

Ward: Lillie

Site Address:

15 Eustace Road London SW6 1JB



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Reg. No:
2024/02909/FUL

Case Officer:
Robert Cook

Date Valid:
05.12.2024

Conservation Area:

Committee Date:
04.03.2025

Applicant:

Mr. Adrian Bennett

15 Eustace Road London Hammersmith And Fulham SW6 1JB

Description:

Erection of a rear extension at upper ground floor level, on top of the existing back addition; increasing the size of the existing roof terrace at first floor level to the rear elevation by addition of new railings on top of the proposed upper ground floor back addition.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

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

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 following approved drawing numbers, other than where those details are altered pursuant to the conditions of this planning permission:

A101 RV-004;

A102 RV-004;

A103 RV-004;

A201 RV-004;

A202 RV-004;

A301 RV-004;

A302 RV-004.

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

- 3) The development hereby approved shall be carried out and completed in accordance with the materials details (including colour and finish) specified below:
- Walls: Brick to match the existing building in terms of brick and mortar colour and bond pattern.
 - Windows and doors: Timber or white UPVC framed, to match the existing.

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 and DC4 of the Local Plan (2018).

Justification for Approving the Application:

- 1) It is considered that, on balance, the proposal would not have an unacceptable impact on the existing amenities of the occupiers of neighbouring residential properties and surrounding area, and would be of an acceptable visual appearance which would not harm the character of the parent building, terrace or nearby Conservation Area. In this respect the proposal complies with the aims of relevant Policies of the Local Plan (2018) and applicable Key Principles of the Planning Guidance SPD (2018).

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

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

Application form received: 13th November 2024

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:

Neighbour Comments:

Letters from:

Dated:

27 Ashcombe Street London SW6 3AW
17 St. Alban's Grove Kensington London W8 5BP
20 Eustace Road London London SW6 1JD

18.12.24
06.01.25
10.12.24

1.0 SITE DESCRIPTION

1.1 The application site relates to a three-storey (plus mansard) mid-terrace property in use as a single family dwelling on the southern side of Eustace Road. The site adjoins, but is not in, the Walham Green Conservation Area which lies to the south. None of the buildings are statutory or locally listed.

2.0 RELEVANT PLANNING HISTORY and ENFORCEMENT HISTORY

2.1 The relevant history includes the following:

2.2 In 1987, planning permission was refused (ref 1987/01548/FUL) for a rear extension at first floor level on the following summary grounds: daylighting and inadequate natural light to land at the rear/13 Eustace Road and an over dominant back addition. The subsequent appeal (T/APP/H5390/A/88/093048/P5) was dismissed and Inspector stated:

'In my opinion the proposed extension would unacceptably reduce the amount of daylight available to the occupants of 13A Eustace Road and because of the bulk of the extension so close to the other building would create an unacceptable feeling of enclosure to other residents. In addition, I would expect the rear bedroom of the appeal property at lower ground floor level to suffer a loss of daylight'.

2.3 In January 2023, planning permission was refused (ref 2022/03107/FUL) for: the erection of an additional floor at roof level, a rear extension at upper ground floor level and a terrace at first floor to the roof of the upper ground floor extension; the installation of a new single door to replace the existing French doors to the rear elevation, infilling of 2 windows and the installation of French doors to the side of rear back addition at lower ground floor level. The application was refused on the following summary grounds:

1. Visual amenity: the proposed additional storey at roof level would be out of keeping with the scale of the host building, the character of the uniformity of the application terrace and the wider street scene.
2. Residential amenity: the proposed rear roof terrace would be unneighbourly

by reason of overlooking and loss of privacy with no adequate screening.

3. Residential amenity: the proposed rear extension would result in a loss of light, outlook and an increased sense of enclosure to No.13.
- 2.4 In August 2024, in determining the subsequent appeal, the Inspector issued a split decision (ref APP/H5390/D/23/3319239). The appeal allowed the additional floor at roof level together with various alterations to doors and windows. However, Inspector dismissed the proposed rear extension at upper ground floor level and terrace at first floor level to of upper ground floor extension. The Inspector concluded that

'...the rear extension at upper floor level would cause unacceptable harm to the living conditions of neighbouring occupiers'.

2.5 The Inspector was 'satisfied that the proposal would not cause a harmful loss of Privacy but considered that 'the rear extension would cause a loss of outlook for occupiers of the lower-ground floor level of No 13 and it has not been demonstrated that there would not also be a harmful loss of light to these occupiers. Taken together, I conclude that there would be unacceptable harm to the living conditions of the occupiers of 13 Eustace Road.'

2.6 During August 2024, it was brought to the attention of the Council that works had commenced on site prior to the submission of any application. The works appeared to involve the erection of a rear extension at upper ground floor level. The Council's Enforcement Officers carried out various site visits in August, September and November 2024; officers advised that the unauthorised works require planning permission and during the last visit, the owner agreed to cease works.

2.7 The current planning application was submitted in October 2024 and seeks retrospective planning permission for the proposed works. Officers visited the site on several occasions during December 2024; the works have ceased. The existing unauthorised structure has been built up to approximately half the total height of the proposed development; the works have been enclosed with a temporary plastic roof.

Concurrent Application

- 2.8 In November 2024, a concurrent planning application (ref 2024/02723/FUL) was submitted for a similar proposal involving the erection of a rear extension at upper ground floor level, on top of the existing back addition; increasing the size of the existing roof terrace at first floor level to the rear elevation by addition of new railings on top of the proposed upper ground floor back addition. The main difference between that application and the current proposals is that the concurrent application includes no windows in the proposed elevations for the proposed rear bedroom at first floor level. The applicant has advised that the concurrent application will be withdrawn from consideration should the current application be approved.

3.0 PROPOSED DEVELOPMENT

- 3.1 The current application seeks partially retrospective planning permission for the erection of a rear extension at upper ground floor level, on top of the existing back addition, with a terrace and associated railings above. The extension would project the full depth of the existing back addition, with brickwork up to a height of 5.7m and include a roof terrace with railings up to 1m high. The extension would incorporate an additional bedroom and W/C.
- 3.2 The proposals closely reflect and follow on from the 2023 refusal of planning permission (Ref 2022/03107/FUL) for a similar proposal for a rear extension at upper ground floor level, on top of the existing back addition, with a terrace and associated railings above. That application was subsequently dismissed on appeal in 2024 (Ref APP/H5390/D/23/3319239) on the grounds of outlook and a lack of daylight and sunlight assessment. The submissions included in the 2023 refusal and subsequent appeal, did not include a Daylight & Sunlight Report; however, the current proposals do include a report which assesses potential loss of light to neighbouring properties.

4.0 CONSULTATION AND NOTIFICATION

- 4.1 Individual notification letters were sent to 10 neighbouring properties. In response, 3 representations were received; including 1 in support and 2 objections. The objections can be summarised as follows:
- Reasons for dismissing previous appeals are not addressed with regard to unacceptable harm to the living conditions of the occupiers of 13 Eustace Road.
 - Similar development at Nos.13 and 17 are historic and should not provide justification for these proposals.
 - No Design and Access statement submitted; plans are insufficient to understand relationship with neighbouring properties
 - Heat issues resulting from limited natural air movement around the site.

Officers Response

- 4.2 The planning history including the relevant appeals, are considered and taken into account as part of the assessment for the current application. While planning decisions are a material consideration, each application is assessed on its own merits.
- 4.3 The submitted proposals meet the validation requirements for planning applications. In respect of the submitted drawings, officers have reviewed the drawings and plans, and these are of sufficient details and accuracy for a planning assessment. In addition, as part of a robust planning assessment, officers have conducted site visits to review the site and its context in detail.
- 4.4 The proposals represent small scale residential development, which officers consider do not represent overdevelopment and would not have a material impact on natural air movement or heat issues.

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 legislation for town planning in England.
- 5.2 Collectively these Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 5.3 In this instance the statutory development plan comprises of the London Plan (2021) and the Local Plan (2018). Other strategic and local supplementary planning guidance, including the 'Planning Guidance' (2018) Supplementary Planning Document (hereafter referred to as 'Planning Guidance' SPD), 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)

- 5.4 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.
- 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 current London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. 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 current Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The role of the development plan is to guide decision making on planning applications and inform investment in social and physical infrastructure. 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.
- 5.8 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.

6.0 PLANNING CONSIDERATIONS

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

1. Design and impact upon the character and appearance of the application property and the surrounding area and
2. Impact on neighbouring residential amenity.

DESIGN AND VISUAL IMPACT

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

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

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

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

6.6 Local Plan Policy DC4 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.

6.7 Policy DC8 concerns Heritage and Conservation, and states that 'The council will conserve the significance of the borough's historic environment by protecting,

restoring and enhancing its heritage assets. Applications affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is conserved or enhanced'. Key Principle CAG3 then provides further guidance on new development within Conservation Areas, and states that 'new buildings, extensions and alterations should be sympathetic to the architectural character of the built context and should not have a harmful impact on the character and appearance of the conservation area'.

- 6.8 It is proposed to erect a rear extension at upper ground floor level, on top of the existing back addition, with a terrace and associated railings above. This extension would project the whole length of the existing back addition, with brickwork up to a height of 5.7m and a terrace platform and railings up to a maximum height of 6.7m. The extension would incorporate an additional bedroom and W/C.
- 6.9 The proposals closely reflect the design and scale of a recent application refused and dismissed at appeal (2022/03107/FUL & APP/H5390/D/23/3319239). However, the design, appearance and visual impact of this element of the proposals was not raised as a particular concern or a reason for refusal.
- 6.10 Furthermore, in the recent appeal, the Inspector found that the rear extension element would not harm the character or appearance of the host building, terrace or area. It was also concluded that privacy screening would not be required and as such, 'the terrace would not be out of keeping with those to Nos 13 and 17, and I am satisfied that it would be suitably subservient to the dwelling'.
- 6.11 Given the similarity between the proposals, and the lack of significant or relevant changes to the site and surroundings in the meantime, the current assessment is largely consistent with the previous assessment.
- 6.12 The rear elevation of neighbouring properties and the wider application terrace are varied with regard to the height, depth and massing of back additions. However, the properties to either side, at nos. 13 and 17, benefit from two storey back additions with terraces atop, of a similar height and appearance to the current proposals. In this site specific context, it is considered that the proposed extension and terrace would not appear incongruous and would provide a level of consistency between the application site and neighbouring properties.
- 6.13 The proposed extension and terrace would sit well below the eaves of the existing building, and the materials would match those of the existing building. The use of low level railings rather than the 1.7m privacy screening often required for terraces, found acceptable by the previous Inspector with regard to overlooking, would limit the massing and prominence of the terrace. It is therefore considered that the proposal would appear subordinate to the existing building and would not appear as unduly dominant in the wider application terrace given the aforementioned existing examples of similar development.
- 6.14 Furthermore, proposals would not be visible from the main public vantage point of the highway to the front and would have little to no impact on the wider street scene. As such, proposals would have limited visibility from the adjacent Walham Grove conservation area and would not result in any harm to the setting of the designated heritage asset.

- 6.15 Overall, it is considered that the proposals would not result in visual harm to the character and appearance of the building, application terrace or the adjacent Walham Grove conservation area. The proposals, therefore, on balance, comply with Policies DC1, DC4 and DC8 of the Local Plan (2018).

IMPACT UPON NEIGHBOURING AMENITY

- 6.16 Local Plan policy HO11 relates to ensuring new developments do not impact on existing residential standards; The council will ensure that the design and quality of all new housing, including new build, conversions and change of use, is of a high standard and that developments provide housing that will meet the needs of future occupants and respect the principles of good neighbourliness.
- 6.17 Key principles of the Council's 'Planning Guidance' Supplementary Planning Document (SPD) 2018 also provide a framework for assessment of impact on neighbouring properties.

Daylight and Sunlight

- 6.18 The application property is located in an area of relatively dense built form, with limited separation from neighbouring properties and windows. In particular, the proposals would result in additional massing in close proximity to the garden and various windows to the side and rear elevations of no.13 Eustace Road and a first floor door in the rear of 17 Eustace Road.
- 6.19 The equivalent proposed works within the previous refusal (ref 2022/03107/FUL) were partly refused on the grounds that the proposed rear extension would impact on ground floor windows at No.13 Eustace Road, which appear to be the only sources of light to the rooms that they serve. The Inspector concluded that the appeal proposals (APP/H5390/D/23/3319239) would:

'...result in a loss of light, outlook and sense of enclosure to no.13, therefore resulting in an unacceptable detrimental impact on the amenity of this neighbouring property. In this regard the proposal fails to comply with Policy DC1, DC4 and HO11 of the Local Plan (2018), and Key Principle HS7 of the Planning Guidance Supplementary Planning Document (2018)'.

- 6.20 In particular, the Inspector stated that the proposals could:

'...cause a loss of natural light, both daylight and potentially sunlight during the later part of the day. The onus is on the appellant to demonstrate that the proposal would not be harmful, and there is no substantive technical evidence before me to demonstrate that any effect on light to No 13 would be imperceptible or insignificant'.

- 6.21 The Inspector therefore makes it clear that 'the rear extension at upper floor level would cause unacceptable harm to the living conditions of neighbouring occupiers' in the absence of contrary evidence.
- 6.22 Policy HO11 of the Local Plan includes requirements for residential developments to avoid detrimental impacts on the amenities of residents in the

surrounding area. The policy states the protection of existing residential amenities, including such issues such as loss of daylight, sunlight, privacy, and outlook.

6.23 Policy DC4 requires development to be designed to respect residential amenity and to demonstrate good neighbourliness. This is expanded on within the 'Planning Guidance' SPD. Amongst other things, Key Principles HS6 and HS7 of the SPD seek to protect the existing amenities of neighbouring residential properties, in terms of light.

6.23 Officers have had regard to the guidance set out in Building Research Establishments' (BRE) Guidelines 2022 - "Site Layout Planning for Daylight and Sunlight - A guide to good practice". The BRE guidelines advise that the guidance should be applied flexibly and there are circumstances that will exist where a greater degree of obstruction to light can on occasion be acceptable.

6.24 The applicant's submitted Daylight and Sunlight Report assesses the impacts of the proposals in relation to daylight, sunlight and overshadowing matters. The report demonstrates that all 7 of the windows tested (See Image 1) at Nos.13 and 17 Eustace Road are compliant with BRE guidance for light impacts.

Image 1: Tested Windows at No.13 Eustace Road



6.25 The submitted daylight and sunlight report includes an assessment of the following relevant measures: vertical sky component; daylight distribution; probable sunlight hours and sunlight to gardens

Vertical Sky Component

6.26 Vertical sky component (VSC) which measures daylight to the outside of a window. To accord with the BRE, the VSC as measured from the centre of a window should be no less than 27%, or if reduced to below this, no less than 0.8 times the former value. The Report demonstrates that all of the tested windows would exceed the BRE 80% target (See Table 1 below). At lower ground floor level, there is only 1 window (Window 4) that serves a habitable room; that is the most affected habitable window and it serves a bedroom at No.13 Eustace Road which retains 83.88% of its former value.

Table 1 VSC Results

Vertical Sky Component				
Window	Existing VSC	Proposed VSC	% Retained	Meets BRE Guidance?
1	17.074	13.894	81.38%	Yes
2	25.947	24.345	93.83%	Yes
3	11.404	9.217	80.82%	Yes
4	13.674	11.471	83.88%	Yes
5	23.586	23.586	100.00%	Yes
6	37.054	37.054	100.00%	Yes
7	36.179	36.179	100.00%	Yes

No Skyline (Daylight Distribution)

6.27 No Skyline also known as daylight distribution measures how much of a room can receive direct daylight. To meet BRE standards, the No Sky Line should not be reduced to less than 80% of its former value. The Report demonstrates that all of the tested windows would exceed the BRE 80% target (See Table 2 below). Notably, there is only one adjoining habitable room (R3) situated at the lower ground (basement) level of No.13 Eustace Road, a bedroom that would retain 92.12% of its former value.

Table 2 Daylight Distribution

No Sky Line						
Room	Window Ref	Room Served	Existing NSL (%)	Proposed NSL (%)	% Retained	Meets BRE Guidance?
R1	W1	Bathroom	74.25%	69.86%	94.09%	Yes
R2	W3	Kitchen	58.29%	51.06%	87.60%	Yes
R3	W4	Bedroom	43.27%	39.86%	92.12%	Yes
R4	W2	Bedroom	89.21%	86.39%	96.84%	Yes
R5	W5	Kitchen	57.84%	57.84%	100.00%	Yes
R6	W6	Bedroom	77.25%	77.25%	100.00%	Yes

Probable Sunlight

6.28 Probable sunlight hours for the whole year and for winter are measures of direct sunlight, which are still used to assess loss of sunlight to existing living rooms and conservatories. To meet BRE guidance, a window should receive at least 25% of available annual sunlight hours and more than 5% during the winter months

(September 21st to March 21st), or, where this is not the case, 80% of its former value. The Report demonstrates that the assessed windows retain in excess of 80% of their existing sunlight hours, both annually and over the winter months (See Table 3 below)

Table 3: Probable Sunlight

Window	Annual Sunlight Hours			Winter Sunlight Hours			Meets Guidance?
	Ex. Hrs Received (%)	Prop. Hrs Received	% Retained	Ex. Hrs Received	Prop. Hrs Received	% Retained	
4	19.612	15.881	80.98%	2.356	2.356	100.00%	Yes
5	44.906	42.342	94.29%	9.148	8.455	92.42%	Yes
6	81.012	81.012	100.00%	28.690	28.690	100.00%	Yes
7	80.735	80.735	100.00%	28.413	28.413	100.00%	Yes

Loss of Sunlight - Gardens

6.29 Loss of sunlight to gardens is assessed using the hours of sunlight received on 21 March, with the spring equinox offering representative conditions between summer and winter as an average for the year. Residential gardens are generally assessed using the sunlight hours test. BRE guidance describes a well-lit space as being one which receives at least 2 hours of direct sunlight on this date over 50% of its area. The scheme is therefore compliant with the BRE guidance in relation to sunlight impacts to gardens and overshadowing. (See Image 2 and Table 4) .

Image 2: Tested Gardens

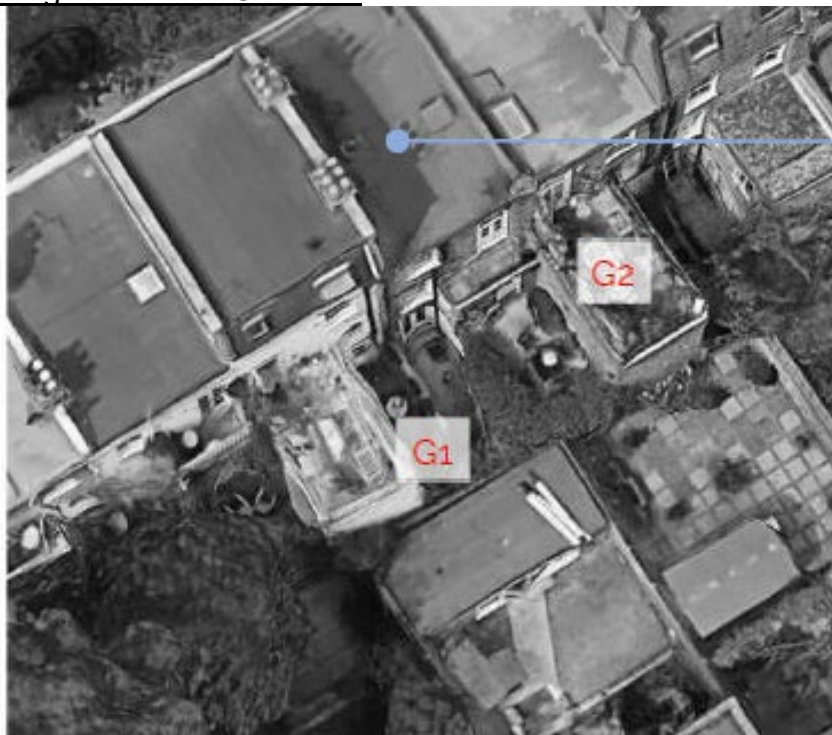


Table 4 Sunlight Impact - Gardens

Amenity Sunlight Hours				
Garden	Existing Area Receiving 2 Hours	Proposed Area Receiving 2 Hours	% Retained	Meets BRE Guidance?
G1	0.00%	0.00%	100.00%	Yes
G2	79.87%	79.25%	99.22%	Yes

- 6.30 The submitted Daylight and Sunlight Report includes substantive technical evidence to address the previous concerns raised during the 2023 refusal and the subsequent appeal. The proposed development would have no undue impact on No. 13 Eustace Road and would not significantly affect light to No.17 due to the existing corresponding extension at that property. Furthermore, the proposed development would not be harmful to neighbouring properties to the rear due to the reasonable separation from windows in the opposing terrace.
- 6.31 Officers have considered the daylight and sunlight report and have no reason to disagree with its conclusions. Overall, the relationship between properties would not be unduly impacted so as to cause noticeable loss of light to any of the adjoining

Outlook and sense of enclosure

- 6.32 Key Principle HS6 (Development, extensions, and alterations - scale and massing) makes clear 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. The intention of HS6 is to ensure that development does not result in loss of outlook or increased sense of enclosure for properties to the rear of application sites.
- 6.32 Key Principle HS7 outlines that an extension to either the roof of the back addition or to the rear of the back addition should enable an unobstructed angle of 45 degrees to be achieved to any window to a habitable room on the ground floor of the back addition if that forms the sole window to that room. This requirement needs to be satisfied by measuring either over or around the back addition as extended. HS7 further states that where there is an existing rear addition, the angle of unobstructed visibility for this purpose should not be reduced by more than 15%. In addition, any extension at the side of the back addition shall not extend above a height of 2 metres on the boundary with the adjoining property as measured from the ground level of the adjoining property
- 6.33 Regarding HS6, the proposed upper ground floor rear extension would back partly onto the existing single storey outbuilding in the rear garden of 5 Walham Grove and partly onto the rear garden at No. 17 Eustace Road which includes an existing two storey back addition. Given the existing structures at No. 5 Walham Grove and No.17 Eustace Road, officers consider that the proposed development would not result in any undue harm in terms of sense of enclosure nor outlook. The proposals would therefore accord with Key Principle HS6.

6.34 In assessing the 2024 appeal the Inspector found that:

'...the rear extension would cause a loss of outlook for occupiers of the lower-ground floor level of No 13 and it has not been demonstrated that there would also be a harmful loss of light to these occupiers. Taken together, I conclude that there would be unacceptable harm to the living conditions of the occupiers of 13 Eustace Road'.

6.35 The Inspector's conclusion and dismissal of the appeal was therefore based on a combination of the loss of light and outlook, 'taken together'. In this case, loss of light has been addressed but the concerns regarding outlook and sense of enclosure remain.

6.36 In terms of HS7, there are no habitable windows at lower ground floor in the opposing back addition at No.13 Eustace Road. Also, the proposed development would not breach a notional 45 degree line taken from the opposing upper ground windows in the side elevation of the back addition at No.13.

6.37 The application site includes an existing 1.7m deep projection at upper ground floor which would be extended to full depth. Based on an officer site visit which included taking views from inside No.13, officers note that there is one affected window within the main rear elevation (that is below the proposed extension) which serves a habitable room at lower ground floor level. From that habitable window, the site visit revealed, there are only very limited views of the existing 1.7m deep rear projection of the upper ground floor at the application site

6.38 Technically, the proposed increase in depth of the upper ground floor would not comply with HS7 of the SPD as the angle of unobstructed visibility from the lower ground floor bedroom window of No.13 would be reduced by some 50% which exceeds the HS7 SPD Guidance target of 15%. To comply with the 15% Guidance target, the proposed 3.5m deep extension would need to be reduced by 2.5m to 1m deep. However, officers note that the existing bedroom at lower ground floor of No.13 is not the main living space of that dwelling and the proposed extension at upper ground floor would be some 3m away from the window that serves that bedroom. Although, the proposed extension would project an additional 3.5m in depth to match existing 'back additions' at Nos.13 and 17, views of the proposed upper ground floor would be restricted from within the affected lower ground floor bedroom at No.13.

6.39 On balance, in this case and based on an on-site assessment, officers consider that the proposed upper ground floor element would not by itself result in a loss of outlook or increased sense of enclosure that would be sufficient to withhold planning permission.

Privacy

6.40 SPD Key Principle HS7(iii) requires that any new windows should be positioned at least 18m from existing habitable room windows. This will be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure there is no loss of privacy. If this standard cannot be met, then windows should be designed to ensure that no loss of privacy will occur.

- 6.41 The application proposes additional upper 'ground floor' windows to the south-western side elevation of the back addition, directly facing No.13. One of these would serve a W/C and would be expected to be obscure glazed, however the other would serve a bedroom and would need to be clear glazed in order to provide a reasonable level of amenity to the proposed bedroom. A terrace is also proposed at first floor level, on top the proposed extension at upper ground floor, to replace an existing terrace at upper ground floor.
- 6.42 In assessing the previously refused scheme (ref: 2022/03107/FUL) which included the same openings and proposed roof terrace, the Inspector raised no concerns regarding the additional side facing windows or relationship between the adjoining neighbouring terraces, and stated that:

'While it would be of greater depth than the existing first floor terrace on the appeal site and of greater height than the ground floor terrace, I find that the terrace would not result in new views or overlooking that would cause a meaningful loss of privacy for neighbouring occupiers in comparison to the existing situation'.

- 6.43 As the proposals remain unchanged in this regard, the Inspector's assessment and conclusion remains material. Based on an on-site assessment and taking into account the Inspector's conclusions, officers consider that the proposals would not result in any additional overlooking or loss of privacy to neighbouring properties that is sufficient to withhold permission.

Noise

- 6.44 With regard to Policy CC11 (Noise), the use of part of the roof of the existing back addition as an external amenity space has the potential to generate an increase in social activity, which could result in noise and disturbance that may be harmful to the amenities of surrounding residential occupiers. The Supplementary Planning Document Key Principle HS8 (balconies and terraces) states that roof terraces should not exceed 15 sqm to restrict the impact of noise and disturbance to neighbours. In this case, the existing roof terrace at upper ground floor is 11 sqm and the proposed replacement at first floor level would be 16.3sqm. Although, the proposed terrace marginally exceeds the HS8 target by 1.3 sqm; this difference is modest and would not result in a significantly greater number of people using the terrace. Officers consider that the size of the proposed terrace will not cause unacceptable levels of noise and disturbance to neighbouring occupiers and would accord with Key Principle HS8 of the SPD.

Residential Amenity - Conclusion

- 6.45 Overall, on balance, the proposal is considered unlikely to result in sufficient serious negative impacts on neighbouring residential amenities in terms of daylight and sunlight, outlook from adjoining properties, and privacy to neighbouring properties. Officers therefore consider that the proposed development accord with Policy HO11.

7.0 CONCLUSION

- 7.1 The planning assessment of the application has had regard to the NPPF,

London Plan, and Local Plan policies as well as applicable guidance. Overall, the proposed development would be visually acceptable and would not harm the character and appearance of the parent building, application terrace or the adjacent Walham Grove conservation area. Furthermore, the proposed development would not result in unacceptable impacts upon the amenities of neighbouring residential properties.

- 7.2 All the representations received have been taken into account and having regard to the development plan as a whole and all other material considerations, officers conclude that planning permission should be granted subject to the conditions listed.

8.0 RECOMMENDATION

- 8.1 The application is therefore recommended for approval, subject to conditions.