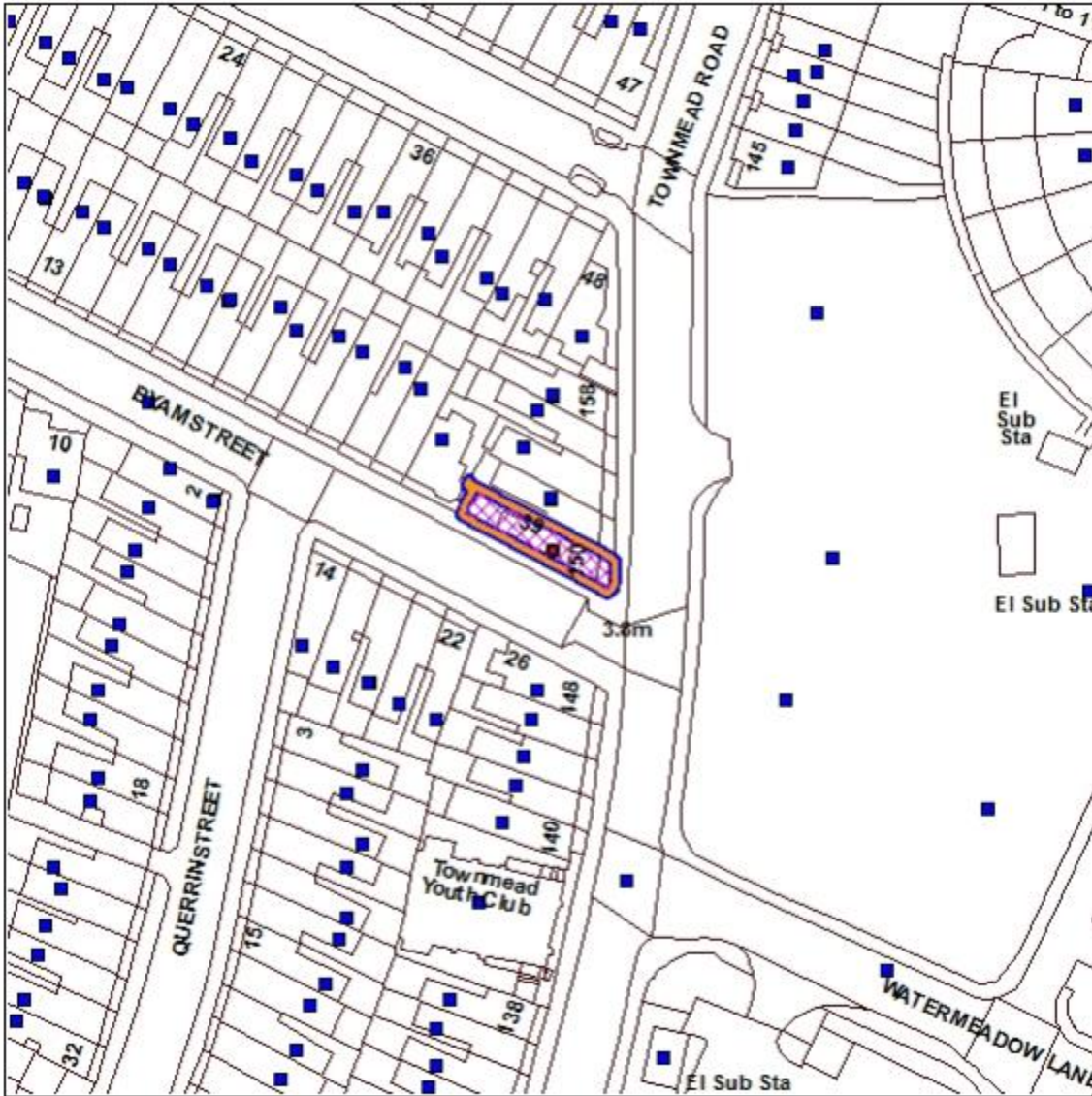


Ward: Sands End

Site Address:

First Floor Flat 39 Byam Street London SW6 2RB



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For identification purposes only - do not scale.

Reg. No:
2024/02655/FUL
Date valid:
22.10.2024

Committee Date:
14.01.2024

Case Officer:
Mwansa Tembo

Conservation Area:
N/A

Applicant:

Kamdar Properties Ltd.
Suite 5, 3rd Floor Sovereign House
Finchley Central
London
N3 1QB

Description:

Erection of rear roof extension including the formation of a hip to gable roof extension involving an increase in the ridge height by 300mm; alterations to the roof of back addition to incorporate a flat roof, erection of external steps and erection of privacy screens in connection with the formation of a roof terrace at rear second floor level; installation of 2no rooflights in the front roofslope and 1no rooflight above the main flat roof at roof level.

Dwg Nos: P319 / 310 Rev 01; P319 / 311 Rev 01; P319 / 312 Rev 01; P319 / 313 Rev 01; P319 / 314 Rev 01; P319 / 315 Rev 01; P319 / 316 Rev 01; P319 / 317 Rev 01; P319 / 318 Rev 01.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- (1) That the Committee resolve that the Director of Planning and Property be authorised to refuse planning permission subject to the reason(s) for refusal listed below;
- (2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed reasons for refusal, which may include the variation, addition or deletion of reasons, any such changes shall be within their discretion.

Reason(s) for Refusal:

- 1) Design and Visual Amenity

The proposed development is considered unacceptable on design and visual amenity grounds. More particularly, the proposed hip-to-gable roof extension, raising of the ridge, rear roof extension and terrace by reason of their siting, height, bulk and mass would represent a visually prominent and incongruous development that is overly

dominant, discordant, and out of character with the established form of roof level development along the host terrace. This would fail to appear subordinate to the existing building harmful to its character and the Townmead Road and Byam Street street scenes. In this regard, the proposal is considered to be contrary to Policies DC1 and DC4 of the LBHF Local Plan (2018).

2) Residential Amenity

The proposed roof extension including and terrace screening is considered to be unacceptable in the interests of residential amenity. More particularly, due to its excessive height and position in close proximity to the rear facing window of No.152 Townmead Road, it is considered that the proposal would be unneighbourly and result in an overbearing and dominating form of development. This would cause an increased sense of enclosure, overshadowing and loss of outlook impacts to this neighbour. In this regard, the proposal would fail to comply with Policies DC4 and HO11 of the Local Plan (2018), and Key Principle HS7 'Planning Guidance' Supplementary Planning Document (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All background papers held by Case Officer named above:

Application form received: 21st October 2024

Drawing Nos: see above

Policy Documents: National Planning Policy Framework (NPPF, 2024)
The London Plan (2021)
LBHF - Local Plan (2018)
LBHF - 'Planning Guidance' Supplementary Planning Document (2018).

Consultation Comments:

Comments from:

Dated:

Urban Design & Conservation

02.12.24

Neighbour Comments:

Letters from:

Dated:

None

1. SITE DESCRIPTION AND HISTORY

- 1.1 This application relates to a top floor flat within a two storey end-of-terrace property located on a corner plot at the northern side of Byam Street, near the junction with Townmead Road. Whilst the entrance to the flat is on Byam Street, the application property is set on the upper floors of No.150 Townmead Road. The surrounding area consists of late Victorian to Early Edwardian architecture and the street is predominantly in residential use.
- 1.2 The site is situated within the Environmental Agency's designated Flood Risk Zone 3. It is directly adjacent to the Sands End Conservation Area, which lies immediately across the road to the east. Therefore, the proposal would be prominent in views from the Conservation Area.

Planning History

- 1.3 The site does not have any relevant planning history.

2. PUBLICITY AND CONSULTATION

Public Consultation

- 2.4 The application was publicised by way of site and press notices. Notification letters were also sent to 40 neighbouring addresses. Subsequently, no responses were received by the Council.

3. POLICY CONTEXT

- 3.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory legislation for Town Planning in England.
- 3.2 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).

- 3.3 In this instance, the statutory development plan comprises of the London Plan (2021), the Local Plan (2018) and the 'Planning Guidance' (2018) Supplementary Planning Document (hereafter referred to as 'Planning Guidance' SPD). Other strategic and local supplementary planning guidance and other documents from the Council and the Greater London Authority/Mayor of London are also material to the determination of the application.

National Planning Policy Framework (2024)

- 3.4 The National Planning Policy Framework - NPPF (as updated 2024) 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.
- 3.5 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.

The London Plan (2021)

- 3.6 The London Plan (2021) was published in March 2021 and is the Spatial Development Strategy for Greater London. The Plan provides the strategic planning policies for London, setting out an integrated economic, environmental, transport and social framework for growth over the next 20-25 years. The proposed development has been assessed in line with the policies set out in the London Plan. The London Plan is supported by guidance, which provides further information about how the London Plan Policies should be implemented in the form of Supplementary Planning Guidance ('SPG') documents which have also been considered in determining this application.

The Local Plan (2018)

- 3.7 The Council Local Plan was adopted 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' (February 2018) and 'Climate Change' (October 2023) Supplementary Planning Documents (SPDs) are also material considerations. These provide supplementary detail to the policies and are organised around key principles.
- 3.8 With regard to this application, all planning policies in the National Planning Policy Framework (NPPF, 2024), London Plan (2021), Local Plan (2018), and Supplementary Planning Guidance (SPG) / Supplementary Planning Documents (SPDs) have been referenced where relevant.

- 3.9 The main planning considerations in light of the London Plan (2021), and the Local Plan (2018) (hereafter referred to as Local Plan), the 'Planning Guidance' Supplementary Planning Document (2018) (hereafter referred to as the 'Planning Guidance' SPD) include:
- design, character and appearance;
 - residential/neighbouring amenity.

4. DESIGN, CHARACTER AND APPEARANCE

- 4.1 The NPPF recognises that creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.2 London Plan Policy D3 (Optimising site capacity through the design-led approach) states that, in terms of quality and character, development proposals should "respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well".
- 4.3 Local Plan Policy DC1 states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that demonstrates how good design, quality public realm, landscaping and land use can be integrated to help regenerate places.
- 4.4 Policy DC4 of the Local Plan states that the Council will require a high standard of design in all alterations and extensions to existing buildings. In particular, design in all alterations and extensions should be:
- compatible with the scale and character of existing development, neighbouring properties and their setting;
 - successfully integrated into the architectural design of the existing building; and
 - subservient and should never dominate the parent building in bulk, scale, materials or design.

- 4.5 Policy DC8 states that the Council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. These assets include: listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings and features of local interest.
- 4.6 As previously mentioned, whilst the site does not fall within a Conservation Area, it is directly adjacent to the Sands End Conservation Area which lies immediately across the road to the east. Therefore, the proposal, given its roof top location, would be visually prominent from views within the Conservation Area. However, owing to the ongoing redevelopment of the Watermeadow Court site, this area of the conservation area has been subject to change; therefore the proposals would not adversely impact the setting of significance of the conservation area.
- 4.7 No.39 Byam Street forms part of a group of 2 terraces, comprised of 5 late Victorian residential properties fronting Townmead Road, 2 storeys with double height front bays. The property sits at the end of the terrace in a highly prominent position and forms an entranceway to Byam Street with the property adjacent at No.26 Byam Street, these buildings are designed to match each other with side doors fronting Byam Street and shallow hipped roofs.
- 4.8 The proposal would involve the erection of a rear roof extension to the main roof of the application property and would include the formation of a side hip-to-gable roof extension, as well as an increase in the ridge height by 300mm and the insertion of 2Nos. rooflights on the front roof slope.
- 4.9 Hipped roofs at the end of terraces are a characteristic feature of the area, designed to ensure the side of the properties do not appear more dominant than the fronts and to provide visual relief to the pedestrian experience in what are tight terraced streets. The host terrace retains this feature, being book-ended by hipped roofs at each end, as well as forming a pair with No.26 Byam Street. The additional end-of-terrace hipped roofs are also located on the junction of Byam Street and Querrin Street and at the corner of Byam Street and Stephandale Road. Furthermore, as with the application site, the end of terrace properties in the surrounding area tend to consist of flats and as such, hip to gable roof extensions cannot be carried out without planning permission. As a result, there remains control over the carrying out of such extensions which is part of the reason why the original character of these end terrace properties has been retained.
- 4.10 The Council attaches significant weight to the corresponding end-of-terrace properties within the locality. In this instance, the end-of-terrace application site's front and side elevation are visible along the junction of Byam Street and Townmead Road. The proposed roof extension would incorporate a 70-degree pitch on the rear roof slope and two large dormers. Whilst in isolation such an

approach can be acceptable, its design is dependent on a hip to gable alteration which is not supported, as well as a ridge height increase of 300mm. The application terrace has an unimpaired ridge line. Therefore, the change in the ridge height would result in an incongruous feature out of character with the existing uniform ridge line. As such, the main roof alterations as designed, would result in an incongruous addition, out of keeping with the predominantly uniform character of the terrace which would be exacerbated by its highly visible prominent corner plot location.

- 4.11 The proposed rooflights on the front roof slope would align with the windows on the floor below and be of an appropriate scale. Although these elements may not be possible if the hip-to-gable element is not completed, the principle of rooflights on the front elevation would be acceptable and in keeping with the appearance of the wider street.
- 4.12 Whilst modest roof additions such as dormer windows could be acceptable as they would not impact on the original roof geometry, the removal of the hipped roof would undermine the symmetry of the host terrace and the relationship between the host building and its pair at No.26 Byam Street and would be contrary to para. 4.21 of the Planning Guidance SPD and para. 12.20 of the Local Plan. The SPD states that “hip-to-gable roof extensions can undermine the symmetry of groups of properties or terraces. Where hipped roofs form part of the pattern of original development in an area their loss will be resisted.” The Local Plan states that “the design of extensions or alterations to buildings is of considerable importance, because they can change the character of individual buildings and that of an area as a whole. This is of particular concern in terraces of uniform appearance. The council recognises that there will be changing needs and requirements of occupiers, but seeks to ensure that extensions and alterations, even the most minor ones, do not affect the inherent qualities of existing properties”.
- 4.13 Within the submitted Design and Access Statement, the applicant refers to 6 properties elsewhere in the surrounding area which had received planning consent for hip to gable alterations. However, it should be noted that these schemes had different site contexts and specific circumstances to the proposal being considered and some were approved prior to the adoption of the current Local Plan. Given, that every application must be considered on its own merits based upon the particular context and assessed against current policy and guidance these other examples are not directly relevant to the current proposal.
- 4.14 By way of example No.25 Kilkie Street (2020/01310/FUL) which is located at the end of a terrace consisting of 15 houses to the south of the application site one street away. Whilst the application site is also opposite a corresponding hipped end terrace on the junction with Townmead Road and Kilkie Street, the other end of the application terrace itself is gable end and has altered ridge lines

due to the rear roof extensions. This differs from the application terrace that is hipped end-to-end with an unaltered ridge line. There are a further five examples given within the Design and Access Statement. However, they all differ from the host terrace and application property, in the sense that they had at least one side of the terrace with a gable end or there was a gable in the subsequent terrace and they also had historically altered ridge heights which meant that there was no real consistency to begin with. This is not the case in the host terrace.

- 4.15 As such, the proposed main roof alterations would create an incongruous addition which fails to appear subservient and in keeping with the existing built form of the application site and would result in the loss of uniformity and balance within the wider terrace group, the roofscape and the street scene. Therefore, the proposal would be contrary to policies DC1 and DC4 of the Local Plan.
- 4.16 Directly in front of the rear roof extension, it is proposed to alter a section of the roof of the back addition to create a flat roof and erect 1.7m high privacy screen on its perimeter for use as a terrace. There are no examples of terraces on the roof of the back addition on the application terrace neither are any visible on adjacent properties in the immediate street scene.
- 4.17 The terrace would cover an area measuring approximately 11.29sqm with access via the double doors on the dormer of the rear roof extension. The Council seeks to restrict any development over the roof of the back addition to no more than 50% of the original depth. This is mainly to avoid a dominant appearance on the roof. The proposed terrace screen would not cover more than 50% of the depth of the back addition.
- 4.18 In this instance due to the design being reliant on the unacceptable hip to gable and the raising of the ridge height, their combined scale and form would appear incongruous and dominant on the host property and the prominent corner location. This is contrary to Policies DC1 and DC4 which require all extensions to be "compatible with the scale and character of existing development, neighbouring properties and their setting" and remain "subservient and should never dominate the parent building in bulk, scale, materials or design". As such the proposal would be contrary to policies DC1 and DC4 of the Local Plan.

5. RESIDENTIAL AMENITY

- 5.1 Policies DC1, DC2, CC11, CC13 and HO11 of the Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. The 'Planning Guidance' SPD Housing Key Principles HS6, HS7 and HS8 seek to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.

- 5.2 Policies CC11 (Noise) and CC13 (Control of Potentially Polluting Uses) also deal with environmental nuisance and requires all developments to ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties.
- 5.3 'Planning Guidance' SPD Key Principle HS6 notes that the proximity of a development can have an overbearing and dominating effect detrimental to the amenities of adjoining residential occupiers. Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point at ground level or at 2m on the rear curtilage. An on-site judgement will be a determining factor if any part of the proposed building extends beyond these lines.
- 5.4 In this instance, the rear boundary abuts the windowless flank wall of a two storey end of terrace No.37 Byam Street. As such, there would be no increase sense of enclosure and overbearing impacts on the amenity of residents at this rear adjoining property.
- 5.5 Key Principle HS7 (i) states that 'Any proposed rear extension should not worsen the outlook from any rear habitable room window located lower than the proposed extension'. The adjoining property at No.152 has two habitable room windows on the side of its back addition at first floor level. The window closest to the main rear wall of this property is already overshadowed by the built form of the back addition of the application property. The rear roof extension, ridge height increase, and terrace screen would have a combined scale and mass that would increase the sense of enclosure, be overbearing and intensify the existing level of overshadowing to this window thus worsening the outlook and day light level. As such, proposed development would be harmful to the amenity of this neighbour and would not accord with Key Principle HS7 (i).
- 5.6 Key Principle HS8 states that 'Planning permission will not be granted for roof terraces or balconies if the use of the terraces or balcony is likely to cause harm to the existing amenities of neighbouring occupiers by reason of noise and disturbance or, if it would result in an additional opportunity for overlooking or result in a significantly greater degree of overlooking and consequent loss of privacy than from the access point onto the proposed roof terrace/balcony. Due to this, the council may seek for balconies and terraces to be no larger than 15sqm to reduce noise and disturbance to neighbours. It goes further to state that 'Balconies and terraces should be designed to receive reasonable levels of sunlight and daylight.'
- 5.7 In this instance, the proposed roof terrace would be limited to approximately 11.2sqm and which would limit the amount of people it could hold at any given time, thus limiting opportunities for noise and disturbance to neighbours. Given

that the terrace would include a 1.7m high obscure glazed screening on its perimeter, it is considered that the terrace would not allow for a significantly greater degree of overlooking than existing and not lead to consequent loss of privacy. The terrace is north facing and would be able to receive reasonable levels of daylight and sunlight. In this regard, the proposal complies with Key Principle HS8.

6. CONCLUSION

- 6.1 The proposed development is considered unacceptable on visual amenity grounds and its impact on neighbouring amenity. More particularly, the proposed hip-to-gable roof extension and the proposed raising of the ridge, by virtue of their siting, height, bulk and mass would be a visually prominent, incongruous development that is unacceptable, and out of character with the established form of roof level development along the host terrace. It is further considered that the proposed development would also cause harm to the amenity of neighbouring residents, particularly at No.152 Townmead Road resulting in an increased sense of enclosure, overbearing, overshadowing and loss of outlook impacts from first floor rear habitable room window. In this regard the proposal would fail to comply with Policies DC1, DC4 and HO11 of the Local Plan (2018), and Key Principle HS7 'Planning Guidance' Supplementary Planning Document (2018).

7. RECOMMENDATION

- 7.1 The application is therefore recommended for refusal.