details shall be implemented prior to occupation of the basement and first-floor dwelling and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/adjacent dwellings/noise sensitive premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 11) Prior to commencement of the development (excluding demolition, initial site clearance and ground works), 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 the adjoining dwellings at first floor (Flat 2) and second-floor (Flat 3) levels. If additional mitigation measures are required to contain residential noise within the residential premises and to achieve the criteria of BS8233:2014 within the basement, first-floor and second and third-floor dwellings, then these details shall be submitted to, and approved in writing by, the Council prior to their installation. The approved details shall be implemented prior to occupation of the basement, first-floor and second and third-floor dwellings and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/adjacent dwellings/noise sensitive premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 12) Prior to commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to, and approved in writing by, the Council. This must be in accordance with Transport for London (TfL) requirements and should seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off-peak hours only. Thereafter the approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, in accordance with Policies T1 and T7 of the Local Plan (2018).

- 13) Prior to commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of

hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, and not at all on Sundays or bank holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 14) Prior to occupation of the development hereby permitted, details (including model number and manufacturer specification) and installation/commissioning reports of the Zero Emission MCS certified Air Source Heat Pump or Electric Boiler(s) to be provided for space heating and hot water for the new self-contained dwellinghouse (Class C3) 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 satisfactory levels of air quality for future occupants, in accordance with Policy CC10 of the Local Plan (2018).

- 15) Prior to occupation of the development hereby permitted, details of the proposed cycle storage (including dimensions, methods of opening, design and materials/finishes) shall be submitted to, and approved in writing by, the Council. Thereafter, the approved details shall be implemented prior to occupation of the development and shall be permanently retained for the lifetime of the development.

To ensure a satisfactory provision of cycle storage facilities for future residential occupants, in accordance with Policy T5 of the London Plan (2021) and Policy T3 of the Local Plan (2018).

- 16) Prior to occupation of the development hereby permitted, details of the proposed refuse and recycling storage (including dimensions, litre capacity, methods of opening, design and materials/finishes) shall be submitted to, and approved in writing by, the Council. Thereafter, the approved details shall be implemented prior to occupation of the development and shall be permanently retained for the lifetime of the development.

To ensure a satisfactory provision of refuse and recycling storage facilities for future residential occupants, in accordance with Policy CC7 of the Local Plan (2018).

- 17) Prior to the installation of the green roof on top of the cycle and refuse/recycling storage, details of the sedum grass roof shall be submitted to in writing for approval by the council. The details, including plans and sections as well as

supporting text, should demonstrate how the green roof provides sustainable drainage benefits by reducing surface water run-off. Information on the substrate depth (minimum 80mm required) and planting mix should be provided. Maintenance information should also be included. The green roof shall thereafter be retained and maintained for the lifetime of the development.

To ensure a satisfactory external appearance and ensure that surface water run-off is managed in a sustainable manner, in accordance with Policies CC2, CC3 and DC1 of the Local Plan (2018) and Policy G1 of the London Plan (2021).

- 18) Other than the area shown as a terrace on the approved plans no other part of the subject properties roofs, including the flat roof section of the additional floor at roof-level hereby approved, shall be converted into or used as a terrace or other open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the remaining roofs. No railings or other means of enclosure shall be erected around the remaining roofs and no alterations shall be carried out to the property to form an access onto this roofs.

Such a use would be detrimental to the amenities of neighbouring properties by reason of overlooking and loss of privacy and potential noise and disturbance, contrary to Policies CC11 and HO11 of the Local Plan (2018)

- 19) The terraces hereby approved shall not be first used until the means of enclosure to the terraces has been installed as shown on approved drawing nos. A100 REV P3 and A101 REV P3. The means of enclosure to the terraces shall consist of black metal painted railing and shall have a height of 1.1m above the finished floor level of the terraces. The terrace railing shall thereafter be permanently retained as approved.

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

- 20) No water tanks, water tank enclosures or other structures shall be erected upon the roofs of the extensions hereby permitted.

It is considered that such structures would seriously detract from the appearance of the building, contrary to Policy DC4 of the Local Plan (2018).



## **Justification for Approving the Application:**

- 1) The proposal would result in the net-gain of one residential unit, which would contribute towards the Borough's housing targets, whilst ensuring a good standard of accommodation to the proposed residential units at upper-floor levels and resulting in a notable improvement to the standard of accommodation to the existing lower ground-floor flat. The proposal is considered to be of a scale, massing, design and material which would ensure subservient additions to the parent building and subject terrace-row and a satisfactory visual appearance. This would preserve the character and appearance of the application site and surrounding area (including the preservation of the significance of the Greenside Elementary School, a Grade II\* Listed Building). Furthermore, the proposal would mitigate against detrimental harm to neighbouring amenity, highways and flood risk. In these respects, the proposal would be consistent with Sections 5, 12 and 16 of the National Planning Policy Framework (2023), Policies D6, D12, H1, HC1 and T5 of the London Plan (2021), Policies CC3, CC4, CC7, CC9, CC10, CC11, CC13, DC1, DC4, DC8, DC11, HO1, HO2, HO4, HO11, T1, T4 and T7 of the Local Plan (2018) and Key Principles BL1, BL3, HS1, HS3, HS6, HS7, HS8 and NN3 of the Planning Guidance Supplementary Planning Document (2018).

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

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

Application form received: 13th October 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:**

Thames Water - Development Control  
Crime Prevention Design Advisor - Hammersmith  
Environment Agency - Planning Liaison

##### **Dated:**

27.10.23  
03.11.23  
10.11.23

## **Neighbour Comments:**

### **Letters from:**

### **Dated:**

56 Boscombe Road Ground floor and basement flat London W12 9HU	24.11.23
56 Boscombe Road Basement and Ground Floor Flat London W12 9HU	24.11.23
Ground floor flat, 50/52 Boscombe Road London W12 9HU	24.11.23
3 Parkside Ravenscourt Park London W6 0UU	27.11.23
54a Boscombe Road London W12 9HU	24.11.23
22B Goodwin Road London W12 9JW	23.11.23
52 Boscombe Road First Floor Flat London W12 9HU	24.11.23
50/52 Boscombe Road London W12 9HU	24.11.23
First Floor Flat 56 Boscombe Rd London W12 9HU	28.11.23
First Floor Flat 56 Boscombe Rd London W12 9HU	23.11.23
Flat 3 50 Boscombe Road London W12 9HU	24.11.23
3 Parkside Ravenscourt Park London W6 0UU	27.11.23
50 Boscombe Road London W12 9HU	23.11.23
50 Boscombe Road London W12 9HU	24.11.23

## COMMITTEE REPORT

### 1.0 SITE DESCRIPTION

- 1.1 The application site comprises a three-storey mixed use commercial and residential property with basement, located on the western side of Boscombe Road. No.58 is a prominent end-of-terrace corner property located on the junction with Goodwin Road. The property contains a Class E commercial unit at ground floor level ('Boscombe Food and Wine') with a Class C3 1 bedroom unit at basement level, and a 2-bedroom maisonette flat above at first and second floor level.
- 1.2 The application site does not lie within a Conservation Area, nor does it contain a Listed Building or a locally listed Building of Merit.
- 1.3 The site is located within the Environment Agency's Flood Risk Zones 2 and 3, within an area that benefits from flood defences.

### 2.0 RELEVANT PLANNING HISTORY

- 2.1 There is an extensive planning history relating to No.58 Boscombe Road. Officers consider that the following applications are most relevant to the current planning application.

#### + Planning records

2022/03636/FUL - Erection of an additional floor with roof terrace at roof level, in connection with the extension of the existing residential unit to create 1 no. self-contained four bedroom dwelling at first, second and third floor level; erection of a single storey rear extension at first floor level to the side of and above the existing back addition. Approved 08.06.23

2020/00038/FUL - Erection of an additional floor with roof terrace at roof level, in connection with the creation of 1no. self-contained two bedroom maisonette at second and third floor level; erection of a two storey rear extension at first and second floor level to the side of and above the existing back addition in connection with the conversion of the existing maisonette at first and second floor level into 1no. self-contained one bedroom flat at first floor level. Non-determination appeal dismissed in January 2021. PINS highlighted that the proposal would create considerable overhang above the window serving the basement flat, detrimental to their amenity with regard to outlook, light and sense of overbearing. Officers note that the Planning Inspector raised no objection to the proposal with regard to design/visual amenity.

2019/01682/FUL - Erection of an additional floor with roof terrace at roof level in connection with the creation of 1no. self-contained two bedroom flat at second and third floor level; erection of a two storey rear extension at first and second floor level to the side of and above the existing back addition in connection with the conversion of the existing maisonette at first and second floor level into 1no. self-contained one bedroom flat at first floor level. Refused planning permission on 09.08.2019, on visual amenity grounds.

A subsequent appeal was dismissed by PINS, The Inspector considered that the proposal was acceptable with regard to visual amenity, however as there was no mechanism to secure no parking for the additional unit, it could harm the area and the appeal was dismissed.

2019/02526/CLE - Continued use of the basement as a self-contained residential flat. Certificate refused on 22.10.2019 on basis of insufficient evidence. A subsequent appeal against an enforcement notice was allowed and the enforcement notice quashed in June 2020.

### 3.0 PROPOSAL

3.1 The current proposal seeks planning consent for:

'Erection of an additional floor with roof terrace at roof level and erection of a rear extension at second floor level on top of the existing back addition, in connection with the creation of 1no. self-contained two bedroom maisonette at second and third floor level and the conversion of the existing maisonette at first and second floor level into 1no. self-contained studio flat at first floor level; erection of a two storey rear infill extension at basement and ground floor level; excavation of the front garden and part of the rear garden to form lightwells, in connection with the enlargement of the existing basement; associated works including provision of refuse and cycle storage'.

## 4.0 CONSULTATIONS

4.1 The application was publicised by means of a press and site notice as well as individual letters of notification to neighbouring occupants (54 letters sent).

4.2 In response to the notifications a total of 14 objections were received. The issues raised can be summarised as follows:

- The scale and massing of the proposal would have a harmful impact upon neighbouring amenity (particularly with regard to light, outlook, privacy, a sense of enclosure the streetscene and noise);
- A daylight report assessing the proposal's impact has not been submitted;
- The proposal does not sufficiently address flood risk
- There is limited information with regard to the proposed bicycle/bin store.
- The submission is inaccurate and misleading. The proposed rear elevation shows no reference to the courtyard levels which drop down significantly toward the back of the courtyard, nor does it show elevations of the neighbouring buildings in relation to the proposal;
- Certain paragraphs of the construction environment management plan (e.g. para 2.3 and 4.3) are incorrect;
- The boundary walls would be increased in height, which would prevent the existing limited passive surveillance of the street from the rear windows of Boscombe Road;
- The enclosure of the courtyard is concerning, with safety paramount for residents who need access day and night;
- The excavation below neighbouring foundations is of concern to surrounding occupants;
- Concern is raised regarding noise, dust and disturbance associated with construction works;
- The lower ground-floor is not fit for habitation (due to floor to ceiling height, lack of light and insufficient drainage).
- There is a lack of party wall permission sought;
- There was no planning consent in place prior to the installation of the A/C units serving the ground-floor shop;
- There is an existing vermin issue, due to rubbish build-up within the garden of the application site.

Officer response:

- The proposal's material planning considerations (including design and impact upon the character and appearance of the application property and the surrounding area, the impact upon neighbouring amenity, flood risk and highway matters) will be assessed within the 'planning considerations' section of this report;
- Party Wall matters fall under the 1996 Party Wall Act, and fall outside of planning legislation. Officers advise that any queries/concerns relating to Party Wall matters should be discussed with a Party Wall Surveyor;
- Drainage and structural stability/foundations would be covered by Building Regulations;

- Officers are sympathetic to concerns relating to noise, dust and disturbance associated with construction works. However, these matters fall under Environmental Health legislation, rather than planning legislation;
- Regarding the residential use class of the lower ground-floor flat, officers highlight that the current planning use of the lower ground-floor unit is established as residential (Use Class C3), when the Planning Inspectorate dismissed the relevant enforcement notice. As such, from a planning perspective no material change of use would occur to this unit;

## 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.

5.2 Collectively the three 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 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 (December 2023)

5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2023 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG) sets out national planning policies and how these are expected to be applied.

5.5 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 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.

## Local Plan

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

## 6.0 PLANNING CONSIDERATIONS

6.1 Officers consider that the current proposal would raise the following material planning considerations:

- Housing supply, the principle of the proposed sub-division and land use;
- Quality of the proposed residential accommodation;
- Design and impact upon the character, appearance and significance of the subject building and the surrounding area (including designated heritage assets);
- Impact upon neighbouring amenity;
- Highways/parking and refuse/recycling;
- Flood risk;
- Land contamination;
- Air quality;
- Fire safety.

### HOUSING SUPPLY, THE PRINCIPLE OF THE PROPOSED SUB-DIVISION OF THE EXISTING UPPER FLOOR RESIDENTIAL UNIT AND LAND USE

+ Housing supply

6.2 The provision of housing is a significant issue, with paragraph 60 of the National Planning Policy Framework (NPPF, 2023) outlining that local planning authorities should seek to significantly boost the supply of housing. This need for housing is recognised within Policy H1 of the London Plan (2021), with Table 4.1 of this Policy outlining that a minimum of 1,609 new residential dwellings should be provided per year within the Borough of Hammersmith and Fulham up to 2029. Policy HO1 of the Local Plan (2018) specifies that H&F will seek to provide at least 1,031 new residential dwellings up to 2035.

6.3 The proposal would result in the net-gain of one (1) residential unit, which would be consistent with Policy H1 of the London Plan (2021) and Policy HO1 of the Local Plan (2018).

+ Sub-division of the existing first and second-floor maisonette (1 x 2-bed) into two self-contained residential units (1x2-bed and 1 x studio unit)

6.4 The proposal involves the sub-division of the existing residential maisonette at first and second-floor level into 1x 1-bed studio unit at first-floor level (Flat 2) and 1x 2-bed unit at second and new third-floor level (Flat 3). Accordingly, Policy HO2 of the Local Plan (2018) is applicable. This outlines that the Council will permit conversions of existing dwellings where:

- The net floor area of the original dwelling is more than 120sqm;
- At least 50% of the proposed units consist of two or more bedrooms;
- Housing appropriate for families has access to any garden or amenity space;
- There is no adverse impact upon on-street parking stress;
- Proposals would not result in the net loss of permanent residential accommodation;
- Proposals would not result in an increase in parking stress within the locality of the application site.

6.5 The net floor area of the original building prior to sub-division exceeds 120sqm. With regard to the proposed unit mix, officers note that the existing basement residential unit is not included within the proposed sub-division element of this application. Accordingly, the proposed sub-division would relate solely to the first and second floor and would ensure that 50% of the proposed units at upper floor levels would consist of two bedrooms.

6.6 Furthermore, it is considered that the proposals impact upon parking stress within the locality of the application site could be mitigated via a unilateral undertaking to restrict future occupants of the additional residential unit proposed (the first-floor studio unit) from applying for on-street car parking permits. Accordingly, officers consider that the proposal would be consistent with Policy HO2 of the Local Plan (2018) and the principle of the sub-division of the existing upper floor residential unit can be accepted.

+ Land use

6.7 The proposal would not alter the existing land use, with commercial usage retained at ground-floor level and residential accommodation retained at basement and upper floor levels. As such officers do not raise any objection to the proposed land use depicted.

## QUALITY OF THE PROPOSED RESIDENTIAL ACCOMMODATION

+ Unit size and individual room size

6.8 The proposal would see the existing first and second-floor residential maisonette sub-divided into two self-contained residential units. Accordingly, Key Principle HS3 of the Planning Guidance Supplementary Planning Document (SPD, 2018) would be an applicable consideration, with regard to the unit size and individual room size of the proposed residential units.

6.9 In terms of unit size, Key Principle HS3 specifies that converted flats to provide for full self-containment should have an internal area of at least 32.5sqm where a separate bedroom is provided. Where a self-contained studio apartment is provided there should be at least 25sqm with a minimum living/sleeping area of 14sqm. Annotations on drawing No. A100 REV P3 specify that the proposed first-floor and the proposed second and third-floor residential units (Flats 2 and 3) would feature the following unit sizes:

Flat 2 (first-floor): 40sqm

Flat 3 (second and third-floor): 70sqm

6.10 Accordingly, the proposed residential units at first-floor and second/third-floor level would exceed the minimum floorspace requirements specified by Key Principle HS3 of the Planning Guidance SPD (2018).

6.11 With regard to individual room sizes, Key Principle HS3 sets out the following requirements for residential units with less than 3 bedrooms:

- Living room: 12.5sqm
- Dining/living room: 14sqm
- Working kitchen: 5.5sqm
- Kitchen/Diner: 7.5sqm
- Main bedroom: 12sqm
- Second double-bedroom: 10.2sqm
- Single bedroom: 6.5sqm
- Bathroom: 3.7sqm

6.12 Annotations on, and measurements taken from, drawing No. A100 REV P3 demonstrate that the proposed Flat 3 would comply with these individual room sizes. Meanwhile, annotations on drawing No. A100 REV P3 demonstrates that the living/sleeping area of the proposed studio unit (Flat 2) would meet the requirements set out by Key Principle HS3 of the Planning Guidance SPD (2018).

6.13 With regard to the existing basement unit (Flat 1) that was previously granted on appeal, the current proposal would increase the floorspace of the existing basement unit from 46sqm to 55sqm, improving the quality of this residential unit which in principle would not be objected to, subject to other material planning considerations.

+ Ceiling height

6.14 Policy D6 of the London Plan (2021) specifies that the minimum finished floor to ceiling height for residential units should be 2.5m for at least 75% of the unit's gross internal area (GIA). Measurements taken from the proposed section AA drawing within drawing No. A101 REV P3 demonstrates that the existing residential basement unit (Flat 1), the proposed first-floor studio unit (Flat 2) and the proposed second and third-floor residential unit (Flat 3) would all be provided with a finished floor to ceiling height of 2.5m for at least 75% of the unit's GIA. This would be consistent with Policy D6 of the London Plan (2021).



## + Noise

- 6.15 Policy CC11 of the Local Plan (2018) specifies that noise sensitive development (including housing) will not normally be permitted where the occupants/users would be affected adversely by noise, both internally and externally, from existing or proposed noise generating development. Policy CC13 of the Local Plan (2018) specifies that the Council will, where appropriate, require mitigation measures to prevent potential nuisances (for example noise) from causing harm.
- 6.16 Paragraph 10.8 of the Planning Guidance SPD (2018) specifies that poor design and layout of rooms often lead to neighbour noise complaints, and accordingly Key Principle NN3 of the Planning Guidance SPD (2018) expects all parts of adjoining dwellings to enhance the sound insulation, including where the adjoining room is of a similar use.
- 6.17 Officers highlight the siting of the existing basement flat (Flat 1) directly below the existing ground-floor commercial unit and the siting of the proposed studio unit (Flat 2) above the existing commercial unit. The council's Environmental Protection team have been consulted on the planning application and have raised no objection, subject to 1) a pre-commencement condition requiring details of enhanced sound insulation of at least 10dB above Building Regulation values between the floor/ceiling/walls separating the commercial part of the building from the residential units at lower ground-floor and first-floor level; and 2) a pre-commencement condition requiring details of enhanced sound insulation of at least 5dB above Building Regulation values between the floor/ceiling/walls separating the proposed residential units at first-floor and second and third-floor level. Subject to this, the proposal would be considered to prevent existing and future occupants from being exposed to harmful levels of noise and disturbance.

## + Outlook and light

- 6.18 Policy HO4 of the Local Plan (2018) outlines that the council will expect all housing development to be well designed internally and externally. Policy HO11 of the Local Plan (2018) outlines 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. Officers consider that outlook and light will be important considerations with regard to the quality of the proposed residential accommodation.
- 6.19 Officers highlight that the proposed Flats 2 and 3 would both be dual aspect, with east and west facing windows and internal arrangements which ensure all habitable rooms would have sufficient access to outlook and light. The existing Flat 1 at basement level is currently considered to be of poor quality, particularly with regard to outlook and light. Notably, the entire existing unit is served by two windows to the rear of the unit, ensuring that the front section of the unit is solely reliant on electric lighting.
- 6.20 The proposal seeks to improve the standard of accommodation within the existing basement unit via excavation works to create a lightwell fronting Boscombe Road, which would serve the resultant kitchen/living/dining room of the basement unit, as well as excavation works in relation to a proposed rear infill extension, which would provide a larger bedroom that would be directly served by two windows.

- 6.21 An Internal Daylight Assessment (Ref. 5230, Issue No.2, dated December 2023) was submitted as part of the current application, focusing specifically on the lower ground-floor flat. This has assessed the level of internal light received to habitable rooms within Flat 1 against the relevant criteria set out within the latest BRE guidance 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (3rd edition, 2022). This report demonstrates that the provision of light to the habitable rooms of Flat 1 would comply with the BRE 2022 guidance. Accordingly, officers consider that occupants would be provided with satisfactory levels of light and no objection would be raised.
- 6.22 Officers acknowledge that the levels of outlook from the living/dining/kitchen of Flat 1 would still be limited, even with the introduction of the front lightwell. Nevertheless, officers have given considerable weight to the fact that the use of the existing basement as a self-contained residential unit is an established situation, and that the existing front section of this flat does not currently benefit from any provision of outlook. Taking this into consideration, alongside the fact that the bedroom would be provided with two windows, officers consider that the provision of outlook for occupants of Flat 1 would be notably improved in comparison to the established levels of outlook, and therefore no objection would be raised to the level of outlook provided to Flat 1.

+ Amenity space

- 6.23 Policy D6 of the London Plan (2021) outlines that where there are no higher local standards in the borough Development Plan Documents, 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.
- 6.24 The proposal would provide occupants of proposed Flats 2 and 3 with amenity space in the form of private terraces. Measurements taken from the proposed drawing A100 REV P3 indicate that each terrace would feature a minimum footprint of 5sqm. Officers raise no objection to this provision, which is consistent with Policy D6 of the London Plan (2021). Flat 1 would have access to an area of outdoor amenity space in the lightwell adjacent to the proposed cycle and refuse/recycling storage. This would be the only feasible location for the provision of amenity space to Flat 1 and its inclusion is considered to be an improvement in the context of the lack of existing amenity space. Accordingly, officers raise no objection to the proposed provision of amenity space to occupants of Flats 1, 2 and 3.
- 6.25 Overall, officers are satisfied that the proposal would ensure a good standard of accommodation to the proposed residential units at upper floor levels (Flats 2 and 3), whilst the proposal would result in a notable improvement to the standard of accommodation to the existing basement flat (Flat 1) with regard to outlook, finished floor to ceiling height, the provision of light to habitable rooms and amenity space. Resultantly, no objection is raised with regard to Policy D6 of the London Plan (2021), Policies C11, CC13, HO4 and HO11 of the Local Plan (2018) and Key Principles HS1, HS3 and NN3 of the Planning Guidance SPD (2018).

## DESIGN AND IMPACT UPON THE CHARACTER AND APPEARANCE OF THE APPLICATION PROPERTY AND THE SURROUNDING AREA (INCLUDING DESIGNATED HERITAGE ASSETS)

- 6.26 Paragraphs 135 and 139 of the National Planning Policy Framework (NPPF, 2023) specify that development should be visually attractive as a result of good architecture and be sympathetic to local character and history and permission should be refused for development of poor design. Paragraph 205 of the NPPF (2023) specifies that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to a heritage asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.27 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 asset's significance and appreciation within their surroundings.
- 6.28 Policy DC1 of the Hammersmith and Fulham Local Plan (2018) notes that all development should seek to create a high-quality urban environment which respects and enhances its townscape setting, whilst Policy DC4 notes that all alterations and extensions to existing buildings should be a subservient addition to the parent building and compatible with the scale and character of existing development, neighbouring properties and their settings. Policy DC8 specifies that applications affecting designated heritage assets will only be permitted if the significance of the heritage asset is preserved and/or enhanced.
- 6.29 Policy DC11 of the Local Plan (2018) is applicable to proposals for new basements and extensions to existing basements. This specifies that typically, basements will only be permitted where they:
- (a) Do not extend into or underneath the garden further than 50% of the depth of the host building (as measured from the main rear elevation); [the existing rear garden is 30sqm, and the proposed excavation work would cover 15sqm of the existing rear garden]
  - (b) Do not extend into or underneath the garden further than 50% of the depth of the garden; [the existing rear garden is 30sqm, and the proposed excavation work would cover 15sqm of the existing rear garden]
  - (c) Are set back from neighbouring property boundaries where it extends beyond the footprint of the host building; [the proposed floor plans demonstrates that the basement excavation within the rear garden would be set-in from the neighbouring property boundary of No.56 Boscombe Road]
  - (d) Do not comprise more than one storey; [the enlarged basement would remain as a single-storey basement]
  - (e) Do not have an unacceptable impact upon the amenity of adjoining properties or the local, natural and historic environment during and post construction; [a structural support statement for groundworks, prepared by a qualified structural engineer has been submitted as part of the application. Furthermore, officers have

recommended that conditions relating to a construction logistics plan and a construction management plan be attached in the event that the planning committee grant planning consent, to mitigate against an unacceptable impact upon adjoining properties during and post construction. The basement excavation works are not judged to result in detrimental harm to the local, natural or historic environment]

- (f) Are designed to minimise flood risk (from all sources of flooding) to the property and neighbouring properties; [the applicant has submitted a flood risk assessment and SuDs report as part of this application. Following review, the Council's Environmental Policy (Flood Risk) team have raised no objection, subject to this document being adhered to. Further comments are set out within the flood risk section of this committee report].
- (g) Include a minimum of 1m of soil above any part of the basement beneath a garden; [by reason of the existing basement excavation at the application site, it would not be feasible to provide a minimum of 1m of soil above the part of the basement beneath the garden. Nevertheless, the proposed plans demonstrate that there would be sufficient space retained to sustain the growth of vegetation/planting]
- (h) Ensure that the basement helps reduce the volume and flow of surface water run-off through appropriate use of SuDs and will provide active drainage devices to minimise the risk of sewer flooding; [the applicant has submitted a flood risk assessment and SuDs report as part of this application. Following review, the Council's Environmental Policy (Flood Risk) team have raised no objection, subject to this document being adhered to. Further comments are set out within the flood risk section of this committee report].
- (i) Ensure that lightwells at the front or side of the property are as discreet as possible and allow the scale, character and appearance of the property and locality to remain largely unchanged; [The front lightwell has been designed to replicate the existing front lightwells established within Boscombe Road. No objection is raised to this].
- (j) Are designed to safeguard the structural stability of the existing building, nearby buildings and other infrastructure; [Officers note that a structural support statement for groundworks, prepared by a qualified structural engineer has been submitted as part of the application].
- (k) Provide a Construction Method Statement (CMS) carried out by a qualified structural or civil engineer as part of any planning application; [Officers note that a structural support statement for groundworks, prepared by a qualified structural engineer has been submitted as part of the application].
- (l) Provide a construction traffic management plan as part of the CMS to ensure that traffic and construction activity does not cause unacceptable harm to pedestrian, cycle, vehicular and road safety. [Officers have recommended that a pre-commencement condition relating to a construction logistics plan be included in the event that the planning committee grant consent. This would enable further details to be provided to ensure an acceptable impact on pedestrian, cycle, vehicular and road safety].

- 6.30 Officers highlight that a number of the representations received have raised concern that the proposal would represent an over-development of the application site, one which would be out of keeping with the established character and appearance of the surrounding area. The proposal's design and impact upon the character and appearance of the surrounding area (including designated heritage assets) will be assessed below.
- 6.31 In terms of the existing character and appearance of the locality, the site visit highlighted that other properties within the subject terrace-row feature mansard roof extensions and various back additions; with some of these consisting of three-storeys and some of these one or two-storey additions which infill some of the spaces between other back additions. This is also a point which has been highlighted by Planning Inspectors during previous appeals, with further detail set out in the following paragraphs. Accordingly, from a design perspective, the principle of the proposed external alterations would be considered acceptable. The proposed additional floor at roof-level would take the form of a mansard roof extension. A condition is recommended to secure the construction of the mansard roof in natural grey slate, which would be considered to ensure a satisfactory visual appearance. Conditions relating to the material of the dormer projections are also recommended to ensure the use of suitable materials.
- 6.32 The parent building features an original ground and first-floor back addition, and the proposed second-floor rear extension would be sited on top of this existing back addition, matching its depth and width. Annotations on drawing Nos. A100 REV P3 and A101 REV P3 specify that this element of the proposal would be constructed in brickwork to match the existing brickwork finish of the rear elevation.
- 6.33 A two-storey infill extension (at basement and ground-floor level) to the side of the original back addition of No.58 is also proposed. The site visit demonstrated that an infill extension of this scale would not appear out of keeping with the existing character and appearance of the subject terrace-row, and officers are of the opinion that this element of the proposal would achieve a subservient appearance to No.58 Boscombe Road whilst maintaining the appearance of the original back addition.
- 6.34 The council acknowledges that one of the refusal reasons of the previous planning application Ref.2019/01682/FUL related to visual amenity, with the cumulative bulk and mass of the proposed first, second and roof level extensions considered to be unacceptable. The council's appeal statement relating to application Ref. 2020/00038/FUL also raised concern on these grounds. Nevertheless, the two appeal decisions (Refs. APP/H5390/W/19/3236037 and APP/H5390/W/20/3252029) associated with Refs. 2019/01682/FUL and 2020/00038/FUL are material considerations when assessing the current planning application, and officers highlight that neither appeal decision raised an objection on design grounds or impact upon heritage assets.
- 6.35 Notably, Paragraph 21 of appeal decision Ref. APP/H5390/W/19/3236037 stated that 'the proposed mansard roof extension would be designed acceptably, it would sit comfortably on the space adjoining the boundary wall with the neighbour and would not look out of place with the other mansard roofs in the vicinity. The dormer windows would be an addition that complemented the design'. This comment was

re-iterated in Paragraph 9 of the appeal decision Ref. APP/H5390/W/20/3252029.

- 6.36 Officers note that the scale of the proposed second-floor rear extension and two-storey infill extension has been reduced in scale, massing and design in comparison to the previous application Refs. 2019/01682/FUL and 2020/00038/FUL (these previous applications both included a proposed infill extension at first and second-floor level). Officers highlight that Paragraph 22 of the appeal decision for Ref. APP/H5390/W/19/3236037 stated that 'The 3 storey addition to the rear extensions would be similar to others at the rear of the terrace [...] Whilst most parts of the extensions would be clearly visible from public vantage points, both individually and cumulatively, the additions would complement the building and could be absorbed within the terrace and the wider street scene without harm'.
- 6.37 Paragraph 11 of the appeal decision for Ref. APP/H5390/W/20/3252029 re-iterated this, specifying that 'I saw at my site visit that the 3-storey addition to the rear extensions would be similar to others at the rear of the terrace. [...] To my mind, the additions would complement the building and would integrate acceptably within the terrace and the wider street scene without harm'. Officers draw attention to the fact that the current proposal is of a reduced scale, massing and design to those considered acceptable from a design/visual amenity perspective by the Planning Inspector's previous appeal decisions.
- 6.38 The council has given significant weight to the previous Planning Inspector appeal decisions referenced above (as well as the subsequent planning approval ref. 2022/03636/FUL), and subsequently, on balance the council would raise no objection on design and heritage grounds. Accordingly, the proposal would be consistent with Sections 12 and 16 of the NPPF (2023), Policy HC1 of the London Plan (2021) and Policies DC1, DC4 and DC8 of the Local Plan (2018).
- 6.39 With regard to concern regarding the proposal's impact upon the significance of Greenside Primary School (a Grade II\* Listed Building), Historic England's listing states that Greenside Primary School was constructed in 1950 by Erno Goldfinger (a key architect within the modernist architectural movement) and is one of only two schools designed using Goldfinger's school building system. It is this which gives the Listed Building its significance, and the proposal would not impact upon this. Subsequently, the proposal would not be considered to impact upon the significance of this heritage asset.
- 6.40 Paragraph 12.60 of the Local Plan (2018) outlines that for the purposes of Policy DC11, a basement is considered to be a floor of a building which is partly or entirely below ground-level. Accordingly, Policy DC11 would be applicable to the proposed excavation work. The submitted drawings indicate that the rear garden is 30sqm in footprint, and that the excavation in this area would be 15sqm; ensuring that criteria (a) and (b) of Policy DC11 would be complied with.
- 6.41 As demonstrated on the proposed drawings, the proposed excavation work would be set-in from the neighbouring property boundaries, compliant with criteria (c). The proposed excavation work would consist of a single-storey, which would be consistent with criteria (d). As required by criteria (e), (f), (h), (j), (k) and (l) of Policy DC11, the applicant has submitted the following documentation: a structural support statement for groundworks prepared by a qualified structural engineer, a

Construction Environmental Management Plan and a Flood Risk Assessment and SuDS report.

- 6.42 In line with criteria (g) of Policy DC11, the planning application demonstrates that the basement excavation would retain sufficient space to sustain the growth of vegetation/planting.
- 6.43 Policy DC11 (i) of the Local Plan (2018) and Key Principles BL1 and BL3 of the Planning Guidance SPD (2018) relate to the size and design of lightwells. As depicted on the submitted drawings, a front lightwell 1.2m in depth would be proposed, to provide light to the resultant living/dining/kitchen area of Flat 1. This would be enclosed by 1.1m high black metal railing. Officers note that the proposed front lightwell would exceed the 800mm depth specified within Key Principle BL3 of the Planning Guidance SPD (2018). However, officers note that the depth proposed would match the depth of the existing front lightwells which are present along Boscombe Road, whilst the proposed metal railing would also match other examples along the street. The current design and scale of the front lightwell and its means of enclosure are therefore considered to be in keeping with the established character of the street.
- 6.44 Overall, officers consider that the proposed basement excavations would be consistent with the criteria of Policy DC11, ensuring that this element of the proposal is subservient to the character and appearance of the application property and would not result in detrimental harm to the character and appearance of the surrounding locality. Whilst acknowledged that the depth of the proposed lightwell fronting Boscombe Road would exceed the 800mm depth typically specified within Key Principles BL1 and BL3 of the Planning Guidance SPD (2018), the proposed depth is consistent with other lightwells along this street, and accordingly, the deviation from this Key Principle can be justified in this instance.

#### IMPACT UPON NEIGHBOURING AMENITY

- 6.45 Policy HO11 of the Local Plan (2018) specify that any proposal must be formulated to respect the principles of good neighbourliness. These policies are supported by Key Principles HS6, HS7 and HS8 of the Planning Guidance SPD (2018), which seek to protect the existing amenities of neighbouring residential properties in terms of light, outlook, noise, disturbance, overlooking or privacy.
- 6.46 No.56 Boscombe Road adjoins the northern flank boundary of the application site and contains three self-contained residential units (a maisonette at basement and ground-floor, a first-floor and a second-floor flat). Nos. 22 and 24 - 28 Goodwin Road are situated to the rear of the application site. No.30 Melina Road is situated to the southern flank boundary of the application site, with Goodwin Road running between No.30 and the application site.
- 6.47 Officers note that representations have raised concern regarding the proposal's impact upon neighbouring amenity, particularly with regard to outlook, light, privacy (particularly with regard to the proposed terrace), noise and a sense of enclosure/overbearing. These, and other material considerations, will be assessed below.

+ Outlook, light and a sense of enclosure

6.48 With regard to those occupants residing within the adjoining property No.56 Boscombe Road, neither the rear infill extension at basement and ground-floor level, nor the second-floor rear extension on top of the original back addition, would project beyond the established rear building line of the subject terrace-row. Furthermore, No.56 Boscombe Road does not contain any flank elevation windows facing the application building. Accordingly, officers consider that these elements of the proposal would not cause demonstrable harm to the amenity of No.56 Boscombe Road's occupants, with regard to outlook, light and a sense of enclosure.

6.49 The proposed mansard roof extension would form a common alignment with existing mansard roof extensions throughout the terrace. As such, it is not considered to cause undue harm to the amenity of occupants residing within No. 56 Boscombe Road.

6.50 Goodwin Road runs between No.58 Boscombe Road and No.30 Melina Road, ensuring a minimum separation of approximately 14sqm between the main flank elevations of these properties. Furthermore, site photographs and street imagery indicate that no windows are installed within the main flank wall of No.30 Melina Road. These factors are considered sufficient to mitigate against detrimental harm to the amenity of No.30's occupants, with regard to outlook, light and a sense of enclosure.

6.51 With regard to those properties to the rear of the application site, Officers note that Nos. 24 - 28 Goodwin Road contain commercial uses, and accordingly the proposal would not be considered unduly detrimental to users of this building. Meanwhile, the siting of No.22 Goodwin Road to the north-west of the application site and the distance between these would be considered sufficient to mitigate against detrimental harm to the amenity of No.22 Goodwin Road's occupants.

6.52 Key Principle HS8 of the Planning Guidance SPD (2018) outlines that planning permission will not be granted for roof terraces or balconies if their use is likely to cause harm to the existing amenities of neighbouring occupiers by reason of noise and disturbance or a harmful level of overlooking and consequent loss of privacy.

6.53 The proposed roof terraces (which are proposed to serve Flats 2 and 3) would each be less than 15sqm in footprint (7.3sqm and 5sqm, respectively). This would not exceed the guidance for terrace sizes specified within Paragraph 3.16 of the Planning Guidance SPD (2018). Accordingly, the modest footprint of the terraces is considered to limit the number of people who could occupy the terraces at any one time, mitigating against exposing surrounding occupants to harmful levels of noise, associated with usage of the terraces.

6.54 With regard to privacy, the proposed first-floor terrace would be enclosed on both sides by the original back additions of Nos. 56 and 58 Boscombe Road, and the rear extent of this proposed terrace would not project beyond the rear building line of either No. 56 or No.58 Boscombe Road. The proposed third-floor roof terrace would be enclosed by 1.1m high metal railings, which replicates the terrace screening present to the existing terrace of No.56 Boscombe, at a similar level. Accordingly, this would not be considered to harmfully exacerbate any existing



levels of overlooking. Meanwhile, the separation between the proposed terrace areas and No.30 Melina Road and Nos. 22 and 24 - 28 Goodwin Road would be considered sufficient to mitigate against detrimental harm to the amenity of these surrounding occupants, with regard to privacy.

6.55 No new views into neighbouring habitable windows would be afforded as a result of the proposed development. All rear windows would face the commercial/office building located to the rear of the site and would also achieve views out towards the Crown and Sceptre Public House. The proposed front dormer windows would not afford new views beyond what has been established by the existing front windows at second floor level. As such, officers consider that this would help mitigate against any loss of privacy to any surrounding residents beyond what is already established.

6.56 Overall, for the reasons outlined above, the proposal would be considered to mitigate against detrimental harm to the amenity of surrounding occupants, with regard to outlook, light, privacy, noise and a sense of enclosure/overbearing. In this respect, the proposal would be consistent with Policy HO11 of the Local Plan (2018) and Key Principles HS7 and HS8 of the Planning Guidance SPD (2018).

## HIGHWAYS/PARKING AND REFUSE/RECYCLING

### + Highways/parking

6.57 Policy T1 of the Local Plan (2018) seeks to encourage the provision and use of public transport and bicycles, to improve congestion and air quality within the Borough.

6.58 Policy T5, Table 10.2 of the London Plan (2021) outlining the following minimum cycle parking requirements:

- 1 space per studio or 1-person, 1-bedroom dwelling;
- 1.5 spaces per 2-person, 1-bedroom dwelling;
- 2 spaces per all other dwellings

5.59 Policy T4 of the Local Plan (2018) 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.

5.60 Policy T7 of the Local Plan (2018) outlines that construction and demolition works within the borough will be required to mitigate against the impact of any additional traffic or potential disruption to the highway network. This may typically be ensured by way of a construction and/or demolition logistics plan.

5.61 The proposal would result in the net-gain of one (1) residential unit. Therefore, it is important that the newly created residential unit would not harmfully exacerbate existing levels of parking stress and congestion in the locality of the application site. The application site has a Public Transport Accessibility Level (PTAL) of 3, indicating moderate access to public transport. Paragraph 14.19 of the Local Plan (2018) states that the Council will only consider the issuing of on-street parking permits in locations where the PTAL rating is 2 or lower. Accordingly, officers

consider that a legal agreement (in the form of a unilateral undertaking) would be necessary to ensure that future occupants of the proposed residential unit at first-floor (Flat 2) would not be entitled to on-street parking permits; with the exception of blue badge holders. Subject to this, the proposal would be considered to mitigate against detrimental harm upon the highway network, with regard to parking stress and congestion, consistent with Policy T4 of the Local Plan (2018).

5.62 With regard to cycle parking, a total of 3 cycle parking spaces would be required for the two resultant units at upper floor level; 2 spaces for the second and third-floor maisonette (Flat 3) and 1 space for the first-floor studio unit (Flat 2). As depicted on the proposed plans, dedicated cycle storage provision would be provided at ground-floor level for use by occupants of Flats 2 and 3. A total of 1.5 cycle parking spaces would be required for the existing basement unit. As depicted on the proposed plans, dedicated cycle storage provision would be provided at basement level for use by occupants of Flat 1. The cycle storage would be weatherproof, secure and accessible, and is judged to be consistent with Policy T5 of the London Plan (2021). Officers recommend that a pre-occupation condition be attached to secure further details of the cycle storage enclosure.

#### + Refuse/recycling

5.63 Policy CC7 of the Local Plan (2018) specifies that all developments should aim to minimise waste and should provide convenient refuse and recycling storage facilities. Enclosed refuse storage would be provided for the residential units within No.58 Boscombe Road. This is considered to be easily accessible for all residential units and in close proximity to the street kerb, so that it can be collected on collection days. Officers recommend that a pre-occupation condition be attached to secure further details of the refuse and recycling storage enclosure.

## FLOOD RISK

5.64 Policy DC11 of the Local Plan (2018) outlines that new basements and extensions to existing basements must be designed to minimise the risk of flooding at the property and nearby properties from all sources of flooding. Policy CC3 of the Local Plan (2018) specifies that a site-specific flood risk assessment [FRA] will be required for the following proposals:

- All development within the Environment Agency's Flood Risk Zone 2 or 3;
- All new developments over 1 hectare in size in the Environment Agency's Flood Risk Zone 1;
- All new development in areas identified in the Council's Surface Water Management Plan (SWMP) as being susceptible to surface water flooding - i.e. those located in a flooding hotspot;
- All new development which involves a subterranean element in areas identified in the Council's SWMP as being at risk from elevated groundwater levels.

- 5.65 Policy CC4 of the Local Plan (2018) outlines that all proposals for new development must manage surface water run-off as close to its source as possible, in line with the London Plan drainage hierarchy.
- 5.66 The application site lies within the Environment Agency's Flood Risk Zones 2 and 3 and includes works associated with the enlargement of the existing basement level residential unit (the lowering of the finished floor level of this unit and the erection of a two-storey infill extension). Officers recognise that the representations received have raised concern regarding the proposal's potential impact upon flood risk. A Flood Risk Assessment and SuDs Report (Ref. 4721/2023 REV D, dated 05.01.2024) prepared by EAS was submitted as part of the application.
- 5.67 The FRA provides details regarding the water-proofing measures of the lower ground level, which includes a water-proof slurry on which a cavity drain membrane would sit and solid concrete or engineered brick walls to provide the proposed lightwells with a permanent barrier against surface water flooding. Paragraphs 5.13 - 5.29 of the FRA includes information on the types of flood resilience measures which are to be considered for inclusion. To mitigate against the potential risk of sewer flooding, the proposal would include the installation of a pumped foul connection from the basement to the Thames Water foul water sewer to a final gravity chamber in the rear garden; to account for the lowering of the basement floor level and to prevent the public sewer flooding the basement in the event it surcharged. Furthermore, a separate sump pump is to be installed in the basement to drain any flood water in the event of a flood.
- 5.68 The Council's Environmental Policy (Flood Risk) team have reviewed the submitted FRA and have raised no objection to the flood mitigation measures included, and accordingly, officers recommend inclusion of a compliance condition, requiring that the measures within the FRA are adhered to.
- 5.69 With regard to Sustainable Urban Drainage (SuDs), Paragraph 6.8 of the FRA specifies that a sedum green roof is proposed to the bin store and bike store. Officers raise no objection in principle to this, and recommend a condition requiring details of the manufacturer specification and maintenance schedule of the sedum green roof to be submitted to the local planning authority for approval, prior to the installation of the bike and cycle storage.
- 5.70 Overall, officers consider that the submitted FRA is sufficiently detailed to demonstrate compliance with Policies CC3 and CC4 of the Local Plan (2018).

## LAND CONTAMINATION

- 5.71 Policy CC9 of the Local Plan (2018) specifies that when development is proposed on or near a site that is known to be, or there is good reason to believe may be, contaminated, or where a sensitive use is proposed, an applicant should carry out a site assessment and submit a report of the findings in order to establish the nature and extent of the contamination.

5.72 A Phase I Geo-Environmental Desk Study (Ref. R3273/23/DTS, dated October 2023) prepared by Earth Environmental & GeoTechnical was submitted as part of the application. The Council's Land Contamination team were consulted on the proposal, and following review of this document, it was not considered to be sufficient to avoid the need for the Council's six (6) standard land contamination conditions, including pre-commencement conditions relating to a preliminary risk assessment and a site investigation scheme. The applicant has therefore agreed in writing to these conditions. Accordingly, officers raise no objection with regard to Policy CC9 of the Local Plan (2018).

## AIR QUALITY

5.73 Policy CC10 of the Local Plan (2018) specifies that the council will seek to reduce the potential adverse air quality impacts of new development. Notably, where a proposal has potential to result in occupants being affected by poor air quality, mitigation measures will be required to mitigate against this.

5.74 A borough wide Air Quality Management Area is in place within Hammersmith & Fulham. The Council's Environmental Quality (Air Quality) team were consulted on the proposal. They have raised no objection to the proposal, subject to a pre-occupation condition requiring details (including installation/commissioning certificates) of the zero emission MCS certified electric boiler(s) for the supply of space heating and hot water to be submitted to, and approved in writing by, the Local Planning Authority. Subject to this condition, officers raise no objection with regard to Policy CC10 of the Local Plan (2018).

## FIRE SAFETY

5.75 In the interests of fire safety and to ensure the safety of all building users, Policy D12 of the London Plan (2021) states that 'all development proposals must achieve the highest standards of fire safety'.

5.76 Paragraph 3.12.2 of the London Plan (2021) specifies that the matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that proposals achieve the highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage.

5.77 A 'Fire Statement - Reasonable Exception Statement' has been submitted as part of the application, indicating that a fire statement in accordance with Policy D12 Part B of the London Plan (2021) is not applicable. This document nevertheless includes details regarding how the proposal has given consideration to the criteria of Policy D12 Part A, 1 - 6 of the London Plan (2021). Given the nature of the proposal, officers are satisfied that this document outlines how consideration has been given to Policy D12, Part A.

## 6.0 CONCLUSION

- 6.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.2 In summary, the proposed development would result in the net-gain of one (1) residential unit, contributing towards the Borough's housing targets, whilst retaining a two-bedroom unit at upper-floor level. Furthermore, the proposal would also result in the notable improvement to the standard of accommodation to the existing basement flat (Flat 1) with regard to outlook, finished floor to ceiling height, the provision of light to habitable rooms and amenity space. Officers consider that this can be achieved without having an unacceptable impact on the amenity of surrounding occupants, and without harm to the character and appearance of the parent building or the surrounding area.
- 6.3 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted subject to conditions.

## 7.0 RECOMMENDATION

- 7.1 Grant consent, subject to conditions and a Unilateral Undertaking.