

Ward: Walham Green

Site Address:

495-497 Fulham Road London SW6 1HH



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2024).

For identification purposes only - do not scale.

Reg. No:
2025/01097/FUL

Case Officer:
Christopher May

Date valid:
25.04.2025

Conservation Area:
Moore Park
Conservation Area

Committee Date:
20.01.2026

Applicant:
Poveda Woodhill Ltd
10-12 East Parade
Leeds
West Yorkshire
LS1 2BH

Description:
Partial retrospective application for the retention of: a single storey rear extension and reduction in size of 1no window at ground floor level to southern elevation of the main building; replacement of existing timber gates and timber fencing with new metal gates, brick pier and 1.8m high brick wall facing Maxwell Road (east elevation) and the installation of a louvred aluminum bin store cover. Installation of an aluminum roof cover to the bin store.

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 Heads of Terms of the legal agreement or proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

1) Time Limit

Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission in so far as it relates to the development (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the date of this decision notice.

To ensure clarification of the works commenced in accordance with Section 73A of Chapter 8, Part III, of the Town and Country Planning Act 1990 (as amended).

2) Approved Plans/Drawings

The development hereby permitted is as set out within the following approved plans and drawings:

202 Rev.E;
Flood Risk Assessment received 23 April 2025.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

3) Refuse and Recycling

Prior to occupation of the development hereby approved the refuse and recycling bin storage shall be implemented in accordance with the approved details as shown on drawing no. 202 Rev.E and shall thereafter be permanently retained.

To ensure adequate refuse and recycling facilities and to ensure that the use does not give rise to smell nuisance and to prevent harm to the character and appearance of the Conservation Area arising from the appearance of accumulated rubbish, in accordance with Policies DC8, CC6 and CC7 of the Local Plan 2018.

4) Opaque Windows to be Fixed Shut

The development hereby permitted shall not be occupied until the ground floor windows in the west elevation (as shown on drawing no. 202 Rev.E) have been installed with mechanisms to ensure that they are non-opening. The obscure glazing shall be retained up to a height of 1.7m above the finished floor level to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3. Thereafter, the windows shall be retained in the form approved.

To ensure that the glazing would not result in overlooking and any subsequent loss of privacy, in accordance with Policy HO11 and DC4 of the Local Plan (2018) and Key Principle HS7 of the Planning Guidance Supplementary Planning Document (2018).

5) No External Alterations

No external air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting (excluding solar panels and air source heat pumps) shall be fitted to the exterior of the building/front elevation/rear elevation unless otherwise shown on the approved drawings.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2, DC4 and HO11 of the Local Plan (2018).

6) Rooftop Structures

No part of any roofs of the extension hereby approved shall be used as roof terraces or other form of open amenity space.

No alterations shall be carried out; nor planters or other chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to any elevation of the application property to form access onto the roofs.

The use of the roofs as a terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of noise and disturbance, contrary to Policies CC11 and CC13 of the Local Plan (2018).

7) Flood Risk Assessment (FRA)

No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the Flood Risk

Assessment received 23 April 2025 and the development shall be permanently retained in this form and maintained as necessary thereafter.

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, and to reduce the impact of flooding to the proposed development and future occupants, in accordance with Policy CC2 and CC3 of the Local Plan (2018).

8) Extension not to be used as a separate unit

The extension hereby approved shall not be converted to use as a separate dwelling and shall only be used in connection with, and incidental/ancillary to, the use of the remainder of the application property as a self-contained flat.

The use of the extension accommodation as a self-contained unit, separate from the use of the remainder of the application property as a self-contained flat, would raise materially different planning considerations that the Council would wish to consider at that time, and to minimise flood risk to occupiers, in accordance with Policies DC1, HO4, HO5 and HO11 of the Local Plan (2018).

9) Noise Level Within the Development

The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

Justification for approving application:

1. Design, Appearance and Character: The proposed development is considered to be of a high-quality of design which optimises the capacity of previously developed land. It is considered that the proposed development would be compatible with the character and appearance of the surrounding development and the prevailing character of the Conservation Area in terms of its height, mass, form, detailed design and materiality. The proposed scheme therefore accords with the NPPF (2024), London Plan (2021) Policies D3 and HC1 and Local Plan (2018) Policies DC1, DC4 and DC8.
2. Residential Amenity: The proposed development would respect the principles of good neighbourliness and maintain an acceptable relationship with the neighbouring residential properties. Subject to conditions, the proposed scheme would not have an unacceptably harmful impact on neighbouring residential amenity in terms of daylight/sunlight, outlook, privacy and noise and disturbance. In this regard, the proposals comply with Policies DC1, DC2, HO11, CC11, CC12 and CC13, and relevant housing and amenity Key Principles of the 'Planning Guidance' SPD (2018).
3. Transport and Highways: The site is well served by public transport, thereby offering alternative modes of transportation for local residents. It is considered that the scheme would not have a significant undue impact on the highway network, road safety and conditions or local on-street car parking demands. Satisfactory provision would be made for cycle parking, and a legal agreement is secured to the procurement and installation of an on-street cycle hangar. Adequate provision for the storage and collection of refuse and recyclables would be provided. The proposed development therefore accords with the NPPF (2024), London Plan (2021) Policies T1-T7, Local Plan (2018) Policies T1, T3 and CC7, and relevant transport and waste management Key Principles of the 'Planning Guidance' SPD (2018).
4. Environmental Issues: The impact of the development with regards to flood risk are considered to be acceptable subject to conditions to secure

appropriate mitigation measures, in accordance with London Plan (2021) Policies SI 12 and SI 13, Local Plan (2018) Policies CC3 and CC4, and relevant Key Principles of the 'Planning Guidance' SPD (2018).

5. Planning Obligations: Planning obligations to offset the impacts of the development and make it acceptable in planning terms are secured. This includes Section 278 highways works, the provision of on-street cycle storage, public access to the cycle storage for a period of 10 years and lost revenue as a result of the removal of one off-street parking space. The proposed development would therefore mitigate external impacts and cater to the needs of the community affected by the proposed development. This would accord with London Plan (2021) Policy DF1 and Local Plan (2018) Policy INFRA1.

That the applicant be informed as follows:

- 1) In determining this application, the local planning authority has worked in a pro-active and positive manner with the applicant to foster the delivery of sustainable development, in accordance with the requirements of paragraph 38 of the National Planning Policy Framework (2023).
- 2) Permitted hours for building work

Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

Notification to neighbours of demolition/ building works

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

Dust

Best Practicable Means (BPM) should be used in controlling dust emissions, in accordance with the Supplementary Planning Guidance issued by the GLA 2014 for The Control of Dust and Emissions from Construction and Demolition.

Dark smoke and nuisance

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

Noise and Vibration from demolition, piling, concrete crushing, drilling, excavating, etc.

Best Practicable Means (BPM) should be used, including low vibration methods and silenced equipment and machinery, in accordance with the Approved Codes of Practice of BS5228:2009 for noise and vibration control on construction and open sites.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by case officer named above:

Application form received: 16th April 2025

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)
LBHF - 'Climate Change' Supplementary Planning Document (2023)

Statutory Consultation :

Transport for London (Crossrail) - raised no objections.

Neighbour Comments:

Letters from:	Dated:
499 Fulham Road	12.05.2025
Flat D 497 Fulham Road	28.05.2025
Flat B 497 Fulham Road	13.05.2025
441 Wickwood Street	03.11.2025

1. SITE DESCRIPTION AND HISTORY

- 1.1. The application site is at a corner location on the southern side of Fulham Road at the junction with Maxwell Road. The site consists of a 4 storey plus-basement building containing three 2-bedroom flats and one 3-bedroom flat on the ground floor and basement levels. These areas have been recently converted from office uses to residential uses through a prior approval application (Ref:2023/00370/PMA56). There are also five 2-bedroom flats on the upper floors which are not a part of this application.
- 1.2 The application site lies within the Moore Park Conservation Area and does not contain any Listed Buildings or locally listed Buildings of Merit.
- 1.3 The application site lies within the Environment Agency's Flood Risk Zone 3.

Relevant Planning History

- 1.4 In 1982, a planning application (ref: 1982/00700/FUL) was approved for the erection of a part four, part, part two storey building plus basement comprising offices on the ground floor and basement levels and four self-contained 2-bedroom flats, one self-contained 1-bedroom flat and one self-contained bedsitting unit on the upper floors. This permission was not implemented.
- 1.5 In 1983, a planning application (ref: 1983/00206/FUL) was approved for the erection of a part four, part three storey building plus basement comprising offices on the ground floor and basement levels and five self-contained two-bedroom flats and one self-contained one-bedroom flat on the upper floors. This permission has been implemented although there now appear to be only five two-bedroom flats.
- 1.6 In 2000, a planning application (ref: 2000/00902/FUL) was approved for the erection of timber boundary fence to enclose area adjacent to Maxwell Road frontage.
- 1.7 In 2023, a prior approval application (ref: 2022/03460/PMA56) was refused for the conversion of the basement and ground floor level from offices (Class E) into 3 x 2-bedroom and 1 x 3-bedroom self-contained flats (Class C3). The application was refused on the grounds that insufficient information had been provided in order to demonstrate that: the building had been vacant for at least 3 months immediately prior to the date of the application; the scheme would be car free, and the flood risk assessment did not show adequate provision for sewer surcharge protection at the basement level.
- 1.8 In 2023, a planning application (ref: 2022/03462/FUL) was granted for the installation of new window in the rear elevation at ground floor level; erection of railings at the front of the property; installation of a skylight above the roof of

basement floors at the front and rear of the property. This permission has been partially implemented.

- 1.9 In 2023, a prior approval application (ref:2023/00370/PMA56) was granted for the change of use of the basement and ground floor level from offices (Class E) into 3 x 2-bedroom and 1 x 3-bedroom self-contained flats (Class C3). The proposed works appear to have been substantially completed.
- 1.10 The current application relates to partial retrospective proposals for the retention of: a single storey rear extension and reduction in size of 1no window at ground floor level to southern elevation of the main building; replacement of existing timber gates and timber fencing with new metal gates, brick pier and 1.8m high brick wall facing Maxwell Road (east elevation) and the installation of a louvred aluminum bin store cover.

2. PUBLICITY AND CONSULTATION

Pre-Application

- 2.1 In accordance with the National Planning Policy Framework (NPPF), the applicant undertook pre-application discussions with the Local Planning Authority between August 2024 and October 2024. Officers raised no objections with regards to the principle of the extension of the existing building at ground floor level to the rear, provided that any future application adequately demonstrated that compliant bicycle storage facilities could be accommodated to justify the proposed ground floor rear extension. The applicant was also advised that the design should mitigate against detrimental harm to the character and appearance of the parent building and the Moore Park Conservation Area as well as neighbouring amenity.

Statutory Consultation

- 2.2 The application was publicised in April 2025 by site and press notices. Individual notification letters were also sent to 17 neighbouring addresses. In response, 4 letters were received, one of which was from a metal fabrication company offering their services to the applicant. The other three letters raised the following summary objections:
 - works carried out without planning permission and should be sought retrospectively
 - Inadequate refuse provision storage; bin area opens directly onto the street, exacerbating risks of fly-tipping; old large metal bins should be replaced by new wheelie bins; should be accessible to elderly or disabled
 - Proposal introduces four additional flats without a corresponding increase in bin capacity

- Poor design and drawings
- Inadequate consultation with the leaseholders
- Extension is visible from the flats above, and causes visual harm, unacceptable impact to townscape, obstructs key views to the adjacent former rectory, a heritage asset of architectural merit
- Extension constitutes a security issue providing access to windows above
- Residents were notified of works, but lack of access during construction caused disruption
- Noise and disturbance during construction
- loss of accessible and secure cycle storage, proposed replacement cycle store is obtrusive and positioned in an area to which residents do not currently have access
- Extension has two new windows resulting in loss of privacy

Officer comments:

- 2.3 Officer site visits have confirmed that works have been substantially completed and, as such, the application now seeks retrospective permission.
- 2.4 The applicant's submissions include a correctly completed ownership Certificate B which makes clear that the existing flats were notified of the proposal on 4 April 2025 in line with statutory requirements.
- 2.5 There is no statutory requirement for plans to be drawn by an architect, provided they are accurate, legible and properly scaled. Following revisions to the plans, officers are satisfied that the information provided is sufficient to assess the proposals. Officers are satisfied, following several site visits the revised plans accurately show site arrangements.
- 2.6 Regarding the access to the bin stores, the site visits reveal that the bin store area was temporarily obstructed with hoarding when the retrospective works were under construction; however, the hoarding has now been removed and the proposal would be secure and will include level access to the refuse/recycling area. Whilst there is no requirement for refuse bins to be enclosed, the proposals have been amended to include the installation of a louvred aluminium cover, which is intended to visually screen the bin store and discourage fly tipping.
- 2.7 The Council's borough-wide rollout of new wheeled bins and food waste caddies has been completed. This initiative included an assessment of properties that have not received the wheeled bins which were deemed unsuitable for this new service.
- 2.8 Although approved cycle storage in the front courtyard has been removed to include the ground floor extension, the current application retains a bin storage area of the same size in its previously approved location. Officers have confirmed

that the proposed bin storage is appropriate for the number and size of the dwellings.

- 2.9 Concerns regarding building security are noted. However, the proposed ground-floor extension would not be directly accessible from the public realm, as the scheme includes replacing the existing gate and timber fence with a more secure brick boundary wall along Maxwell Road.
- 2.10 The potential disruption caused by construction works is acknowledged. As the development is largely complete, an informative will be attached to remind the applicant of best practice measures to minimise disturbance to neighbouring properties.
- 2.11 All relevant material planning considerations - including design and visual impact, compatibility with the conservation area, effects on neighbouring amenity, and highways matters such as cycle storage and waste management – are addressed in the main body of the report.

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 the London Plan (2021), the Local Plan (2018) and the 'Planning Guidance' (2018) and the 'Climate Change' (2023) Supplementary Planning Documents (hereafter referred to as 'Planning Guidance' and Climate Change' SPDs). 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 2018), the 'Planning Guidance' Supplementary Planning Document (2018) (hereafter referred to as the 'Planning Guidance' SPD) and the 'Climate Change' Supplementary Planning Document (2023) (hereafter referred to as the 'Climate Change' SPD), include:

- design, character and appearance;
- residential/neighbouring amenity;
- transport and highways;
- flood risk; and
- planning obligations.

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

4.3 Policy DC4 requires that extensions and alterations to be of a high standard of design in all alterations and extensions to existing buildings. These should be: compatible with the scale and character of existing development; successfully integrate with the existing architectural design; and be subservient and not dominate the parent building in bulk, scale, materials, or design. In considering applications for alterations and extensions the council will take into account the following:

- a. scale, form, height and mass;
- b. proportion;
- c. vertical and horizontal emphasis;
- d. relationship of solid to void;
- e. materials;
- f. impact on skyline silhouette (for roof top additions);
- g. relationship to existing building, spaces between buildings and gardens;
- h. good neighbourliness in particular the amenities of the neighbouring properties, and other properties most directly affected by the proposal; and
- i. the principles of accessible and inclusive design.

4.4 Key Principle HS4 states that the council will have regard to the existing established rear building lines of adjoining properties in determining applications for rear extensions which project beyond the rear building line of the property as originally built. However, planning permission will not normally be granted for any extension if:

- (i) The proposed extension is more than 3.5 metres in length or, where the original property has already been extended, if the combined length of the existing and the proposed extensions would project more than 3.5 metres beyond the rear building line of the back addition as it was originally built; or
- (ii) The proposed extension would extend to within 4 metres of the rear boundary of the application property; or
- (iii) The proposed extension would cover more than 50% of the open area at the rear of the property as originally built or, where the original property has already been extended if the cumulative area of the existing and proposed extensions would cover more than 50% of the open area at the rear of the property as originally built.

Design

- 4.5 The application seeks retrospective permission for the erection of a single storey rear extension, a reduction in the size of 1no window at ground floor level to southern elevation of the main building, the replacement of existing timber gates and timber fencing with new metal gates, brick pier and 1.8m high brick wall facing Maxwell Road; and the installation of a louvred aluminium cover for the bin storage area.
- 4.6 The single-storey extension occupies approximately half of the courtyard footprint along the Maxwell Road frontage, an area previously used for both bin and cycle storage approved in 2023 under prior approval (ref: 2023/00370/PMA56) as part of the conversion of the basement and ground floor to residential units. The extension is set back from the site boundary on Maxwell Road and displaces the approved cycle storage area, while retaining part of the previously approved bin storage within the front courtyard. The courtyard is now enclosed by a new masonry boundary wall approximately 1.8 m high, replacing the original timber fence and gates, which were in poor condition.
- 4.7 The extension and new boundary wall are finished in white painted render that matches the coursed stucco-effect ground floor of the host building. The new boundary treatment and proposed louvred aluminium cover would obscure from public view the bins that were visible through the original timber fencing, thereby improving the appearance of the public realm along Maxwell Road. From the rear, the single storey extension partially obscures the unsightly appearance of the bins in the courtyard from the flats at ground floor and above.
- 4.8 The proposed single storey extension measures 3.5m high, 4.3m wide. 3.3m deep. Along the boundaries these alterations are considered by virtue of their modest scale, materials and finishes to be sympathetic and compatible with the scale and character of the existing building and neighbouring properties. The extension successfully integrates into the architectural design of the existing building and is subservient to the parent building in terms of bulk, scale, materials and design. Therefore, the proposed development is compliant with Local Plan Policy DC4.
- 4.9 In terms of setting and openness, the rear boundary of the application site abuts a private driveway providing vehicular access to the adjoining property at No.499 Fulham Road. The application property currently has a rear garden measuring approximately 4.2m in depth. The ground floor rear extension is 4.2m from the rear building line of the property as it was originally built, thereby abutting the rear boundary.
- 4.10 Whilst the proposal does not strictly comply with Key Principle HS4(i) and (ii) by extending more than 3.5m beyond the existing rear wall and encroaching to within

4m of the rear boundary, the aforementioned driveway to the rear provides an open buffer between the application property and No.2 Maxwell Road, which flanks the other side of the driveway. Given this buffer, officers consider that the one-storey extension is modest in scale and does not result in an undue impact on the openness between neighbouring properties in this instance. Moreover, as the extension occupies less than 50% of the original rear garden, an adequate amount of amenity space has been retained. This aspect of the proposals, therefore, retain a suitable level of openness to the rear, and is therefore acceptable with regards to the aims of Key Principle HS4.

Heritage Impacts

- 4.11 The NPPF states that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. The NPPF advocates a positive strategy for conserving and enhancing the historic environment, taking account of (amongst other things) the desirability of new development to make a positive contribution to local character and distinctiveness.
- 4.12 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. Section 72 of the Act is relevant to consideration of these applications. In determining applications, Paragraph 208 of the NPPF states that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 4.13 Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 4.14 Policy DC8 also seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's historic environment including its conservation areas. When determining applications affecting heritage assets, particular regard will be given to matters of scale, height, massing, alignment, materials and use.

4.15 Key Principle CAG3 goes on to state 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. Characteristics such as building heights, building lines, roof forms, rear and side additions, front gardens and boundary treatment, lightwells, materials, windows and building features as well as disabled access measures should be considered in this context.

4.16 The application site lies within the Moore Park Conservation Area which was designated in April 1989. The designation sought to retain the character of the area around Fulham Road between Fulham Broadway and the Borough boundary, including Buildings of Merit such as the Sir Oswald Stoll Foundation (is over 100m from the site) and Chelsea Studios, and the residential areas of neat Victorian terraces between Fulham Road and King's Road.

4.17 The Council approved the Moore Park Conservation Area Character Profile in October 2004 and it was updated in April 2008. Paragraphs 5.5 to 5.7 of the Conservation Area Profile splits the conservation area into three sub-areas to distinguish areas of similar character and similar periods of development. The application site falls within Area A 'Fulham Road' which follows the route of Fulham Road and there are a variety of building types and architectural styles within the Fulham Road sub-area which has resulted in its townscape of contrasting textures, colours and details. It is this diversity of scale and design, and groups of buildings with some properties predating the 19th Century, which contributes to the character of the sub-area.

4.18 To the east, No. 493 Fulham Road on the opposite corner with Maxwell Road, forms part of a short terrace (Nos. 483 to 493 odd) that is identified in the Conservation Area Profile as three-storey built of stock brick with stucco detailing including parapet cornices and window surrounds. The render detail includes decorative string courses and there are paired porches to the properties. Paragraph 5.33 of the Profile acknowledges that most of the properties in that terrace now have insensitively designed additional storeys. The development on the application site does not harm the setting of the opposing terrace.

4.19 The Old St James's Vicarage at 19 Maxwell Road is a non-designated heritage asset in residential use which is separated from the application site by a private vehicular access road that serves No.499 Fulham Road. The existing views of the Vicarage building from Maxwell Road are largely obscured by the existing coach house 'garage building', boundary walls and arched doorway that front Maxwell Road.

4.20 The application extension sits on the Maxwell Road frontage of the site. From an oblique angle the single storey development partially interrupts existing views of the Vicarage building. However, by virtue of its relatively small scale, setback from the boundary and proximity to the open setting of the existing vehicular access, the extension does not appear dominant and is sympathetic to the setting of that building. Therefore, the impact of the extension is considered to be modest and does not cause harm to the significance or setting of the Vicarage, a non-designated heritage asset; the frontage of that building is predominantly concealed from public view by its own boundary wall and the coach-house within its curtilage. The proposed development is therefore considered to be compliant with Local Plan (2018) Policy DC8 and Key Principle CAG3 of the Planning Guidance SPD (2018)

4.21 The Council's Design & Conservation officer has reviewed the application and raised no objections. Great weight has been given to the preservation of the character and appearance of the Conservation Area as required by s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the conservation of the significance of the designated heritage asset as set out in para 212 of the NPPF. On balance, the proposal represents a sensitive design response to the surrounding built environment that would optimise the use of a previously developed site and improve the current visual relationship with adjoining sites.

4.22 For the reasons explained above, Officers consider that the proposal is visually acceptable and will preserve the character and appearance of the conservation area. As such, it is considered that the proposal would comply with Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF (2024), London Plan (2021) Policy D3, Local Plan (2018) Policies DC1, DC4 and DC8 and Key Principle CAG3 of the Planning Guidance SPD (2018).

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 HS4, HS6 and HS7 seek to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.

5.2 The most affected residential properties are those within the application site itself, No.499 Fulham Road and No.2 Maxwell Road

Outlook/Sense of Enclosure

5.3 The Council's SPD Key Principle HS6 acknowledges that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line drawn at an angle of 45 degrees from a point 2m above the adjoining ground level of the boundaries of the site where it adjoins residential properties. However, on sites that adjoin residential properties that have rear gardens of less than 9m in length, this line should be measured at 45 degrees from the ground level on the boundary of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines, then an on-site judgement will be a determining factor in assessing the effect which the proposed development will have on the amenity of occupiers at neighbouring properties.

5.4 Within the application site, whilst not yet occupied, the substantially completed, three-bedroom unit at basement level contains four rear-facing windows. The single storey extension at ground floor, would not breach a notional 45-degree line from the basement windows and would therefore ensure satisfactory outlook from the future occupiers of that dwelling.

5.5 To the south is the Vicarage in Maxwell Road. Due to the irregular rear façade within the application site, the depth of the existing rear garden ranges from approximately 4.2m to 7.2m. Whilst the 3.3m wide portion of the ground floor rear extension would breach a 45-angle taken from the rear boundary, the existing 3.1m-wide vehicular access beyond the southern boundary creates an enhanced sense of openness between the proposed extension and the flank elevation of the Vicarage. Based on an on-site judgement officers are satisfied that the proposal would have an acceptable impact in terms of light and outlook.

5.6 To the west and east respectively neither No.499 Fulham Road nor No.493 Fulham Road include habitable rooms that would experience any unacceptable reduction in daylight or outlook as a result of the proposal.

5.7 Overall the proposals are in line with the objectives of SPD Key Principles HS6 and HS7(i).

Privacy

5.8 SPD Key Principle HS7 states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window.

In addition, it states that a roof terrace/balcony is unacceptable if it would result in an additional opportunity for overlooking and consequent loss of privacy.

5.9 The single storey extension includes no windows in its north elevation (along Fulham Road) nor east elevation (along Maxwell Road); the proposals do not result in any loss of privacy to those opposing properties. Two new windows are included in the southern elevation of the extension which are within 18m of the Vicarage and have direct views to the rear lightwell below, which will serve as private outdoor amenity area for the three-bedroom unit at basement level which is forms part of the 2023 Prior Approval consent. A condition will be attached requiring the windows in the single storey structure to be fixed shut with the obscure glazing to be retained in perpetuity. On this basis, the proposal does not unacceptably impact upon the privacy enjoyed by neighbouring properties and, therefore, complies with SPD Housing Key Principle HS7.

Noise and Disturbance

5.10 London Plan Policy D14 sets out measures to reduce, manage and mitigate noise to improve health and quality of life. Local Plan Policy CC11 advises that noise and vibration impacts will be controlled by locating noise sensitive development in appropriate locations and protected against existing and proposed sources of noise through design, layout, and materials. Noise generating development will not be permitted if it would materially increase the noise experienced by occupants/users of existing or proposed noise sensitive areas in the vicinity. Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there would be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.

5.11 Whilst the 3-bedroom flat at basement level is not yet occupied, its future occupants could nevertheless experience impacts due to noise as from the use of the living room occupying the new extension above. As such, a condition has been included to ensure that the amenity of occupiers of the development site is not adversely affected by noise levels from adjoining residential units. Notably, construction of the single storey extension has already largely taken place, and noise construction is no longer likely to have any discernible adverse impact; however, an informative will be included advising the applicant of acceptable construction best practices to minimise disruption to neighbouring residents.

5.12 On this basis, it is considered that the proposal would not result in any undue noise impact on residential occupiers. The proposals accord with London Plan D14 and Local Plan Policies CC11 and CC13.

5.13 Overall, in terms of residential amenity the proposals are considered satisfactory in accordance with Policies CC11, CC13, DC1, DC2, HS4, HS6, HS7 and HO11 of the Local Plan (2018).

6. TRANSPORT AND HIGHWAYS

6.1 Policies T1-T7 of the London Plan set out that all development should make the most effective use of land, reflecting connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. These policies also provide cycle and parking standards.

6.2 The subject property has a PTAL score of 5, signifying that it has very good access to public transport, being within 200m of Fulham Broadway underground station as well as several bus stops providing access to the 14, 21 and 414 bus routes.

Cycle Parking

6.3 Policy T5 of the London Plan specifies that cycle parking should be fit for purpose, secure and well-located, with the following standards for residential accommodation:

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

In addition to the London Plan standards, cycle parking must be provided in accordance with London Cycling Design Standards (2016) and West London Cycle Parking Guidance (2017).

6.4 Local Plan Policy T1 seeks to improve and increase the opportunities for cycling and walking. Local Plan Policy T3 also encourages and supports the increasing use of bicycles by requiring developments to include the provision of convenient accessible and safe secure cycle parking which includes developer contributions for improvements to cycling infrastructure.

6.5 The above policies are supported by SPD Key Principles TR10 and TR17 which states that financial contributions will be sought from developments for TfL or other cycle hire schemes and that developers will be required to pay for any works that the council or TfL, in their capacity as the highway authority, has the power to carry out and that are necessary as a result of new development.

6.6 The 2023 Prior Approval consent (ref. 2022/03460/PMA56) for conversion of the ground and basement floors from office to residential use required the provision of eight secure cycle parking spaces (two per flat) within the Maxwell Road courtyard. This requirement was secured by condition.

6.7 During pre-application discussions for the current submissions, officers raised no in-principle highways objections, provided that policy-compliant cycle parking was

retained. However, the single-storey extension now proposed would displace the previously approved cycle parking, and the applicant proposed relocating the facilities to the rear of the site.

- 6.8 The cycle parking arrangement originally submitted was deemed unacceptable. Access relied on a neighbouring private driveway and an external stairwell to a basement storage area. Officers considered the route impractical and less accessible from street level. Consultation responses also raised concerns regarding the loss of secure and convenient cycle storage. Highways officers further objected due to inadequate spacing around the Sheffield stands and the lack of full enclosure, leaving cycles exposed to weather.
- 6.9 In response, and following discussions with officers, the applicant has agreed to provide an on-street cycle hangar on Maxwell Road for six cycles. Officers recognise that this is two spaces fewer than required under the 2023 consent and that hangars constitute public infrastructure requiring ongoing maintenance by the Council. Installation would also remove one on-street parking space, resulting in a loss of parking revenue.
- 6.10 To address these impacts, the applicant has committed to a financial contribution of £19,820. This covers the capital cost and installation of the hangar, exclusive use and maintenance for residents of the application property for 10 years, and compensation for the loss of parking revenue over the same period.
- 6.11 Highways officers support this off-site alternative, noting that the area lacks public cycle infrastructure and does not experience high parking stress. The site is also well served by public transport, providing residents with alternative travel options. As highway authority, the Council would deliver the works to adoptable standards and minimise disruption. The contribution will be secured through a legal agreement following public consultation on the proposed loss of parking.
- 6.12 Overall, subject to securing the agreed financial contribution for an on-street cycle hangar, officers consider the proposals to comply with London Plan Policy T5 and Local Plan Policies T1 and T3, as well as SPD Key Principles TR10 and TR17.

Refuse, Recycling and Servicing

- 6.13 Local Plan Policy CC7 states that new developments, including conversions should aim to minimise waste and should provide convenient facilities for future occupiers. Key principle WM7 of the Planning Guidance SPD requires that all new residential developments employing communal containers should provide a purpose-built area to include space for recycling bins.

6.14 The council recommends calculating the required waste capacity based on the following formula: $A \times ((B \times C) + 30)$ where:

A = number of dwellings

B = volume arising per bedroom (100l)

C = average number of bedrooms

The recommended split of refuse and recycling is a ratio of 50% refuse, 50% recycling.

6.15 The existing building contains 5 x 2-bedroom units on the first, second and third floors. The enlarged unit at ground floor level would result in the creation of a 3-bedroom unit, and the three yet-to-be occupied units permitted under the prior approval (ref: 2022/03460/PMA56) comprise 1 x 3-bedroom unit and 2 x 2-bedroom units. In this case, the required capacity of refuse/recycling storage is:

$9 \times ((100 \times 2.2) + 30) = 2,250\text{L}$ (1,125L for refuse and 1,125L for recycling)

6.16 An area measuring approximately 4.2m x 1.8m for the storage of refuse and recycling facilities has been retained within the courtyard next to Maxwell Road at ground floor level. This proposed bins would provide 2,560L (2 x 1,280L Eurobins) which exceeds the target requirement. The timber fence separating the refuse area has been replaced by a brick boundary wall and secure gate, and a louvred aluminium cover is proposed which will better screen the refuse and recycling bins and discourage fly tipping. As such, the proposal complies with Policy CC7 of the Local Plan (2018).

6.17 Overall, there are no objections to the proposals from a transport and highways perspective. Subject to the outlined conditions and legal obligations, the scheme would accord with the relevant policies of the London Plan and the Local Plan.

7. ENVIRONMENTAL CONSIDERATIONS

Flood Risk / Sustainable Drainage (SuDS)

7.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

7.2 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 sets out the same requirement and additionally states that proposals for impermeable paving should be refused and that drainage should be designed and implemented to address water efficiency, water quality, biodiversity and recreation.

- 7.3 Local Plan Policy CC3 requires that new development reduce the use of water and be designed to take account of increasing risks of flooding. Policy CC4 states that new development would be expected to manage surface water run off by implementing a range of measures, such as sustainable drainage systems (SuDs) where feasible and the use of water efficient fittings and appliances.
- 7.4 The site is within the Environment Agency's Flood Risk Zone 3 indicating a medium risk of flooding from the Thames. However, it is well protected by flood defences such as the Thames Barrier and local river walls. As required, a Flood Risk Assessment has been submitted with the application and it assesses flood risk from all relevant sources as required, including surface water, reservoirs, groundwater and sewers.
- 7.5 The Council's Environmental Policy – Flood Prevention Team have reviewed the FRA and raised no objection subject to conditions to secure the implementation of the flood resilience and water efficiency measures as outlined in the FRA. Subject to this condition, the scheme is acceptable on flood risk grounds and, therefore, the development accords with London Plan (2021) Policies SI12 and SI13 and Local Plan (2018) Policies CC3 and CC4.

8. COMMUNITY INFRASTRUCTURE LEVY / PLANNING OBLIGATIONS

Mayoral and Local CIL

- 8.1 In this case, the proposed development would be liable to pay Community Infrastructure Levy (CIL) at the mayoral level. The Mayoral CIL (MCIL2) rates are applicable to all planning permissions granted from 1 April 2019. The Mayor expects the Council, as the collecting authority, to secure the levy in accordance with London Plan Policy DF1. This development would be subject to a London wide community infrastructure levy. This development is liable for an estimated Mayoral CIL of approximately £1,075 (plus indexation).
- 8.2 Given that the development measures less than 100sqm and does not result in an additional dwelling unit, Local CIL is not applicable in this case.

S106 Heads of Terms

- 8.3 The NPPF provides guidance for local planning authorities in considering the use of planning obligations. It states that 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.
- 8.4 London Plan Policy DF1 (Delivery of the Plan and Planning Obligations) states that development proposals should provide the infrastructure and meet the other

relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan.

- 8.5 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms which are the Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).
- 8.6 The planning obligations set out in the heads of terms below are considered necessary to make the development acceptable in planning terms, they are related to the development and reasonably commensurate the scale and type of development proposed. A Section 106 agreement is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs and impacts of the proposed development.
- 8.7 In view of the fact the Section 106 agreement will be the subject of extended negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee, to authorise the changes they consider necessary and appropriate, within the scope of such delegated authority.
- 8.8 The applicant is expected to agree to enter into a legal agreement with the Council to which would include the following site-specific items:
 - 1) Enter into a S278 Agreement to fund any necessary highway works arising from the development on Maxwell Road;
 - 2) Contribution of £6,500 towards the procurement and installation of one 6-space cycle hangar on Maxwell Road;
 - 3) Contribution of £4,320 towards the exclusive use and maintenance of the cycle hangar for residents for a period of 10 years;
 - 4) Contribution of £9,000 towards lost revenue as a result of the reduction of on-street parking over a period of 10 years;
 - 5) A commitment to meet the costs of the Council's associated legal fees.

9. CONCLUSION

- 9.1 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.
- 9.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 9.3 In summary, the proposals would result in the creation of a family-sized unit for which there is an identified housing need that would be compatible with the land uses in the surrounding area, which is characterised primarily by residential uses in single dwellinghouses and flats.
- 9.4 The proposal is acceptable in visual terms and is of a good quality of design which would not adversely impact upon the surroundings including heritage assets. Subject to conditions, the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality, land contamination and ecology have also been satisfactorily addressed and will be subject to conditions and planning obligations. In these respects, the proposals comply with the relevant policies of the NPPF (2024), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Council's Supplementary 'Planning Guidance' (2018) 10.5 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 the conditions listed, and the completion of a s106 agreement.
- 9.5 In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Officers have consulted the Applicant on the pre-commencement conditions included in the agenda and the Applicant has raised no objections.

10. RECOMMENDATION

- 10.1 The application is therefore recommended for approval, subject to conditions and the completion of a legal agreement.