

**London Borough Of Hammersmith & Fulham**

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**Planning Applications Committee**

**Agenda for 8th June 2010**

**Index of Applications, Enforcement Actions, Advertisements etc.**

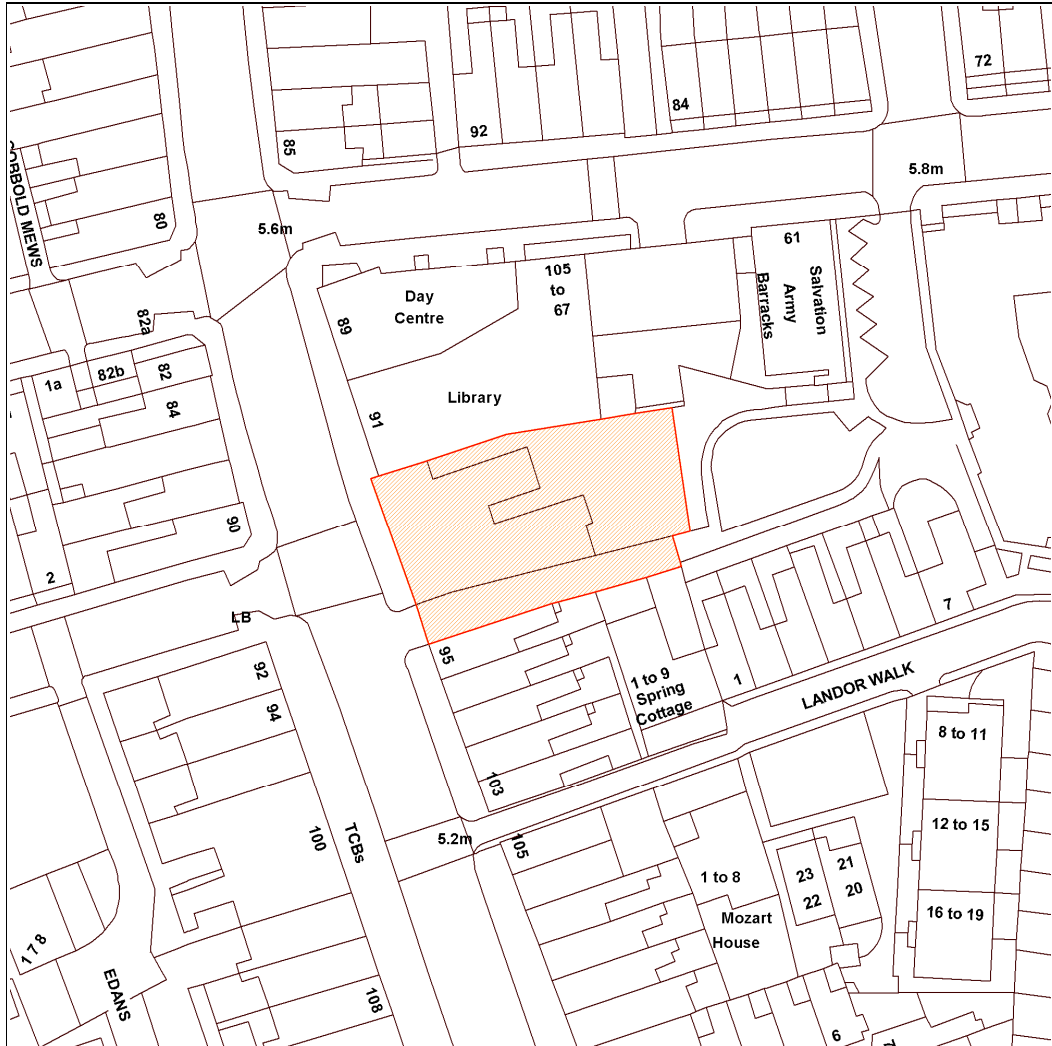
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**Ward:** Askew

**Site Address:**

93 Askew Road London W12 9AS



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

**Reg. No:**  
2009/03093/FUL

**Case Officer:**  
Denuka Gunaratne

**Date Valid:**  
22.12.2009

**Conservation Area:**

**Committee Date:**  
08.06.2010

**Applicant:**

c/o Agent

**Description:**

Installation of a new shopfront, erection of a ground floor rear extension, enclosure of the external staircase at the rear of the building, blocking in of windows at ground floor level on the southern elevation; installation of rendered panels at ground floor level on the southern elevation and change of use of first and second floors from ancillary public house use to 4 x 1-bed self contained flats; erection of 2m high entrance gates to the access road on the south side of the building between No. 93 and No. 95 Askew Road. Drg Nos: 0933 (PL) 100 Rev E, 101, 105 Rev C, 106, 200 Rev B.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the Committee resolves that the Director of the Environment Department be authorised to determine the application and grant permission upon the completion of a satisfactory legal agreement and subject to the condition(s) set out below:

- 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 building development shall not be erected otherwise than in accordance with the detailed drawings which have been approved.

In order 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 EN8 and EN8B of the Unitary Development Plan, as amended 2007

- 3) The rear extension hereby approved shall be constructed in Stock brickwork to match the colour, texture and bonding of the existing facing brickwork.

To ensure a satisfactory external appearance, in accordance with Policy EN8 of the Unitary Development Plan, as amended September 2007.

- 4) No goods or equipment in connection with the ground floor commercial use shall be placed/stored on the forecourt of the property.

In order to prevent visual clutter, and to ensure a satisfactory external appearance, in accordance with Policy EN8 of the Unitary Development Plan, as amended September 2007.

- 5) The shopfront glazing to the ground floor commercial unit shall be clear and remain permanently unobscured, including from adverts. No external security roller shutters or roller blinds shall be attached to the shopfront

To ensure a satisfactory external appearance, in accordance with Policies EN8 and EN8D of the Unitary Development Plan, as amended 2007.

- 6) Notwithstanding the information shown in the approved application details including materials of the proposed flat entrance door and refuse store doors shall be submitted to and approved in writing by the council prior to commencement of development, and the development shall thereafter be carried out in compliance with the agreed details and retained as such.

To ensure a satisfactory external appearance, in accordance with Policies EN8 and EN8D of the Unitary Development Plan, as amended 2007.

- 7) Notwithstanding the information shown in the application hereby approved, all replacement windows at first and second floor front elevation of the building shall be of timber frame and match existing opening style and pattern of glazing bars.

To ensure a satisfactory external appearance, in accordance with Policies EN8 and EN8F of the Unitary Development Plan, as amended 2007

- 8) Notwithstanding the information shown in the application hereby approved, details of the shopfront materials and detailed drawings in plan, section and elevation at a scale of 1:20 shall be submitted to and approved in writing by the council prior to commencement of development. The development shall thereafter be carried out in compliance with the agreed details and retained as such.

To ensure a satisfactory external appearance, in accordance with Policies EN8 and EN8D of the Unitary Development Plan, as amended 2007.

- 9) No plumbing, extract flues or pipes, other than rainwater pipes, may be fixed on the front elevation of the building.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policy EN8B of the Unitary Development Plan, as amended 2007

- 10) Notwithstanding to provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that order with or without modification), no aerials, antennae, satellite dishes or related telecommunication equipment shall be erected on the front elevation of the building.

To ensure a satisfactory appearance and prevent harm to the street scene, in accordance with Policy EN8 of the Unitary Development Plan, as amended 2007.

- 11) Any changes to the external appearance of the building, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, must first be submitted and approved in writing by the Council prior to such works being undertaken.

To ensure a satisfactory external appearance and prevent harm to the street scene and to avoid any disturbance detrimental to the enjoyment of neighbouring occupiers of their properties in accordance with Policies EN8 and EN21 of the Unitary Development Plan, as amended 2007.

- 12) Details of all lighting external to the building, including exact position, details of light intensity and spillage shall be submitted to and approved in writing by the Council prior to commencement of development. No external lighting shall be erected or installed other than in accordance with such details as are approved unless otherwise agreed in writing by the Council.

To ensure a satisfactory appearance and to ensure the provision of lighting does not result in glare or light overspill to surrounding properties, in accordance with Policies EN8 and EN21 of the of the Unitary Development Plan, as amended 2007.

- 13) The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 10 dBA, as assessed according to BS4142: 1997 at the nearest and/or most affected noise sensitive premises, with all machinery operating together.

To ensure that the amenity of occupiers of the development site and the surrounding premises is not adversely affected by noise from mechanical installations/ equipment and their uses, in accordance with Policies EN20A, EN20B and EN21 of the Unitary Development Plan, as amended 2007.

- 14) Prior to commencement of the development hereby approved, details shall be submitted to and approved in writing by the Council, of the sound insulation of the

floor/ceiling/walls separating the commercial part of the development and the residential parts. Details shall ensure that the sound insulation and any other mitigation measures are sufficiently enhanced in order that the standard specified in BS 8233:1999 is achieved within noise sensitive premises and their external amenity areas. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site and the surrounding premises is not adversely affected by noise from mechanical installations/ equipment and their uses, in accordance with Policies EN20A, EN20B and EN21 of the Unitary Development Plan, as amended 2007.

- 15) Prior to commencement of the development hereby approved, details shall be submitted to and approved in writing by the Council, of sound insulation of the building envelope and other mitigation measures, as appropriate. Details shall ensure that standards specified in BS8233:1999 will be achieved within noise sensitive/ habitable rooms. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site and the surrounding premises is not adversely affected by noise, in accordance with Policies EN20A, EN20B and EN21 of the Unitary Development Plan, as amended 2007.

- 16) The new residential units hereby approved and the ground floor commercial unit shall not be occupied until the refuse and recycling storage enclosures indicated on the approved drawings have been installed and all refuse generated by the development hereby permitted shall be stored within the enclosures and shall not be placed/stored on the pavement or street.

In order to ensure a satisfactory provision for refuse storage and collection, in accordance with Policy EN17 of the Unitary Development Plan, as amended September 2007.

- 17) The development shall not be occupied until the cycle parking facilities for the proposed residential flats as detailed on the approved drawings have been installed. All the cycle parking shall thereafter be permanently retained.

In order to ensure a satisfactory provision for cycle storage, in accordance with Standard S20 of the Unitary Development Plan, as amended September 2007.

- 18) Servicing or deliveries to the ground floor commercial unit shall only take place between the hours of 07.00 - 08:00 (Mon-Sat); 0930 -16:30 (all days) and 18.30 - 21:00 (Mon-Sat) at the Askew Road frontage.

In order to ensure that the development does not give rise to conditions that would be detrimental to the amenities of surrounding occupiers by reason of noise and disturbance, in accordance with Policy EN21 of the Unitary Development Plan as amended in September 2007

- 19) No customers shall be on the premises in connection with the ground floor commercial use between 23:00 hours and 07.00 hours the following day.

In order that noise and disturbance which may be caused by customers leaving the premises is confined to those hours when ambient noise levels and general activity are sufficiently similar to that in the surrounding area, thereby ensuring that the use does not cause demonstrable harm to surrounding residents in compliance with policy EN21 of the Unitary Development Plan, as amended September 2007.

- 20) The entrance door(s) to the ground floor commercial property shall have a level threshold at the same level as the pavement fronting the entrance. Detailed plans shall be submitted and approved in writing prior to the commencement of the development showing floor levels and the external ground levels of the proposed commercial unit and the adjoining pavement. The development shall be implemented in accordance with the approved details and retained thereafter.

To ensure adequate access for people with disabilities or mobility difficulties, in accordance with Policy G3(e) of the Unitary Development Plan, as amended 2007, and the Council's 'Access for All' document.

- 21) Notwithstanding the information shown in the approved drawings, no delivery trolleys associated with a shop use of the ground floor shall be stored or kept external to the building. Details of delivery trolley storage and measures to prevent delivery trolleys being taken outside of the shop unit shall be submitted to and approved in writing by the council prior to commencement of the development. The development shall thereafter be carried out in accordance with the details submitted and retained in this form.

To ensure a satisfactory external appearance, to prevent any adverse impact on pedestrian and highway users and road safety and to prevent harm to the amenities of neighbouring residential neighbours through noise and disturbance, in accordance with Policies G4, EN8 and EN21 and of the Unitary Development Plan, as amended September 2007.

- 22) Any plant/equipment associated with the ground floor commercial unit shall only operate during the hours when the commercial unit is open; and it shall not operate at any other times.

In order that plant and equipment used does not give rise to conditions detrimental to the amenities of surrounding occupiers by reason of noise disturbance, in

accordance with Policies EN20B and EN21 of the Unitary Development Plan, amended 2007.

- 23) No amplified sound provided in connection with the use of the ground floor commercial unit shall be audible within any neighbouring residential property.

In order that the use does not give rise to conditions detrimental to the amenities of neighbouring residential occupiers by reason of noise disturbance in accordance with Policies EN21 and SH11 of the Unitary Development Plan, as amended 2007.

- 24) No live music shall be performed on the premises.

To ensure that neighbouring occupiers are not unduly affected by noise and disturbance, in accordance with Policy EN21 of the Unitary Development Plan, amended 2007

- 25) No chairs or tables shall be set out in the forecourt area to the front of the building.

To ensure that the use does not give rise to conditions which would be detrimental to the amenities of surrounding occupiers by reason of noise and disturbance occasioned by the use of this area and to ensure adequate space is retained for pedestrians along this busy footpath, in compliance with Policies TN5, EN21 and SH11 of the Unitary Development Plan, as amended 2007.

- 26) The gates hereby permitted shall be constructed in steel and painted black and shall open inwards.

To ensure a satisfactory external appearance and in the interests of public safety to avoid vehicle/pedestrian conflict, and in the interest of the security of residents, in accordance with Policies EN8 and Standard S23.1 of the Unitary Development Plan, as amended 2007.

- 27) The development shall not commence until a statement of how 'Secured by Design' requirements are to be adequately achieved has been submitted to and approved in writing by the Council. The approved details shall be carried out prior to occupation or use of the development hereby approved and permanently maintained thereafter unless otherwise agreed in writing by the Council.

To ensure a safe and secure environment for users of the development, in accordance with Policy EN10 of the Unitary Development Plan, as amended 2007



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

1. Land Use: The proposal would enable the efficient use of this vacant building with a well-designed scheme with an enhanced ground floor layout which would make it more a viable unit, flexible for occupiers, thus encouraging an alternative commercial tenant within Use Classes A1/A3/A4. The principle of the mix of uses on this site is considered to be in accordance with the council's land use policies SH1 and SH3 and the provision of residential units on the upper floors will be in accordance with Policy 3A.1 of the Mayor's London Plan, as amended 2008.

2. Design: The proposal would succeed in making efficient use of this vacant building with a well-designed scheme that is in keeping with the character and appearance of the street scene and which is compatible with the surrounding area. Policy 4B.1 of The London Plan, as amended 2008 and Policies EN8 and EN8B of the Unitary Development Plan, as amended 2007 would thereby be satisfied.

3. Highways: The impact of the proposal on the highway network and local parking conditions would be minimal. The site has good local public transport accessibility and provision would be made for cycle parking for the flats and commercial use. With the Service Management Plan, secured by legal agreement, officers are satisfied that use of the building would not result in any unacceptable highways conditions or pedestrian-vehicular conflict. With a legal agreement also ensuring that the residential units proposed are car permit free, it is not considered that the proposal would result in a significant increase in car parking demand or have an adverse impact on the highway. Adequate provision for storage and collection of refuse and recyclables would be provided. The proposal would therefore comply with UDP Policies EN17, TN5, TN6, and Standards S20.1, S22 and S23 of the Unitary Development Plan, as amended 2007.

4. Residential Amenity: The impact of the proposed development upon adjoining occupiers is considered acceptable. The proposal would not have a harmful impact on neighbouring residential amenity in terms of light, outlook or privacy and through conditions and a Service Management Plan, secured by legal agreement, officers are satisfied that use of the building would not result in unacceptable noise and disturbance to nearby residents. In this regard, the development would respect the principles of good neighbourliness, and thereby satisfy Policies EN8, EN20A, EN20B, EN20C, and EN21 and standard S13 of the Unitary Development Plan, as amended 2007.

5. Access: Subject to conditions the development would provide a safe and secure environment for all users in accordance with Policy EN10 of the Unitary Development Plan as amended 2007, Policy 4B.5 of The London Plan as amended 2008 and the Council's adopted supplementary planning document 'Access for all'.

6. Quality of Residential Accommodation: The proposal would provide an acceptable standard of accommodation for future occupiers of the residential units as the proposal would meet the required floor areas for self-contained flats and for individual rooms and the units would not have their habitable rooms facing exclusively in a northerly direction. The proposal would therefore comply with

Standards S8.1A, S8.1B and S13.2 of the Unitary Development Plan, as amended 2007.

7. Flood Risk: The site is located within Flood Risk Zone 1, such that risk of flooding is not an issue in this proposal in accordance with Policies 4A.3 and 4A.14 of The London Plan, as amended 2008.

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

### **All Background Papers held by Michael Merrington (Ext: 3453):**

Application form received: 18th December 2009  
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

### **Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Crime Prevention Design Advisor - Hammersmith	22.02.10
The Hammersmith Society	26.02.10
Cathnor Park Area Action Group	26.02.10

### **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
61 Bassein Park Road London W12 9RW	11.03.10
7 Flanchford Road London W12 9ND	13.05.10
7 Flanchford Road London W12 9ND	11.05.10
95a Askew Road Shepherd's Bush	27.05.10

## OFFICER'S REPORT

### 1.0 BACKGROUND

1.1 The application premises is a three storey currently vacant building, located on the east side of Askew Road. The lawful use of the property is a public house (Class A4) on the ground floor with ancillary Class A4 floorspace, including accommodation, office space and storage associated with the public house use on the upper floors. It is understood that the premises have been vacant since end of 2009. The basement was previously used as storage space for stock, thus used ancillary to the public house use also. The site is located within the Askew Road Key Local Shopping Centre. The site is adjoined to the north by the Askew Road Library and a day centre, and housing development in Haydn Park Road. To the south of the site is a retail shop with residential accommodation above and to the rear. Askew Road is a Borough Distributor Road. The site is not within a conservation area and is within Flood Risk Zone 1, the lowest risk category.

1.2 There are a number of planning cases relating to this property, mainly approvals for advertisements and alterations to the building's elevations including the following:-

- Alterations to front elevation to replace existing windows with folding doors and installation of external lighting, approved September 1994 (1994/01430/FUL)
- Alterations to the rear and side elevations to provide means of escape in case of fire, involving the erection of external staircase from second floor to ground floor level and the erection of a single storey rear extension to provide a new w.c., approved January 1995 (1994/01969/FUL)
- Alterations to the rear and side elevation to provide means of escape in case of fire, involving the erection of external stair case from second floor to ground floor level and the erection of a single storey rear extension to provide a trade kitchen and the erection of external fume extraction ducting on the rear elevation, approved May 1996 (1995/01708/FUL).
- Retain fascia sign and four transome signs on front elevation; retain one internally illuminated pictorial sign at north end of the front elevation at fascia level; retain externally illuminated sign board at ground level at south end of front elevation and signboard on south elevation; install one internally illuminated sign and one externally illuminated sign board at first floor level on south facing gable end wall; install vertical banners on front elevation, approved June 2001 (2000/01906/ADV).

1.3 The current proposal is for the installation of a new shopfront, erection of a ground floor rear extension, enclosure of the external staircase at the rear of the building, blocking in of windows at ground floor level on the southern elevation; installation of rendered panels at ground floor level on the southern elevation and change of use of first and second floors from ancillary public house use to 4 x one bedroom self contained flats and installation of 2m high entrance gates to the access road on the south side of the building. The application has been revised since submission in that the proposal now includes the provision of 2m high entrance gates to the access road leading to the rear of the site, to accord with the Secured by Design officer's recommendation. In addition, the applicant has agreed to enter into a S106 agreement to facilitate highway works including provision of cycle parking stands and payment to provide a dropped kerb for servicing purposes for the ground floor unit.

1.4 In support of the application, the applicant states that the ground floor could be used as A1 (shops), A3 (restaurants/cafes) or A4 (drinking establishments) uses, all of which would be permitted under The General Permitted Development (Amendment) Order 2005 (GPDO). Access to the flats would be provided from a new separate entrance on Askew Road. Refuse and recycling storage for the residential units would be provided from a new ground floor bin store accessed from Askew Road, adjacent to the entrance to the flats. Waste storage for the commercial use would be provided at the rear of the building. Four cycle parking spaces for occupants of the flats are to be provided in an enclosed area at the rear of the building, and four for the commercial use, to be provided on-street in front of the building.

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The application has been advertised by way of site notice and individual notification letters have been sent to neighbouring properties. Three responses have been received. This states that the architecture of the building is worth preserving and that it is important that any redevelopment of the building should recognise the contribution it makes to the area. The following concerns are expressed about the proposal:

- Parking: The existing shoppers' parking bays in Askew Rd are already insufficient. A new food retail unit would exacerbate this.
- Frontage: The pub displays continuous glazing, in bays. The proposal destroys that rhythm by creating three doors at the northern end, two being for servicing.
- Fascia: The proposed address signage is straightforward, and elegant. Any future commercial signage should be limited to over panels within the shopfront.
- Unloading: There is considerable danger of congestion when a long vehicle might be unloading. Furthermore, there would be limited space for safe manoeuvring of roll cages between the tail lift of a 15m lorry and the bus stand.
- Bike stands: Any installation would require co-ordination with the existing Askew Road regeneration project.
- Noise: The applicant's statement of maximum levels is aspirational until the exact proposals of any retail occupant are known. A supermarket needs more plant than most retailers and fridge compressor packs and condensers are potentially very problematical.
- Residential windows: The appearance of the existing windows should be maintained to maintain the character of the building. Timber would be desirable, but modern material might be acceptable.
- Food shop: Unless a clear need can be established, no further large food units should be permitted. To do so would undermine the viability of the main retail section of the street.

2.2 The Cathnor Park Area Action Group have made the following comments.

- The proposal, in reality, is a change of use from a public house (A4) to a supermarket (A1). The agent specializes in dealing with retail uses and Tesco is the agent's no.1 client. The Council have recently permitted a Sainsbury's retail outlet at nos. 167-181 Askew Rd (ref 2007/03097/FUL). Although a change of use can be made without the need for planning permission, the proposal to have a third supermarket on Askew Road is unsettling to most local residents and businesses and will force the closure of some of the existing convenience stores.

- No objection to the change of use of the upper floors to residential use. As they will be non-family units, there is no requirement for any outside amenity space. The flats will fit into the existing external walls and utilise the existing windows spaces. Pleased that the existing chimneys are to be retained which is a particular feature of this building. As the site is in a PTAL 4 future residents will not be awarded on-street parking permits which should partially alleviate the additional traffic resulting from the supermarket below the flats.

- Alterations to the building viewed from Askew Road: Note that double doors are proposed for residential bins and only a single door is proposed for the future residents. This should be reversed and furthermore the bin store should be self-locking so that the door is not left open. Any new brickwork should match as far as possible the existing brick colour and size and especially for the two windows which are to be filled in at the rear of the building. If the windows are to be replaced they should be replaced as far as possible with a similar type of windows which are a particular feature of this solid Edwardian building.

- No objection to the single storey rear extension.

- The closest residents will be affected by noise from deliveries when the supermarket is operational and most particularly as Royal Mail will also be delivering to the rear of the ground floor of the Askew Road Library which is adjacent to this property.

- Deliveries to the supermarket should take place from Askew Rd from 06.30-07.00 (Monday to Saturday), 10.00-16.00 (all days) and 19.00-2100 (Monday to Saturday).Would request that goods are moved directly from the vehicle to the storage area within the retail unit and that at no time will delivery boxes be permitted to obstruct the footway on Askew Road.

- Conditions should be attached to this application and most particularly to the future application for new glazing and signage and all associated works to the proposed supermarket.

2.3 The Hammersmith Society supports the comments of the Cathnor Park Area Action Group. They say that the presence of a third supermarket on Askew Road raises serious concerns about the future prospects for Askew Road as a busy local shopping street. The existing small shops already face the difficult prospect of stiff competition from the Sainsbury's Local which will open later this year. It is inconceivable that a third supermarket will not drive some of them out of business. The outcome is that Askew Road will consist of three supermarkets and a large number of permanently boarded-up shopfronts. The prospect of the Royal Mail parcel office sharing some of the Library's space should bring further footfall which would help local businesses - but that footfall is likely to be "creamed off" by the adjacent supermarket.

2.4 Crime Prevention and Design Advisor, Hammersmith Police Station: - Requests a condition to ensure that the development achieves Secure By Design. The 5 metre wide alleyway/roadway on side of the building attracts anti-social behaviour and should be gated off with restricted access to authorised users only and the applicants should pay for this to be done (S106).

2.5 The above issues raised will be addressed below under section 3.1

### 3.0 PLANNING CONSIDERATIONS

3.1 The main planning considerations to be considered in light of The London Plan and the Council's adopted Unitary Development Plan policies and standards include the land use, the impact of the proposal on the character and appearance of the street

scene, and the impact of the proposal on adjacent residents and surrounding uses; traffic impact and parking.

## Land Use

3.2 The property is currently a vacant public house. The proposal is to extend the property to the rear and use of the ground floor of the premises as either Class A1 (Shops), Class A3 (Restaurants and cafés) or Class A4 (Drinking establishments) and change of use of the first and second floors to 4x1 bed self-contained flats. The premises have recently been in A4 use as a public house within the Askew Road Key Local Shopping Centre. A supporting statement by the applicant declares that the building in its entirety is proving unviable, and the applicant hopes to alter and enhance the layout of the ground floor to make it more flexible for occupiers, thus encouraging an alternative commercial tenant within use classes A1/A3/A4. Under The General Permitted Development (Amendment) Order 2005 (GPDO) planning permission is not required for a change of use from A4 to A1 or A3 uses.

3.3 In consideration of the possible loss of the existing public house (even though planning permission is not required for change of use to Class A1 or A3), there are no policies in the Council's UDP or The London Plan which seek to protect public houses from being lost. Nationally, it has been argued that pubs can sometimes constitute a community facility in certain isolated locations, away from other similar facilities. In this instance, there are other pubs within walking distance such that there is limited relevance to that argument. In land use terms, there is no policy basis to resist the loss of a public house to a shop or restaurant/cafe or loss of part of the pub to residential use.

3.4 Currently just 49% of the Askew Road Key Local Shopping Centre is in A1 retail use and 25% is in food and drink use. UDP policy SH3 states that no more than one third of the length of the key local shopping centre frontage as a whole should be occupied by non-Class A1 uses. Therefore the Askew Road Key Local Shopping Centre is currently deficient in Class A1 uses and a new shop would be help to redress this imbalance. However it is noted that given the size of what could be a retail store (429sq.m), this could raise concerns relating to potential impact on the locality. The servicing requirements of a retail store of that size would not be in-substantial and in relation to this the applicant has agreed to a planning condition limiting deliveries and has provided a draft Servicing Management Plan. A condition (no.19) limiting the opening hours of the commercial unit is also recommend and accepted by the applicant. These issues will be discussed below later in this report.

3.5 The upper floors of the premises were, until recently, in ancillary A4 use. The proposal involves the change of use of this floorspace to residential to create 4x1 bed flats. Policy 3A.1 of the Mayor's London Plan states that 30,500 net additional homes should be delivered per annum in London. Of this, the London Borough of Hammersmith and Fulham have a target to deliver 450 net additional dwellings per annum. In the Core Strategy it is proposed that the target would increase to a target of 650 additional homes per annum. The proposed change of use to create four self contained flats would contribute to this target, albeit in a small way.

3.6 Policy SH1 of the council's UDP states that the council will normally require replacement A class floorspace where redevelopment is proposed, unless there is satisfactory alternative shopping provision. This is not a redevelopment proposal, however. Paragraph 9.34 goes on to say that there may be circumstances where A

class floorspace, for example, ancillary storage, is surplus to requirements and there is pressure to convert to alternative uses. In these situations the council will require evidence that neither the council's shopping policies nor the long term viability of the unit that remains will be prejudiced. The proposal would result in the loss of 185 sq.m. of ancillary Class A4 floorspace on the upper floors. The remaining A4 floorspace at ground floor level including that created by the new extension would be 429 sq.m. This is considered a sufficient quantity of floorspace to attract a variety of A1/A3 and A4 uses and the loss of the space on the upper floors is therefore considered acceptable.

3.7 Officers note that there has been some local concern expressed about the possibility of the application premises being used as a retail supermarket under Use Class A1, and the potential adverse impact on local small shops and traders. However given that under the GPDO there is permitted change of use from Class A4 to Class A3 or A1, it will not be possible for the Council to prevent the use of the premises for Class A1 purposes.

#### Design and Appearance

3.8 Policy 4B.1 of The London Plan 'Principles of design for a compact city' states that 'boroughs should seek to ensure that developments among others: -

- Maximise the potential of sites
- Provide or enhance a mix of uses
- Are accessible, usable and permeable for all users
- Are sustainable, durable and adaptable
- Are safe for occupants and passers-by
- Respect local context, character and communities
- Are practical and legible
- Are attractive to look at
- Respect the natural environment
- Respect London's built heritage'

3.9 UDP Policy EN8B states that 'extensions to existing buildings should be compatible with the scale and character of existing development, its neighbours and its setting. In most cases, these will be subservient to the original building. In considering applications the council will take into account the following: (i) scale, form, height and mass (ii) proportion (iii) vertical and horizontal emphasis (iv) relationship of solid to void (v) materials (vi) relationship to existing building, spaces between buildings, and gardens, and (vii) good neighbourliness'.

3.9 Policy EN8D (Shopfronts), states that 'the council will require a high standard of design in all new and altered shopfronts, both within and outside conservation areas. Where a complete or substantially complete original shopfront remains, the council will expect it to be retained, repaired and restored'. The supporting text for this policy states that modern shopfronts of a quality design will be supported where they are considered to be appropriate, where they will not be detrimental to the character and appearance of a conservation area'. Policy EN8F (Replacement Windows) states that 'permission will not be granted for replacement windows which, in terms of their size, shape, proportions, colour, texture or detailed design would be out of keeping with the architecture of the building and its surroundings'.

3.10 In officers' view the existing shopfront is not of any particular architectural significance. It is of a modern design, with different elements and appears to have been

altered in a piecemeal way. There are no objections in principle to replacing the shopfront. The proposed proportions, including stall-risers and clerestorey windows, are traditional and in keeping with the character of the building. The application proposes using aluminium material for the shopfront, which is considered to be acceptable given the contemporary nature of the existing shopfront and the adjoining commercial frontages, which fall outside a designated conservation area. It is considered that the proposed shopfront would be in accordance with the requirements of policy EN8D. Planning conditions are recommended requiring detailed drawings of the shopfront in plan, section and elevation to be provided at a scale of 1:20 prior to construction commencing and to be implemented in accordance with approved details; and details including materials of the proposed flat entrance door and refuse store doors on the front elevation. A condition is also recommended requiring the shopfront glass to be clear and to remain permanently unobscured. (Condition nos. 5, 6, 8)

3.11 It is intended to replace the windows to the proposed upper floor residential units in timber to match the existing design and opening style, on the front elevation. This is considered to be a positive feature, and would be consistent with requirements of Policy EN8F.

3.12 The rear of the property has a staggered building line. The proposed extension would infill a gap at the rear i.e. north side of the building and its existing single storey rear extension and the large deep single storey projection of the library premises at No. 91. The proposed extension on the northern boundary would extend beyond the rear of the property to a maximum projection of by 5.7metres. On the southern boundary the extension would extend 1.5 metres beyond the rear building line. The height of the extension would be 4.2 metres and it would be of a flat roof construction which would be consistent with the existing building height and design of the existing flat roof single storey rear extension to the property. It is proposed to build the extension in brickwork to match the existing. The proposed extension would be compatible with the scale and character of the existing building and its surroundings, and would be subservient to the existing building. The proposed extension is considered to be in accordance with requirements of Policy EN8B with respect to design. A planning condition will require the extension to be constructed in brickwork to match (Condition no.3). The neighbourliness of the proposed development will be discussed below.

3.13 The removal of the five bollards and the re-instatement of the Askew Road footway outside the site, which would to be secured by a Section 106 Agreement, would be consistent with the objectives of the Council's Street-Smart design guide to de-clutter streets of all unnecessary street furniture.

3.14 The proposed gates to the access road at the side of the building would be of steel bars. Having regard to the general characteristics of the area, the design of the gates is considered to be acceptable, and it is not considered that they would have an unacceptable impact on the existing appearance of the street scene. In this respect, the appearance of the gates is judged to be acceptable in the context of the requirements of policy EN8 of the UDP.

Impact on neighbours, including noise and disturbance

3.15 In assessing the potential impacts of new development on the amenities of adjoining residential occupiers UDP Policy EN8B requires proposals to have regard to the principles of good neighbourliness. An indicator of possible harm to neighbours relates to whether daylight or sunlight to adjoining or nearby buildings would be



adversely affected as a result of the proposed development. A sunlight and daylight analysis has to pay regard to the methods as set out within the Building Research Establishment's (BRE) report 1991 'Site Layout Planning for Daylight and Sunlight - A guide to good practice'. Policy EN21 of the UDP is concerned that there is no environmental nuisance as a result of development, Policy EN20A seeks to control potentially polluting uses and Policy EN20B seeks to minimise noise pollution. Standard S13 of the UDP seeks to prevent loss of outlook and privacy to residential neighbours. Policy SH11 of the UDP is concerned with the impact of A Class/shop uses on the amenity of neighbouring properties.

3.16 The applicant has provided a Daylight and Sunlight Report in accordance with Building Research Establishment (BRE) guidelines with respect to the impact of the development on the surrounding properties. This report concludes that there are no material changes to the amount of sunlight and daylight received to windows of adjoining properties, and that the development is fully compliant with the BRE guidelines.

3.17 Officers having assessed the scheme do not consider the proposal to result in loss of daylight or sunlight to neighbours. The proposed extension would be single storey and have limited material impact on neighbours. To the north, the application site adjoins the Askew Road library premises (91 Askew Road), and there are no windows situated on the flank elevation of the library facing the proposed extension. There are residential windows situated in the upper floors above the library premises, however these are at a higher level than the proposed extension and would not face any loss of light. To the south of the application site the extension, due to its limited depth and height on the southern boundary, would not result in any material loss of light to any habitable windows situated on the ground and first floor of the flank (north) elevations of No. 95 Askew Road and Spring Cottages. The residential buildings to the east are at a considerable distance and would not be affected. Due to the siting and orientation of the proposed rear extension and the distances to adjoining residential gardens the proposal also complies with standard S13.1 of the UDP, therefore the proposal would not result in material loss of outlook to neighbours to the rear.

3.18 The proposed residential units would not have any habitable windows facing towards existing habitable windows in adjoining properties within an 18 metre distance measured within a 60 degree arc. The proposal therefore would not result in any material overlooking of neighbours property. UDP standard S13.2 (Loss of Privacy) is therefore satisfied.

3.19 In assessing noise and disturbance issues, it is noted that the premises have lawful use rights to operate as a public house under Use Class A4, and that this use is not restricted by planning conditions and, is therefore, potentially at least, disruptive to residential neighbours. The application proposal would give an opportunity to control hours of operation and restrict them to prevent any potential round-the-clock operation of the businesses on site, and to attach other noise prevention planning conditions. This is considered necessary given the fact that it is proposed to change the use of the upper floors of the building to residential use.

3.20 The ground floor commercial unit is expected to attract customers already living and/or working in the local area such that noise and disturbance from customer traffic is not expected to be significant. Askew Road is a Borough Distributor Road and is a busy and well-used route with a substantial flow of other vehicles. In addition, there is also a

significant level of pedestrian and other activity. In such locations outside town centres, Policy SH11 of the UDP and the restaurant guidelines would normally allow A3 or A4 uses to stay open until 23.00. This restriction of hours of operation seeks to ensure that any noise and disturbance is confined to those periods of the day when the ambient noise level and general activity are similar. The applicant has agreed to these hours. Officers consider that the relatively high background noise levels outside the application site reduce the likelihood that customers arriving and leaving the premises would cause disturbance to local residents(Condition 19).

3.21 Planning conditions would be attached to ensure that plant noise and vibration are kept to a minimum, and that sound insulation details and a detailed noise report are submitted and approved prior to works being carried out (Conditions 13, 14, 15, 22, 23, 24) Delivery times as outlined in the applicants' Draft Servicing Management Plan would also be conditioned and this will be discussed further below in the Servicing section. Other works proposed including removal of on-street bollards and resurfacing the footway outside the site following removal of the bollards would also seek to minimise impact on highway users (Condition 18 and Service Management Plan). These issues will be addressed in detail below.

3.22 The applicant has submitted a noise report which considers the impact of noise from the plant and road traffic noise on the internal noise levels in the proposed residential flats. The layout of the proposed flats has been formulated so that the living areas are all stacked over each other so as to minimise noise disturbance. However the report does not however consider noise from the proposed ground floor commercial use as this has not been finalised yet. Therefore officers intend to attach a sound insulation condition which would address matters not covered by Building Control regulations. This would require enhanced sound insulation between commercial and residential premises and also to the sound insulation of the building envelope.

#### Highways

3.23 UDP Policy TN15 requires any proposed development to conform to the parking standards, as specified in standards S18 to S19. The proposal would result in the creation of four new residential units, with no parking spaces provided. The site has a PTAL score of 3, but close to 4, indicating that it has a good level of accessibility by public transport. Bus stops are provided on either side of Askew Road to the immediate north and south of the site. These are served by route 266, which runs between Hammersmith and Brent Cross shopping centre. The nearest Underground stations are Goldhawk Road (Circle/Hammersmith & City line), located to the east of the site, and Ravenscourt Park (District line), located to the south. There are also a variety of shops and services nearby, within walking distance of the site. There are no on-street parking bays on Askew Road in the vicinity of the site. The nearest parking bays are located in the residential streets leading from either side of Askew Road and across the road. The overnight on-street car parking stress on the north side of Landor Walk to the south of the site exceeds the notional 10% free threshold (2009 - 100%, though it was 50% in 2008). However, the over-night car parking stress on Hadyn Park Road to the north of site and Gayford Road to the west of site is below the notional 10% free threshold (Hadyn Park Road 2009 - 50% north side, 65% south side and 2008 - 90% north, 58% south and Gayford Road 2009 -76% north, 54% south and 2008 - 62% north, 58% south). Therefore, officers consider that there is sufficient available overnight on street parking capacity on adjoining streets to accommodate the development. In these circumstances, requiring future occupiers of the flats to not have access to parking permits would not be necessary.

3.24 In line with UDP Standard S20, the proposal includes the provision of four cycle parking spaces for occupiers of the flats, to be provided in an enclosed area at the rear of the building. The applicant also proposes four more spaces on two cycle stands at the front of site for the commercial use, to be provided on-street in front of the building. These commercial cycle spaces would be secured by means of the Section 106 Agreement as it comprises works on the public highway.

3.25 It is noted that there is no guarantee as to whether the ground floor would be used for A1, A3 or A4 purposes, and that these uses are permitted under the GPDO. However, it is noted that given the size of a potential retail store of 429 sq.m floor space, this could raise concerns relating to potential impact on the locality. The servicing requirements of a retail store of 429 sq.m. could be substantial. This is of particular concern given the site's proximity to bus stops on either side of Askew Road. In relation to this the applicant has agreed to a planning condition limiting deliveries and has provided a Servicing Management Plan as well as other S106 highway works (Condition 18 and Service Management Plan).

3.26 Along the site frontage, Askew Road has waiting and loading restrictions. No waiting is permitted between 8 am and 6.30 pm Monday to Saturday, whilst no loading is permitted between 8 am and 9.30 am and 4.30 pm and 6.30 pm Monday to Saturday. Under a Borough wide Traffic Regulation Order, loading is restricted to a maximum of 40 minutes. A condition is therefore to be attached limiting deliveries to between the hours of 7.00am-8.00am (Monday to Saturday), 9.30am-4.30pm (all days) and 6.30pm and 9pm (Monday to Saturday) at the Askew Road frontage (Condition no.18).

3.27 It is considered that on-street servicing arising from a future food shop use could be appropriately managed via a robust Servicing Management Plan (SMP) secured by a S106 legal agreement along with some improvements to the surrounding highway network. The revised Service Management Strategy submitted by the applicants identifies where on the highway (Askew Road) large and smaller service vehicles could load and unload. The SMP gives a trip generation analysis and profile for the site, based on assessment of similar sites elsewhere in London. The SMP in its latest revised form is acceptable to officers and would be secured via the S106.

3.28 Other highway works which the applicant has agreed to facilitate are the removal of the non-streetsmart bollards and resurfacing of the footway fronting the site. It is assumed that these bollards were installed to prevent parking on the pavement, although this is no longer a concern since the introduction of decriminalised parking (now known as civil parking enforcement). The removal of the bollards would be in accordance with the objectives of the Council's Street Smart design guide to de-clutter streets of all unnecessary street furniture. These highway works would be secured by a S106 Agreement.

#### Refuse

3.29 Refuse and recycling storage for the residential units would be provided in a new ground floor bin store accessed from Askew Road, adjacent to the entrance to the flats. Waste storage for the commercial use would be provided at the rear of the building. These facilities and their location are acceptable to officers and would accord with Policy EN17 of the UDP.

#### Quality of Residential Accommodation

3.30 Standard S81.A and S8.1B of the UDP relate to internal space requirements for converted property and sets minimum room size requirements. The proposed two first floor level units would have a floor area of 46.3sq.m and 46.9sq.m respectively, and the second floor units would have 48.4sq.m and 48.1sq.m each. These would exceed the 32.5 sq.m as required by standard S8.1B. All the rooms' sizes within the flats would meet the requirements of standard S8.1A. The proposed flats also would not have their habitable rooms facing exclusively in a northerly direction, as required by standard S13.2 such that aspect to the properties within the development is considered to be acceptable.

3.31 There is no formal requirement in the UDP to provide amenity space for new flats located above ground level. Standard S6.1 of the UDP states that where there is a proposal to convert a property and there is a rear garden or amenity space then it should be used by a family-sized unit with direct access to it from that dwelling. The proposed residential units would be located above ground and therefore there is no external amenity space requirement and none is provided. Officers consider this to be acceptable, particularly given the nature and configurations of the site, where currently there is no residential garden area.

#### Access

3.32 The Council's Adopted Supplementary Planning Document (SDP) 'Access for All' is relevant in the consideration of the acceptability of the scheme in terms of disabled access. The proposal identifies key issues relating to access for people with disabilities in relation to the proposed development, and sets out how the development would ensure access for all. In support of the application, the applicant states that the proposal would include an internal ramp to the ground floor commercial unit to accommodate the level up from the external ground to internal finish floor level and level thresholds to the doorways would be provided throughout. The ambulant stairs up to the residential units at first and second floors are to be designed to be suitable for disabled use. The layout of the flats would ensure sufficient corridor space and door widths to allow access throughout. Bathrooms and kitchens would also have sufficient manoeuvring space.

#### Secured by Design

3.33 At the request of the Crime Prevention and Design Advisor the applicant proposes to install 2 metre high steel gates to the 5 metre wide/30m long alleyway at the side of the building which, it is stated, attracts anti-social behaviour and should be gated off with restricted access to authorised users only. This access way which is on land owned by the applicant serves the rear of No. 93 and the dwelling at No. 95a, the shop at 95 and a locked gate from Malvern Court communal gardens to the rear of the site and a locked gate secondary for exist from Spring Cottage, Landor Walk (hostel for single women). The Crime Prevention Design advisor states that the alleyway attracts vehicles avoiding on-street parking charges, dumped refuse which the council has to clear, dog and human excreta as well as drunks and drug users. It is considered that the proposed gates would offer a level of deterrent to potential unwelcome intruders. The proposal is therefore considered to comply with the spirit of Policy EN10, which requires developments to provide users with a safe and secure environment. The Crime Prevention Design advisor also requests a condition to ensure that the development achieves Secure by Design. The applicant has agreed to this. (Condition no. 27)

3.34 In relation to maintaining the right of way it is intended to attach a planning informative to ensure that access is retained for all those right of way users.

Telecommunication and Air-conditioning Equipment and other alterations

3.35 To protect the character and setting of buildings and in the interests of protecting the amenities of adjoining residents it is intended to add a condition to the permission requiring details to be submitted to allow the Council the opportunity to consider the positioning and acceptability of telecommunications and air conditioning equipment etc in the future. (Condition 10).

Flood Risk Issues

3.36 The site is located within Flood Risk Zone 1, such that risk of flooding is not an issue in this proposal.

Legal Agreement

3.37 The heads of terms of the Legal Agreement are summarised below:

- 1) The removal of the five bollards and the re-instatement of the Askew Road footway outside the site
- 2) Payment for providing cycle parking stands on the Askew Road pavement outside the site to serve the commercial use.
- 3) Submission of a Servicing Management Plan

#### 4.0 CONCLUSION and RECOMMENDATION

4.1 The principle of the mix of uses on this site is considered to be in accordance with the council's land use policies and the development would succeed in making efficient use of this vacant building with a well-designed scheme that is in keeping with the character and appearance of the street scene. The proposal would not have a harmful impact on neighbouring residential amenity in terms of light, outlook or privacy and through conditions and a detailed Service Management Plan secured by legal agreement officers are satisfied that A1, A3 or A4 uses of the building would not result in unacceptable noise and disturbance to nearby residents. With a legal agreement also ensuring that the residential units proposed are car permit free, it is not considered that the proposal would result in a significant increase in car parking demand or an adverse impact on the highway.

4.2 For these reasons officers recommend conditional approval of the proposal.

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**Ward:** Ravenscourt Park

**Site Address:**

16 - 19 Lord Napier Place London W6 9UB



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

**Reg. No:**  
2010/00200/EFUL

**Case Officer:**  
Denuka Gunaratne

**Date Valid:**  
22.01.2010

**Conservation Area:**  
The Mall Conservation Area - Number 2

**Committee Date:**  
08.06.2010

**Applicant:**

Horton, Lyons, Oliver And Roberts  
16-19 Lord Napier Place London W6 9UB

**Description:**

Renewal of planning permission 2006/02716/FUL granted 20th October 2008 for the erection of an additional floor at roof level on four properties to include four, south facing roof terraces.

Drg Nos: C / 109 rev A

**Application Type:**

Extension of Time Full Permission

**Officer Recommendation:**

That the Committee resolves that the Director of the Environment Department be authorised to determine the application and grant permission upon the completion of a satisfactory legal agreement and subject to the condition(s) set out below:

- 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 building development shall not be erected otherwise than in accordance with the detailed drawings which have been approved.

In order 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 EN2 and EN8B of the Unitary Development Plan, as amended 2007.

- 3) No plumbing, extract flues or pipes, other than rainwater pipes, may be fixed on the front elevation of the buildings.

To ensure a satisfactory external appearance and to prevent harm to the street scene and conservation area, in accordance with Policies EN2 and EN8B of the Unitary Development Plan, as amended 2007.

- 4) Any alterations to the elevations of the existing buildings shall be carried out in the same materials as the existing elevation to which the alterations relate.

To ensure a satisfactory external appearance and to prevent harm to the street scene and conservation area, in accordance with Policies EN2 and EN8B of the Unitary Development Plan, as amended 2007.

- 5) The development hereby permitted shall not commence until details of the fenestration and balustrade to the roof terraces to a scale of 1:20 have been submitted and approved in writing by the Council. The development shall be carried out in accordance with such details as have been approved; and thereafter permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and conservation area, in accordance with Policies EN2 and EN8B of the Unitary Development Plan, as amended 2007.

- 6) The flank walls to the additional floors hereby permitted shall be constructed in brickwork to match the existing facing brickwork.

To ensure a satisfactory external appearance and to prevent harm to the street scene and conservation area, in accordance with Policies EN2 and EN8B of the Unitary Development Plan, as amended 2007.

- 7) The roofs to the front and rear of the additional floors hereby approved shall be finished in tiles to match the existing.

To ensure a satisfactory external appearance and to prevent harm to the street scene and conservation area, in accordance with Policies EN2 and EN8B of the Unitary Development Plan, as amended 2007.

- 8) The development shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Council. The details shall include any external illumination of the site during construction, contractors' method statements, waste classification and disposal procedures and locations, dust and noise monitoring and control, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. All works shall be carried out in accordance with the approved plan.

To ensure no unacceptable adverse effect on the amenities of surrounding occupiers and in the interest of highway safety, in accordance with Policies EN21 and TN15 of the Unitary Development Plan, as amended 2007.



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

1. Design: Subject to a legal agreement to ensure that the development is carried out at one time and completed in full, the proposal is considered to be acceptable in terms in principle, and in terms of its external design which would be compatible with the surrounding area and would preserve the character and appearance of Mall Conservation Area. The design aspirations contained in Government guidance, and the requirements of The London Plan as amended 2008, and Policies EN2B and EN8B of the Unitary Development Plan as amended 2007, would also thereby be satisfied.

2. Residential Amenity: The impact of the proposed development upon adjoining occupiers is considered acceptable. Due to the relationship, siting and bulk of the proposed building to residential neighbours, it is not considered that the proposal would materially affect the outlook, light and privacy to neighbouring properties or disturb nearby occupiers by way of noise. In this regard, the development would respect the principles of good neighbourliness, and thereby satisfy Policies EN8, EN20A, EN20B and EN21 and standard S13 of the Unitary Development Plan, as amended 2007.

3. Flood Risk: In accordance with paragraph D16 of PPS25 (Annex D), it is not considered that the proposal which would create ensuite bedrooms/bathrooms in a new third floor would raise significant flood risk issues, as it would not have an adverse effect on a watercourse, floodplain or its flood defences, would not impede access to flood defence and management facilities or add to the cumulative impact of such developments on local flood storage capacity or flood flows, in accordance with Planning Policy Statement (PPS) 25.

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

#### **All Background Papers held by Michael Merrington (Ext: 3453):**

Application form received: 21st January 2010

Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

#### **Consultation Comments:**

**Comments from:**

**Dated:**

## **Neighbour Comments:**

### **Letters from:**

### **Dated:**

40 Bazalgette Court Great West Road London W6 9AG	28.04.10
4 Lord Napier Place London W6 9UB	25.02.10
14 Lord Napier Place London W6 9UB	15.02.10
Flat 39 Bazalgette Court Great West Road London W6 9AG	15.02.10
Flat 33 Bazalgette Court Great West Road London W6 9AG	17.02.10
21 Lord Napier Place London W6 9UB	17.02.10
Flat 25 Clarke Court Great West Road London W6 9AP	08.05.10
Flat 6 Bazalgette Court Great West Road London W6 9AG	27.04.10
Flat 41 Bazalgette Court Great West Road London W6 9AG	27.04.10
Flat 43 Bazalgette Court Great West Road London W6 9AG	18.02.10
Flat 43 Bazalgette Court Great West Road London W6 9AG	18.02.10
Flat 41 Bazalgette Court Great West Road London W6 9AG	18.02.10
42 The Pump House Bazalgette Court Great West Road London W6 9AG	22.02.10
Flat 23 Clarke Court Great West Road London W6 9AP	28.04.10
22 Clarke Court Great West Road London W6 9AP	26.04.10
42 Bazalgette Court Great West Road London W6 9AG	27.04.10
27 Lord Napier Place Upper Mall London W6 9UB	04.02.10
22 Lord Napier Place London W6 9UB	08.02.10
3 Lord Napier Place London W6 9UB	09.02.10
25 Lord Napier Place London W6 9UB	11.02.10
28 Lord Napier Place London W6 9UB	04.02.10
28 Lord Napier Place London W6 9UB	08.02.10
29 Lord Napier Place London W6 9UB	18.02.10
5 Lord Napier Place London W6 9UB	15.02.10
Flat 24 Clarke Court Great West Road London W6 9AP	12.05.10
22 Clarke Court, Great West Road London	13.05.10
1 Bazalgette Court The Old Pumphouse Great West Road London W6 9AG	09.02.10
Flat 33 Bazalgette Court The Pump House Great West Way London W6 9AG	12.02.10
11 Lord Napier Place London W6 9UB	17.02.10
37 Bazalgette Court Great West Road London	28.04.10
Flat 43, Bazalgette Court, Great West Road, Hammersmith	04.05.10
Flat 21 Clarke Court Great West Road London W6 9AP	07.05.10

## **OFFICER'S REPORT**

### **1.0 BACKGROUND**

1.1 The application relates to four properties, which form part of a terrace of eight houses to the north side of the development known as Lord Napier Place. The development dates from the 1970's and comprises three terraces of properties, those facing the river being four storey, whilst those to the west and north sides being three storey. To the east of the development a two storey 1970's building links on to some older Victorian properties of two storeys over semi basement. The application site adjoins to the west the newly built residential development of 5 storeys known as

Bazalgette Court at the former Thames Water pumping station site and to the north also a newly built development of 5 storeys known as Clarke Court.

1.2 The properties are located in Mall Conservation Area and are covered by an Article 4 direction, which removes permitted development rights for alterations to roofs, gables and dormers (including roof coverings at the front of the properties and the alteration of roof coverings at the rear). The article 4 direction also removes permitted development rights for the painting of external walls where these are of unpainted brickwork. When viewed from the front, which affords a view of the whole terrace, the buildings are of uniform appearance.

1.3 To the west of the site, the former Thames Water pumping station in conjunction with land to the north of application site has been redeveloped to form flats comprising of a new residential block of 5 storeys. Planning permission was granted at this site in March 2004 for 72 residential units (2003/03418/FUL). The development was completed in November 2007. At the time of the previous application at the subject property (referred to in para 1.4 (2) below) this redevelopment proposal was under construction.

1.4 Within the application terrace (Nos. 16-23) there is following planning history:

(1) Planning permission was refused for the erection of an additional floor at roof level 16 and 17 Lord Napier Place (1987/01335/FUL) in January 1987 and at 17 Lord Napier Place (1997/02801/FUL) in February 1998. On both occasions, the proposed additional floors were considered to be over dominant and intrusive to the appearance of the application properties and the terrace in which they would appear. The applications were subject to appeals, which were dismissed. Permission sought for an additional floor at no. 16 was also refused consent in February 1998 on visual amenity grounds, under ref: 1997/01424/FUL.

(2) The planning application 2006/02716/FUL was submitted to Planning Applications Committee (PAC) on 22nd January 2007 with a recommendation for approval. Whilst the design of the additional floor was considered appropriate, the acceptability of the proposal relied on the development being carried out at one time. Therefore a legal agreement (Section 106) was considered necessary and recommended to members, requiring that the development be undertaken as a whole and completed in its entirety. The Section 106 was signed on 20th October 2008, at which date the planning decision notice was issued. Condition 1 of this permission required the development works to commence within a period of 3 years (before 20th October 2011). The current application effectively seeks to lengthen the time period allowed to start building the development.

1.5 The current planning application at the above site is for the renewal of planning permission 2006/02716/FUL. This proposal is identical to the design of the approved original scheme. In support of the application, the agents have made the following points:

- Since the previous granting of planning permission for the four properties under ref: 2006/02716/FUL, the surrounding context has changed. The former pumping station to the west of site has been converted and raised in height, and the land immediately to the north of Nos. 16 - 19 Lord Napier Place, has been redeveloped to five storeys. This has altered the appearance of this part of the conservation area.

- The terrace is already asymmetrical when viewed from the rear, and is split in the centre into two styles of property.
- Within Lord Napier Place, the terrace cannot be viewed as a whole from the front, because of the positioning of the north-south running terrace and tree planting, hence the visual impact is less apparent.
- The proposal would be in keeping with the styling and detailing of the original scheme, keeping the same roof profile, and materials such as brickwork and roof slating with the existing. Some of the fenestration to the existing buildings has changed since the original scheme was built and it is proposed that detailing of the sliding glass doors on the south side of the new floor would be more in line with the terrace, which overlooks the river.
- The provision of balconies at the new floor would be consistent with the original design of the terrace overlooking the river. The provision of balconies would also provide for some private external space which is otherwise lacking in these units. There would be no unacceptable overlooking.
- The pumping station and the social housing scheme adjacent to this site were not built when the original application was made, the potential occupants/owners would have had constructive knowledge of the planning application and its implications so they have no grounds for complaint.

## 2.0 PUBLICITY AND CONSULTATIONS

2.1 The application has been advertised by way of site notice and press advert and individual notification letters have been sent to the neighbouring residents.

2.2 To date 31 letters of objection have been received, including 11 letters from individual properties within Lord Napier Place, 14 from Bazalgette Court and 6 from Clarke Court which make the following comments:

- The application contains identical planning applications to two made in the past, which were refused by the council, 5 times including on appeal, until January 2007 (Officer comment)
- The Planning Applications Committee (PAC) decision of January 2007 to grant permission was erroneous and ignored the council's legal precedent of refusing consents and appeal rationale.
- Lord Napier Place residents are bound by restrictive covenants to protect each occupier's interests because of the tightness of the site, which this would flout. The application would therefore require the written consent of the Lord Napier Place Residents Ltd which is a registered company and owns land comprising the roadway of Lord Napier Place and the garage forecourts behind the applicants' houses. The applicants made an application to the Lord Napier Place Residents Ltd for its formal consent on the 06/07/2008, which was refused. The applicants are aware of these objections.
- Potential problems with construction noise and disturbance and access. The applicants have consistently failed to provide details of how these major, construction works would be carried out or how the applicants would gain access. Lord Napier Place has limited access and parking and the adjoining Pump House site has now been developed and occupied, therefore further restricting access to the application site for construction vehicles.
- The Pump House and the adjoining key worker housing block and their residents are a valued part of the community and are not an eyesore and potential trouble spot and the applicants sought to portray. Residents in this block would suffer greatly during construction works and permanently afterwards, some literally facing a

new brick wall directly in front of their only outlook towards the square. The interests of Pump House residents would need to be protected. Reserve the right to claim damages from the council or individuals should there be any losses or damages and cost incurred through legal action.

- The occupiers of the Pump House have not been notified of the application either by the applicant or the Council.
- The applicant no longer lives in Lord Napier Place. The application is for financial gain.
- The proposal would destroy the calming symmetry of the place and would set a precedent for other similar developments.
- If more family space is required then the applicants should move to a larger property.
- Overdevelopment, contrary to density standards, which is already exceeded by at least 30%, pressure on open space and more parking.
- The application breach conservation and planning laws and would mean the terrace of 8 houses becomes completely asymmetrical.
- The applications involve new roof terraces looking directly over the square and other gardens. There are currently no balconies or terraces, in the square.
- The development would block out the light and outlook of the key-housing block directly behind the applicants' properties.
- The proposal would result in the reduction of skyline for the surrounding houses and loss of outlook to the affordable houses to the north.

### 2.3 Officer comments on objections raised:

- Within the application terrace (Nos. 16-23) planning permission has been refused on two occasions for the erection of additional floors to the properties, the first in 1987 for nos. 16 and 17 (1987/01335/FUL) and the second in 1997 for number 17 (1997/02801/FUL). The applications were subject to appeals, which were dismissed.
- The application approved by the Planning Applications Committee in January 2007 (2006/02716/FUL) was considered to be acceptable in the context of the Lord Napier Place development as a whole as well as the application terrace in which it is located subject to a S106 to ensure that the development is implemented and completed together.
- Covenants attached to properties are not a planning consideration.
- A Construction Management Plan condition is recommended to protect the existing residential amenities during construction process, in the event that PAC finds the proposal to be acceptable.
- As regards to the assertion that the applicants portray the key worker accommodation as a troublehot/eyesore, there is no reference to this any of the supporting documents submitted with the application.
- Notification letters have been sent to all residents of Bazalgette Court (former Pump House) and adjoining Clarke Court notifying occupiers of the application.
- Financial issues are not a planning consideration.
- Density standards (and matters of over-development) apply to new residential developments not extensions to existing buildings.
- Additional pressure on open space and parking are not likely to be significant, as the properties would remain as single dwelling houses.
- All other planning issues raised will be addressed below in section 3.1

2.4 One letter has been received from a resident in Lord Napier Place in support of the application. This states that the building of the apartment building at the end of the applicants' gardens is an intrusion onto their environment and privacy; they are

therefore trying to enhance their lifestyles to the front. There are no architectural or conservation issues and no impact on privacy. Building work will have to be carried out, but that is normal in London, and Lord Napier residents are not a special case; work on changing roof spaces of 5, 6 and 7 went ahead without any serious objections, or problems for residents.

2.5 No comment has been received from the Hammersmith and Fulham Historic Buildings Group, who were notified of the proposal.

### 3.0 PLANNING CONSIDERATIONS

3.1 The acceptability of the scheme has been previously established under planning approval 2006/02716/FUL and the current application seeks consent to renew the approved scheme. At the time of writing the officers' report for the previous application this redevelopment proposal was under construction and officers had regard to the emerging development and impact on future occupiers, including location of the buildings and habitable windows contained within them. However, the main issues of the proposal to be considered are the acceptability of an additional floor on part of the terrace, the design of the proposed extension, the impact of the additional floor on the character and appearance of Mall Conservation Area and the impact of the proposal on the amenities of existing neighbouring residential occupiers.

3.2 Government Guidance to local authorities in relation to design and conservation issues is set out in Planning Policy Statement 1: Delivering Sustainable Development (PPS 1) and Planning Policy Statement 5 : Planning for the Historic Environment (March 2010) (PPS 5). The proposal must therefore be considered against both of these documents, as well as London Plan and UDP design policies.

3.3 PPS1, 'key principles', paragraph 13 (vi) states that 'Planning Policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted'.

3.4 PPS1 states that 'Design Policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally.'

3.5 PPS 5, Policy HE7 states that 'A successful scheme will be one whose design has taken account of the following characteristics of the surroundings, where appropriate:

- A significance of nearby assets and the contribution of their setting
- The general character and distinctiveness of the local buildings, spaces public realm and landscape
- Landmarks and other features that are key to a sense of place
- The diversity or uniformity in style, construction, materials, detailing, decoration and period of existing buildings and spaces
- The topography
- Views into and from the site and its surroundings
- Green landscaping
- The current and historic uses in the area and the urban grain.

Some or all of these factors may influence the scale, height, massing, alignment, materials and proposed use in any successful design'

3.6 Policy 4B.1 of The London Plan 'Principles of design for a compact city' states that 'boroughs should seek to ensure that developments among others: -

- Maximise the potential of sites
- Provide or enhance a mix of uses
- Are accessible, usable and permeable for all users
- Are sustainable, durable and adaptable
- Are safe for occupants and passers-by
- Respect local context, character and communities
- Are practical and legible
- Are attractive to look at
- Respect the natural environment
- Respect London's built heritage'

3.7 The relevant UDP design policies which apply in assessing an application of this nature include EN2 - Development in Conservation Areas and EN8B - Design of Extensions. Policy EN2 requires development within conservation areas to preserve or enhance the character or appearance of such areas. Policy EN8B states that 'The Council will require a high standard of design in all extensions and alterations to existing buildings, which should be compatible with the scale and character of existing development, its neighbours and its setting. In considering applications the Council will take into account the following;

- (1)Scale, form, height and mass
- (2)Proportion
- (3)Vertical and horizontal emphasis
- (4)Relationship of solid to void
- (5)Materials
- (6)Relationship to existing buildings, spaces between buildings and gardens
- (7) Good neighbourliness'.

3.8 The principle of the acceptability of the scheme has been previously established under planning approval 2006/02716/FUL and the current application is renewal of this approved scheme. However, the planning issues relating to the assessment of the proposal are discussed below.

3.9 The development known as Lord Napier Place comprises three terraces of properties dating from the 1970's on the north, west and south sides and incorporates a terrace of earlier Victorian houses on its eastern side. The terrace to the south, adjoining the river walk comprises houses of four storeys (the fourth floor being built within the pitched roof of the properties and incorporating a roof terrace facing the river, similar in appearance to that being proposed in the proposal). The terraces to the west and north are three storeys with a further pitched roof. The Victorian properties are two storeys over semi-basement with a pitched roof. A small two-storey building dating from the 1970's links the east and northern terraces.

3.10 Since the previous refusals of planning permission over part of the terrace, the surrounding context has changed. The former pumping station to the west of the site has been converted and has had a six storey extension added. To the north a new five

storey building has been recently erected. This development has altered the appearance of this part of the conservation area. In addition, officers consider that there is variety in height and massing across Lord Napier Place as a whole, with several short terraces of varying heights. The application terrace is asymmetrical when viewed from the rear, split in the centre by two different styles of elevational design. When viewed from within Lord Napier Place, it is not possible to see the terrace in its entirety, because of the positioning of adjacent terraces and trees within the landscaped areas. As such, officers consider splitting the terrace at its mid point in this instance would create a satisfactory visual balance between the three and proposed four storey properties, without causing harm to the appearance of Lord Napier Place or the conservation area as a whole.

3.11 The proposed additional floor would be in keeping with the styling and detailing of the existing building and the terrace, keeping the same roof profile, and matching materials of brickwork and roof slates (conditions 6 and 7 relate). Some of the fenestration to the buildings of the terrace has been changed since the original scheme was built, and it is considered that the detailing of the sliding glass doors on the south side of the new floor would be more in line with the terrace, which overlooks the river. The proposed additional floors have been designed with a small south facing roof terrace, which make reference to the roof terraces on the four storey properties facing the river.

3.12 It is considered that the application proposal demonstrates a well thought out design, specific to the site, and responding well to its surroundings, in compliance with government guidance. It is further considered that the proposal meets the requirements of the relevant policies contained within The London Plan and the UDP, and that the scheme would protect the character of the conservation area.

3.13 Issues of neighbourliness arising from this proposal have previously been accepted in the approved scheme; both schemes are identical in all matters and the previous assessment of the scheme (2006/02716/FUL) had regard to the emergence of new neighbouring residential property to the north and west. However, officers here outline their assessment of the impact on amenity. In assessing the potential impacts on adjoining residential occupiers, UDP Policy EN8 is relevant. An indicator of possible harm to neighbours relates to whether light to adjoining or nearby buildings would be adversely affected as a result of the proposed development. The Building Research Establishment's (BRE) report of 1991 is a guide to good practice. Policy EN21 of the UDP is concerned that there is no environmental nuisance as a result of development. UDP Policy EN20A seeks to control potentially polluting uses and Policy EN20B seeks to minimise noise pollution. Standard S13 of the UDP seek to prevent loss of outlook and privacy to residential neighbours.

3.14 The flatted development at Bazalgette Court to the west of the application site is situated approximately 30 metres from the application site and is therefore unlikely to be materially affected. Officers have considered the potential impact of the proposal on the amount of light reaching the rooms of the flats at Clarke Court to the rear (north) of the application properties and the development was found to be compliant with the BRE guidance and no noticeable loss of light is anticipated to occur. The amount of light reaching the properties to the south of the terrace, within Lord Napier Place, would not be materially affected by the development, given the location of existing habitable windows and separation distances. The proposal is therefore not considered to be unneighbourly in this matter, and would comply with the requirements of policy EN8B. In



addition, in exercising on on-site officer judgement, the proposal is not considered to result in unacceptable loss of outlook to adjoining neighbours to the north at Clarke Court, having regard to standard S13.1.

3.15 Standard S13.2 deals with loss of privacy and states that 'new windows should be positioned so that the distance to any residential windows is not less than 18 metres or if this is not possible, new windows should be designed to ensure that no loss of privacy can occur'. Similarly a roof terrace is generally considered to be unacceptable if it would result in an additional opportunity for overlooking and subsequent loss of privacy than from the access point onto it. Policy states that 'Planning permission will not normally be granted for a terrace or balcony if its use is likely to cause harm to the existing amenities of neighbouring occupiers by reason of noise and disturbance.'

3.16 The proposed additional floor would introduce sets of glass doors, which would afford a view across Lord Napier Place. However, officers consider that there would be no greater opportunity for overlooking and consequent loss of privacy than currently occurs from existing windows at first and second floor levels. As such, officers consider a refusal based on these grounds would be unsustainable.

3.17 The proposal would introduce roof terraces positioned to look across Lord Napier Place, which are each approximately 8 square metres in size. Although a new addition to the properties facing south into Lord Napier Place, given their limited size, it is unlikely that their use would result in a significant loss of amenity to existing residents on the grounds of noise and disturbance, to warrant refusal on these grounds.

#### Flood Risk

3.18 In accordance with paragraph D16 of PPS25 (Annex D), it is not considered that the proposal which would create ensuite bedrooms/bathrooms in a new third floor would raise significant flood risk issues, as it would not have an adverse effect on a watercourse, floodplain or its flood defences, would not impede access to flood defence and management facilities or add to the cumulative impact of such developments on local flood storage capacity or flood flows.

#### Construction Issues

3.19 In order to ensure the protection of existing residential amenities during the construction process, a condition is proposed requiring the submission of a Construction Management Plan (condition 8 refers). Such details would be required to address issues including the size and types of construction vehicles, how construction workers would be expected to get to the site, as well as providing contact details for local residents so that any problems arising during the construction process can be addressed promptly. An appropriate Construction Management Plan should ensure that any disruption is kept to minimum levels in order to protect the existing residential amenities of surrounding residents.

#### LEGAL AGREEMENT

3.20 Whilst the design of the additional floor is considered appropriate, the acceptability of the proposal relies on the development being carried out at one time and in its entirety, in order to protect the visual amenities of the area. It is recommended that a legal agreement be attached to the permission requiring that the development be undertaken as a whole. The applicants have agreed to be bound by such an agreement by letter.

#### 4.0 CONCLUSION AND RECOMMENDATION

4.1 It is considered that the proposed development would be of an acceptable design which would not be harmful to the context or setting of its surroundings including the conservation area. It is also considered that the proposal would not result in demonstrable harm to the existing residential amenities of surrounding residential occupiers in respect of loss of light, outlook, privacy or noise and disturbance.

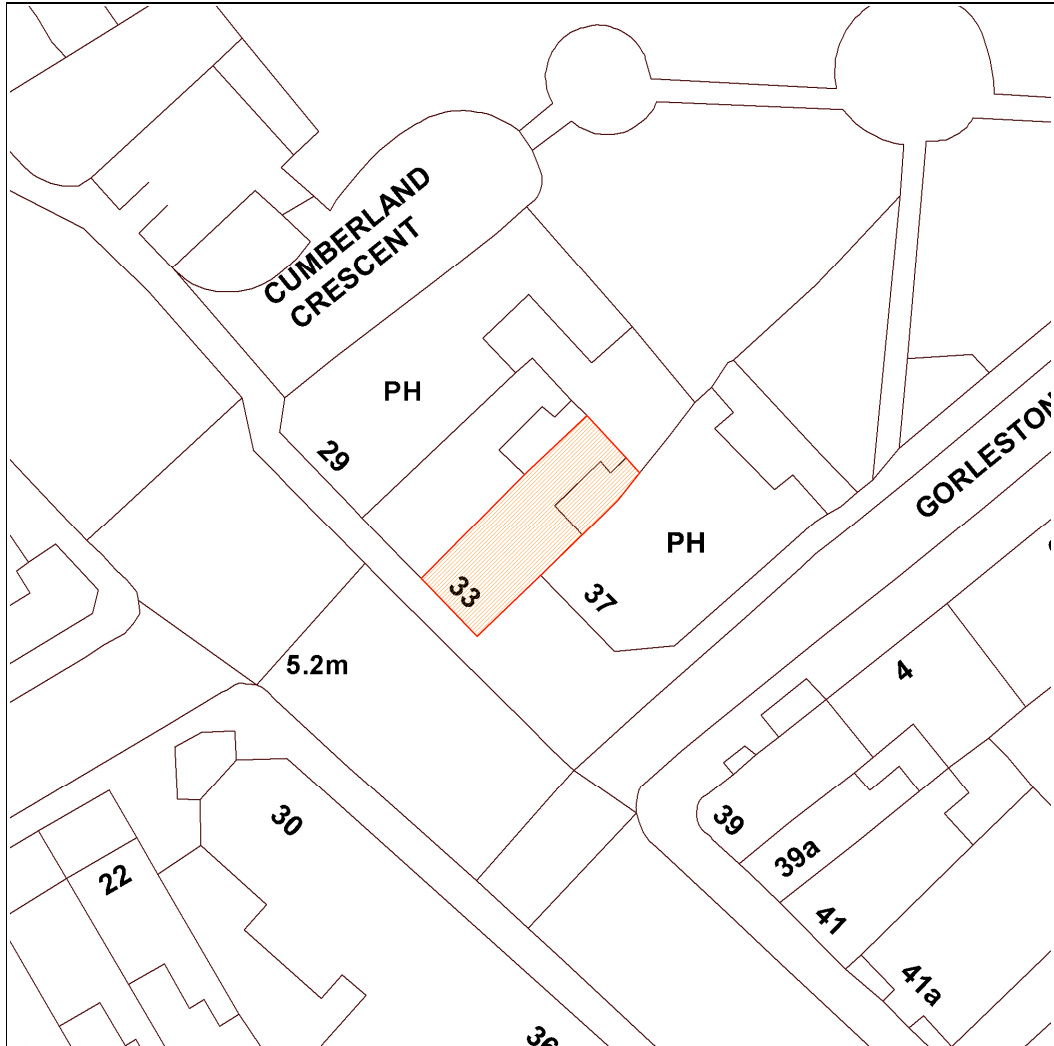
4.2 Officers recommend that planning permission be granted, subject to appropriate conditions and a legal agreement.

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**Ward:** Avonmore And Brook Green

**Site Address:**

33 North End Road London W14 8SZ



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

**Reg. No:**

2010/00456/ADV

**Case Officer:**

Carolyn Goddard

**Date Valid:**

16.02.2010

**Conservation Area:**

: Olympia And Avonmore Conservation Area -  
Number 23

**Committee Date:**

08.06.2010

**Applicant:**

Mr Michael Peters  
33 North End Road London W14 8SZ

**Description:**

Continued display of an internally illuminated advertisement hoarding measuring 4.3 m X 6.3 metres, on the flank wall at first and second floor level.

Drg Nos: P350 Specification; View of P350 back illuminated panel in North End Road.  
Site location plan; Ground Floor Plan; Elevation;

**Application Type:**

Display of Advertisements

**Officer Recommendation:**

That the application be refused for the following reason(s):

- 1) The display of the advertisement is considered to be unacceptable in the interest of visual amenity. More particularly, the advertisement hoarding by virtue of its excessive size, position on the building at high level, prominent location and illumination is seen to constitute a dominant and obtrusive visual element that commands a wide range of visibility, harmful to the building and the street scene (during the day but especially at night) and the Olympia and Avonmore Conservation Area which the Council considers desirable to preserve or enhance in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this respect the proposal is contrary to Policies EN2 and EN14 and Standards S14.1 and S16.1 of the Unitary Development Plan, as amended 2007.

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

**All Background Papers held by Michael Merrington (Ext: 3453):**

Application form received: 15th February 2010  
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008  
Unitary Development Plan as amended September 2007.

### **Consultation Comments:**

**Comments from:**

Avonmore Residents Association

**Dated:**

11.03.10

### **Neighbour Comments:**

**Letters from:**

1 Rosaville Road

**Dated:**

25.03.10

## **OFFICER'S REPORT**

### **1.0 BACKGROUND**

1.1 A three storey end of terrace property located on the north east side of North End Road, within the Olympia and Avonmore conservation area. It is occupied as a hair salon on the ground floor (known as Sizzers), with two self-contained flats on the upper floors.

1.2 1985 - Advertisement consent was refused for the continued display of a non illuminated advert hoarding on the flank wall. The subsequent appeal was dismissed. The advert was removed.

1.3 In 1991 Advertisement consent was again refused for the continued display of a non illuminated advert hoarding on the flank wall. The advert was removed.

1.4 Council records show that in 2003 a non illuminated advert hoarding was again being displayed on the flank wall without consent. This was later replaced by the current internally illuminated advert hoarding, displayed by Hallmark Outdoor Advertising Ltd. A Section 11(Direct Action) notice has been served upon Hallmark and the freeholder of the property to secure the removal of the illegally displayed advertisement hoarding and all fixtures and fittings.

1.5 This current application is for the continued display of the internally illuminated advertisement hoarding on the south-eastern facing flank wall of the building at first and second floor level. The Council have agreed with the applicant (owner of Sizzers) to extend the period of compliance for the S11 notice pending determination of this application.

### **2.0 CONSULTATIONS**

2.1 Site and press notices issued. Notification letters also sent to neighbouring properties. A petition entitled "Save the Sizzers Illuminated Advertising Pane - a petition for local business by local residents" has been submitted by the applicant containing 125 signatures in support of the application (98 were signed by local

residents and 27 by residents living outside the Borough). The applicant's cover letter states that, while they understand that the planning process does not take into account economic factors they request that some form of panel will help generate revenue for their business.

**Officer's Note**

The revenue derived by the illegally displayed advertisement hoarding cannot be considered as a planning issue.

2.2 The petition in support of the continued display of the hoarding is submitted on the following grounds:

- (the panel) brightens an otherwise dull plain wall;
- is a welcome addition to and adds character to the area in which we live;
- provides light to an otherwise poorly lit area;
- provides additional light for the dangerous pedestrian crossing on North End Road.

2.3 Other representations received were as follows:-

Avonmore Residents Association - reasons in support summarised below:

- covers up a dull, blank wall;
- illuminates the zebra crossing;
- adds character to the conservation area;
- first time this owner has asked for permission;
- different rules have been applied - no action taken over advert hoardings adjacent Olympia displayed by a larger company;
- the revenue from the hoarding helps keep the hairdresser's open.

**Officer's Note:**

The advert hoardings adjacent to Olympia referred to above are externally illuminated, poster panel adverts attached to the security hoardings that surround the site at ground floor level, on the corner of Hammersmith Road and Lyons Walk. These have been investigated and found to benefit from deemed consent.

Fulham Society - objections summarised as follows:

- the very large sign overwhelms the adjacent pub;
- the area is essentially residential and the advertisement commercialises the area;
- support any effort by the Council to keep huge advertisements under control;
- distraction to drivers.

### 3.0 PLANNING CONSIDERATIONS

3.1 The provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 and Planning Policy Guidance (PPG) note 19 are material when considering an application for consent to display an advertisement. The regulations and guidance state that the determination of such applications should be made in the interests of amenity and public safety, together with any material factors. Material factors in this instance include UDP Policy and Standards. Policies EN2 (development in conservation areas) and EN14 (Advertisements) and Standard S14 (Advertisement Control) and S16 (Poster Hoardings) apply in this case.

3.2 Policy EN2 states that development within conservation areas, including alterations or additions to existing buildings, will only be permitted if the character or appearance of the conservation area is preserved or enhanced.

3.3 Policy EN14 states that the council will consider all advertisements in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992, in terms of visual amenity and public safety. This policy states that the display of an advertisement can have a considerable impact on the visual amenity of the street scene if its size, design and siting are handled insensitively. The council takes the view that any advertisements requiring consent should not adversely affect the character of individual buildings and streets. Because of the special character of conservation areas advertisements will need very careful consideration.

3.4 Standard S14.1 states that the council will normally refuse consent for any advertisements which would be displayed where the preservation of visual amenity is of prime importance. The display of advertisements can have a considerable impact on the visual amenities of the street scene and the council takes the view that any advertisement requiring consent should accord with certain standards to ensure that the character of individual buildings and streets is not adversely affected.

3.5 Standard S16.1 states that hoardings displayed above ground floor level are normally unacceptable.

3.6 Council Policy on the display of advertisements follows national policy and guidance with its key objective stating that advertisements should not adversely affect the character and appearance of individual buildings and streets. The building on which this advertisement hoarding is attached, occupies an end of terrace on the north east side of North End Road within the Olympia and Avonmore conservation area. The character of the area is predominantly residential. The advertisement hoarding is located at high level and situated in a highly prominent position on the exposed flank wall of the subject property, as the adjacent property, the Live and Let Die Public House, is set back from the street frontage. The hoarding is internally illuminated and is clearly visible, with long range views from the approach from the south along North End Road. The hoarding is highly visible in the locality and is of a design, size and position that is seen to constitute an excessively prominent and conspicuous feature in the street scene. With residential units in close proximity the hoarding is also considered to have a significantly obtrusive impact on the outlook of nearby occupiers, particularly at night.

3.7 Advertisement consent has been refused previously for smaller non-illuminated advert hoardings displayed on this flank wall, one of which was subject of an appeal. The Planning Inspector dismissed the appeal on the grounds of detriment to amenity, by virtue of size, siting and range of visibility of the advert hoarding. The current internally illuminated display has far greater impact on the street scene.

3.8 The Council has recently taken enforcement action to remove similar size advert hoardings displayed on the flank elevations of 81 and 97 Hammersmith Road. Both hoardings, as in this case, spanned the first and second floors of the flank walls of the buildings, were internally illuminated, commanded long range views and were located within conservation areas. An application for express consent for the display of an internally illuminated hoarding of the same size and dimensions was then submitted at

97 Hammersmith Road and this was refused on visual amenity grounds. The subsequent appeal has been dismissed.

3.9 The petition also states that, in addition to visual amenity, the hoarding "provides additional light for the dangerous pedestrian crossing on North End Road." Highways officers have stated that the zebra crossing is designed to the most up to date streetsmart design guidelines and the existing street lighting provides a good level of illumination with a lamp column situated directly above the crossing. The road markings are in good condition and the footway and carriageway have both been recently relaid. Visibility is excellent and there is no discernable trend in casualty statistics at this location either before or after the advertisement was illuminated. Accordingly, the Council do not consider the illumination of the hoarding to be a safety aid to the pedestrian crossing.

3.10 The illumination is static, as opposed to flashing, and as such is not considered to constitute a distraction to drivers.

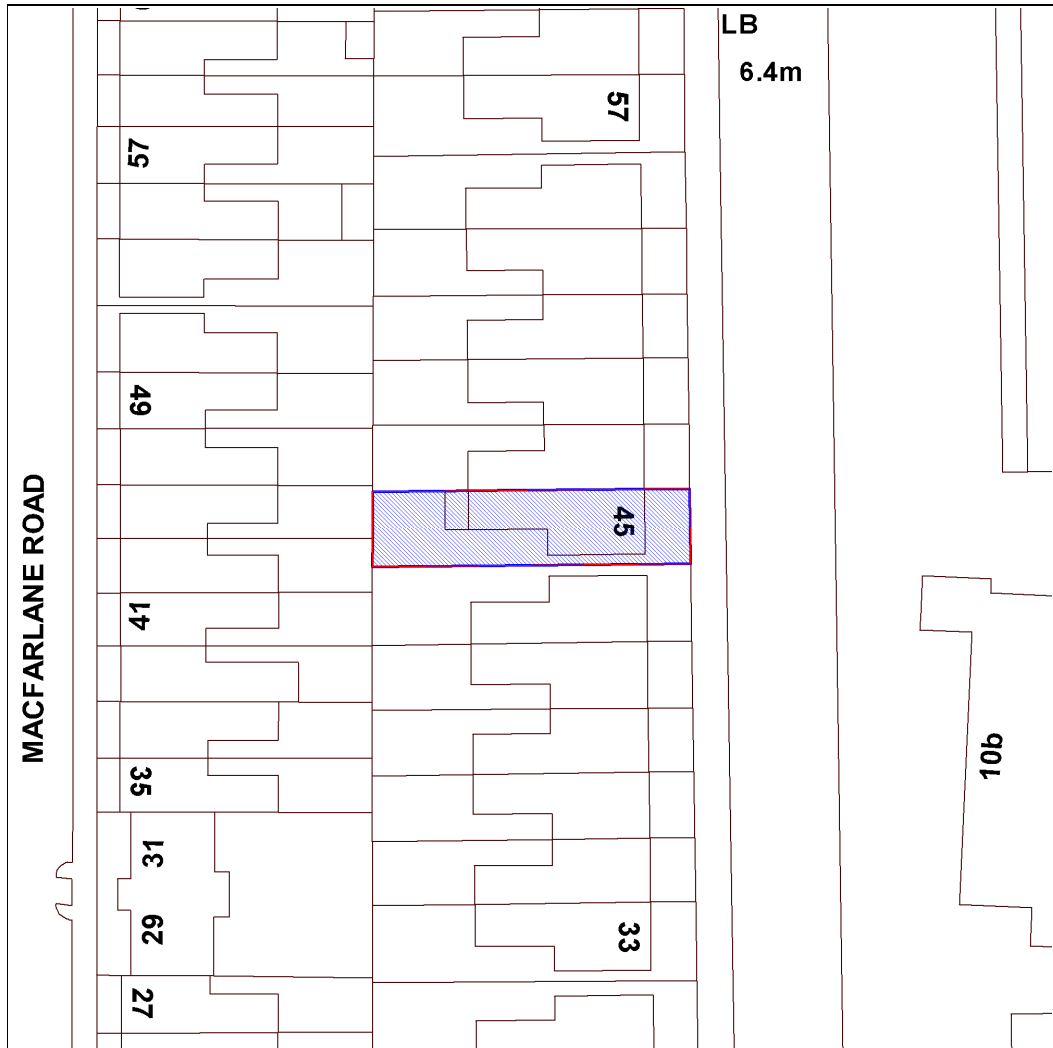
3.11 In summary, the hoarding, by virtue of its position at high level on the residential part of the building, its size, bulk and illumination is seen to result in an obtrusive and discordant feature that is out of keeping with the scale of the subject property, detrimental to the appearance of the property itself and the Avonmore and Olympia conservation area. In this respect the display of the advertisement panel is contrary to Standard S14 and S16 and Policies EN2 and EN14 of the Unitary Development Plan as amended 2007. Refusal of advertisement consent is therefore recommended.



**Ward:** Shepherd's Bush Green

**Site Address:**

45 Wood Lane London W12 7DP



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

**Reg. No:**

2008/01043/CONV

**Case Officer:**

James Cook

**Date Case Opened:**

28.11.2008

**Conservation Area:**

**Committee Date:**

08.06.2010

**Description:**

Conversion of a single dwelling house into 13 self contained studio flats.

**Officer Recommendation:**

That the Head of Legal Services be authorised to institute appropriate enforcement and / or legal proceedings for the reason(s) stated below:

- 1) The use of the property as 13 self contained flats is considered to be unacceptable by reason that all the units are of insufficient size resulting in substandard living accommodation for the occupiers of these units contrary to Standard S8.1B of the Council's Unitary Development Plan as amended in September 2007.
- 2) The use of the property as 13 self contained flats has resulted in an over intensification of the use of the building which is considered to have a detrimental impact on the general amenities of the residential occupiers by reason of increased activity at the property causing noise and disturbance, together with a lack of provision for refuse and recycling storage. As such, the continued use of the property in this manner is contrary to Policies EN17 and EN21 of the Council's Unitary Development Plan as amended in September 2007.
- 3) The use of the property as 13 self contained flats is considered to unacceptable by reason that there is inadequate off street parking for the number of dwellings, in addition the property is located on a London distributor road and the development would exacerbate the overnight parking stress on neighbouring streets. As such the development is contrary to Policy HO3 and Standard S8.2 of the Council's Unitary Development Plan as amended in September 2007.

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

**All Background Papers held by Michael Merrington (Ext: 3453):**

Date Case Opened: 28.11.2008

**Policy documents:**

The Revised London Plan 2008  
Unitary Development Plan as amended September 2007

## OFFICER'S REPORT

### 1.0 BACKGROUND

1.1 A three storey end of terrace residential property situated on the western side of Wood Lane opposite Westfield Shopping Centre. The lawful use of the property is as a single dwelling. The property does not fall within a conservation area.

#### 1.2 Planning history;

- 2008/01564/CLP; Erection of a rear roof extension; installation of two rooflights in the front roofslope.
- 2008/01566/CLP; Erection of a rear roof extension; installation of two rooflights in the front roofslope; erection of a single storey rear extension to the side of the existing two storey back addition.
- 2008/03439/CLP; Erection of a single storey rear extension.
- 2009/01306/FUL; Change of use to a house in multiple occupation (HMO) and retention (with minor alterations) of an existing ground floor extension to the side and rear of the back addition.

1.3 In November 2008 it was brought to the attention of the council that the property was being converted into self contained flats. Officers visited the site at which time it was revealed that the property had been extended, the rear roof extension had been completed as per the certificate of lawfulness above (ref;2008/01566/CLP). However the rear ground floor extension which was nearing completion was larger than shown in the drawings for the certificate and this and the existing dwelling house were being converted into thirteen self contained flats. The majority of the flats contained living/sleeping/kitchen room and an ensuite showeroom, four included a separate kitchen area. None of the units complied with the council's size requirements for converted flats. The extension and the conversion works required planning permission.

1.4 The owner submitted a planning application for the retention of the extension with minor alterations and the change of use of the property to a House in Multiple Occupation (H.M.O.) ref; 2009/01306/FUL. This was approved on 22 September 2009. The H.M.O. would consists of 9 single bedrooms with kitchens and a living room, this was considered to be acceptable as it would provide a less intensive use of the property than the 13 self contained flats which were all sub standard in terms of size of the accommodation provided.

1.6 To date remedial works have not been undertaken to return the property to a single or to implement the above planning permission for H.M.O. use. The property is still in use as thirteen self contained flats and the Council has been notified that the owner is now trying to sell the property.

### 2.0 PLANNING CONSIDERATIONS

2.1 The main planning considerations in this case relate to whether the thirteen self contained flats provide an acceptable standard of residential accommodation, are not detrimental to the residential amenities of surrounding occupiers and do not give rise to an increase in on-street parking stress. In this respect Policies HO3. EN17 Waste Collection and Disposal, EN21 and Standard S8.1B and S8.2 apply.

## Conversion and change of use

2.2 Policy HO3 states conversion of buildings into one or more dwellings will not be permitted where (b) the net floor area of the original dwelling is less than 120 sq/m and (c) where the conversion only provides self-contained bedsits/1 person flats.

2.3 The original dwelling is more than 120 sq/m in floor area and therefore complies with Policy HO3 (b). However the development provides only very small studio and 1 person flats and as such does not comply with Policy HO3 (c).

2.4 Standard S8.1B Minimum Sizes for Flats states converted flats for full self containment should have an internal area of at least 32.5 sq/m where a separate bedroom is provided. Where a self contained bed sitting room is provided there should be at least 25 sq/m with a minimum living/sleeping area of 14 sq/m and separate kitchens should be provided.

2.5 In this instance a total of 13 self contained residential units have been formed. The units are of the following estimated dimensions;

### Ground Floor;

Flat 1; 19 sq/m  
Flat 2; 15 sq/m  
Flat 3; 12 sq/m  
Flat 4; 12 sq/m  
Flat 5; 12 sq/m  
Flat 6; 12 sq/m

### First Floor;

Flat 7; 24 sq/m  
Flat 8; 15 sq/m  
Flat 9; 14 sq/m

### Second Floor;

Flat 10 ; 22 sq/m  
Flat 11; 15 sq/m

### Third Floor (roof extension)

Flat 12; 22 sq/m  
Flat 13; 15 sq/m

Only four flats numbers, 1, 7, 10, and 12 provide an adequate living sleeping area of at least 14 sq/m but they are is still below the minimum overall 25 sq/m requirement for studio flats.

2.6 All of the units therefore fall below the minimum required internal floor areas for self contained bedsits and only four flats provide the minimum 14 sq/m of living/sleeping area. Only 2 of that flats ( numbers 7 and 10) provide separate kitchen areas. As such, all the flats are considered to provide poor quality, sub standard accommodation.

2.7 Policy EN21 Environmental Nuisance states all developments including conversions and changes of use shall ensure there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties.

2.8 The formation of thirteen residential units is considered to result in an over intensification of the use of this type of property resulting in an adverse impact on residential amenity for both the occupiers and surrounding residents. Not only do the occupiers have inadequate sized living accommodation as outlined above, the number of occupiers substantially increases pedestrian flow to and from the property which gives rise to detrimental levels of noise and disturbance. As such, the new units are considered to be detrimental to the general amenities that had been enjoyed by surrounding occupiers. Therefore the development is contrary to Policy EN21 and Standard S8.1B.

#### Waste collection and disposal

2.9 Policy EN17 Waste Collection and Disposal states that development will not be permitted unless suitable facilities are incorporated for the storage and collection of segregated waste.

2.9.1 The development substantially increases levels of refuse generated on the site for which no provision has been made, nor is there provision for recycling. As such the development does not comply with policy EN17.

#### Parking

2.9.2 Paragraph C of Policy HO3 (House Conversions) states the conversion of buildings into one or more dwellings will not be permitted where there would be inadequate on or off-street parking.

2.9.3 Standard S8.2 states that; (1) Permission would normally be refused for a residential property to be converted in streets where the level of on-street overnight parking exceeds the notional on-street overnight parking capacity. (2) The Council will normally limit the extent to which a residential property can be converted to a level of one unit less than the number of floors in the property as it was originally built for residential occupation and which would be in residential (C3) use following the conversion, in street where (i) the level of on-street overnight parking leaves less than 10% free notional on-street overnight parking capacity, or (ii) where the street is classified as a strategic route, London distributor, borough distributor, or local access road where the local access road has an essential through traffic function.

2.9.4 The site provides only 1 off street parking place for 13 residential units. The property is located on a London distributor road where vehicles can not be parked during the day time, the nearest available on street parking is at the northern end of Macfarlane Road which is in a controlled parking zone, the overnight on-street parking stress in this location in 2009 was 89%, close to the maximum permitted. As such it is considered that there is inadequate on or off street parking for the development and in the absence of a parking permit free agreement the development is contrary to Policy HO3 and Standard S8.2.

### 3.0 CONCLUSION

3.1 For the reasons outlined above it is recommended that the Head of Legal Services be authorised to institute appropriate enforcement action to cease the use of the property as thirteen self contained flats and reinstate the residential use of this property as a single dwelling house or a House in Multiple Occupation in accordance with the above planning permission (ref: 2009/01306/FUL).

**Ward:** Hammersmith Broadway

**Site Address:**

Flat B First And Second Floors 15 Benbow Road London W6  
0AT



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

**Reg. No:**

2009/01228/COMPWK

**Case Officer:**

James Cook

**Date Case Opened:**

02.11.2009

**Conservation Area:**

**Committee Date:**

08.06.2010

**Description:**

Erection of timber and plastic canopy over the first floor roof terrace at the rear of the property.

**Officer Recommendation:**

That the Head of Legal Services be authorised to institute appropriate enforcement and / or legal proceedings for the reason(s) stated below:

- 1) The retention of the canopy over the rear first floor roof terrace is considered to be unacceptable by reason of its poor design and quality of materials used. It forms an unneighbourly development and has resulted in an incongruous and visually harmful addition to the building that is detrimental to the character appearance of the Bradmore Conservation Area contrary to Policies EN2 and EN8B of the councils adopted Unitary Development Plan as amended September 2007.

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

**All Background Papers held by Michael Merrington (Ext: 3453):**

Date Case Opened: 02.11.2009

**Policy documents:**        The Revised London Plan 2008  
                                      Unitary Development Plan as amended September 2007

**OFFICER'S REPORT****1.0 BACKGROUND**

1.1 A four storey terraced residential property occupied as a lower ground/upper ground floor flat, and a first/second floor flat. The property is located on the southern side of Benbow Road and lies within the Bradmore Conservation Area.

1.2 It was brought to the attention of the Council that a canopy structure had been built to the rear of the property. Officers viewed the property from Iffley Road at which time it was confirmed that a canopy structure had been built at the rear of the property at first floor level covering the existing roof terrace. The canopy consists of a timber frame with plastic sheeting built onto the party walls. The canopy requires planning permission, but due to its unsightly appearance including the poor quality of the materials used Officers wrote to the freeholder and occupier advising the canopy should be removed. To date no response has been received and the canopy remains in place.



1.3 It must be noted that the use of the flat roof at second floor level as a roof terrace does not require planning permission and it appears that the installation of the metal safety railing is lawful.

## 2.0 PLANNING CONSIDERATIONS

2.1 The main planning considerations in this case relate to whether the canopy complies with the relevant policies and standards contained within the council's Unitary Development Plan. As such Policies EN2 Development in Conservation Areas and EN8B "Design of Extensions" apply in this case.

2.2 Policy EN2 states that development in conservation areas, including alterations to existing buildings will only be permitted if the character and appearance of the conservation area is preserved or enhanced.

2.2 Policy EN8B states that the Council will require a high standard of design in all extensions and alterations to existing buildings. These should be compatible with the scale and character of existing development its neighbours and its setting. In the justification it states that in most cases, these will be subservient to the original building and that in considering applications the council will take into account the following; scale, form, height and mass, proportion, vertical and horizontal emphasis, relationship of solid to void, materials, relationship to existing building, spaces between buildings, and gardens and good neighbourliness.

2.3 The canopy structure is built to the rear of the property at first floor level and can be seen from the street in Iffley Road. The structure is built with a timber frame and plastic sheeting and projects above the party walls with the neighbouring properties. Overall the design and appearance of the canopy is not of the high standard required for extensions, the materials used are of a poor quality and do not match those of the main house which is London stock brick. There are no other extensions of this design, materials or appearance in this terrace and as such it appears as an incongruous and harmful addition to the building. Although the canopy is located at the rear of the property due to it's elevated position at first floor level it can clearly be seen from surrounding properties and from Iffley Road and as such it is considered to be an unneighbourly development which is harmful to the amenities of neighbouring residential occupiers and also harms the character and appearance of the Bradmore Conservation Area in which the property is situated. For these reasons the development is contrary to Policies EN2 and EN8B.

## 3.0 CONCLUSION

3.1 Officers recommend that the Head of Legal Services be authorised to institute the appropriate enforcement action to seek the removal of the canopy.

**PLANNING APPLICATIONS COMMITTEE  
ENFORCEMENT PERFORMANCE REVIEW  
October 2009 to March 2010**

**INTRODUCTION**

This report provides a summary of the planning enforcement team's performance and outcomes during the six month period from 1<sup>st</sup> October 2009 to 30<sup>th</sup> March 2010

The report is set out in 7 sections

- 1. Executive Summary**
- 2. Enforcement actions authorised**
- 3. Enforcement appeal decisions**
- 4. Prosecutions**
- 5. Enforcement actions complied with**
- 6. Illegal advert hoardings**
- 7. Estate agents boards**
- 8. Eyesore properties and sites**

## 1. EXECUTIVE SUMMARY

Following the re-launch and re-focus of the Planning Enforcement Service last year we will be submitting a report to the Planning Applications Committee, on a 6 monthly basis, outlining the team's performance and successes over the previous six month period. This current report covers the period from 1<sup>st</sup> October 2009 to 31 March 2010.

During the last 6 month period the team received 664 enforcement complaints from the general public and councillors and a total of 678 investigations were completed. The reasons for closure are broken down as follows:-

• Planning permission not required	136
• Existing/lawful (4 years/10 years)	30
• Breach remedied through officer negotiation	112
• Not expedient to take enforcement action	77
• Retrospective approval	15
• Enforcement action authorised	69
• Enforcement Notice complied with	17
• Estate agents board notices complied with	347

During this 6 month period the Planning Enforcement Team has recorded a record number of enforcement authorisations. Whilst the vast majority of breaches of planning are resolved through direct officer negotiation with the offender, some unfortunately are not. It is these few cases where the breach has caused demonstrable harm to the amenity of the area and the offender is unwilling to rectify the breach, that enforcement action becomes necessary.

Of the 69 cases authorised for enforcement action the greatest number relate to satellite dishes (17) and advert hoardings (17). The remainder comprise structures and extensions (11), replacement windows (6), untidy sites/properties (5), roof terraces (5), shopfronts (3), changes of use (3) and trees (2).

Generally, where an enforcement notice is served on an offender they appeal. During the last 6 month period a total of 10 appeal decisions were received. The council successfully defended its decision to enforce on 8 of these appeals with only 2 losses. In relation to 48 Avonmore Road strangely the Planning Inspector allowed the retention of a 4 storey rear extension whereas a previous Planning Inspector had rejected a smaller 3 storey extension. In the case of 38 Beltran Road this was very much a subjective judgement in terms of the impact of side, rear and roof extensions on the amenities of neighbouring residential occupiers.

Occasionally enforcement action will lead to prosecutions in the Magistrates Court. This only occurs when the offender fails to comply with the enforcement notice or in the case of advertisements, continually displays adverts without first obtaining consent. The vast majority comply before this prosecution stage is reached. Two of the prosecutions listed in section 3 relate to long standing roof extensions where the owner has repeatedly failed to comply with enforcement notice. Both were found guilty and given heavy fines. The estate agent prosecutions relate to boards being displayed within our two Regulation 7 banned areas. So far only 3 boards have appeared within these areas during the last 6 months which confirms that the ban together with our regular monitoring is proving effective in controlling their display in these areas.

A total of 17 enforcement notices were complied with within this period. Eight satellite dishes were removed or relocated, six required removal or alteration of structures and elevations, two required reinstatement of original windows and one required the cessation of an unauthorised use of land.

Illegally displayed large advertisement hoardings which are inappropriately sited on flank walls of buildings have been targeted. The Planning Enforcement Team has instigated the removal of 11 advert hoardings during this period with no cost incurred to the Council. The threat of board removal by the Council through the service of S11 direct action notices was sufficient to ensure the advertiser removed them at their expense. This initiative will continue until all illegally displayed boards are removed.

A total of 347 illegally displayed estate agents boards were removed following legal intervention by the Council. The Council's current application to the SoS to include 4 additional areas into the Regulation 7 ban zones will, if approved, assist the council in controlling these numbers. The SoS is due to decide on these proposed additional zones this month.

The "name and shame" list once again reveals that the biggest offender is Foxtons. This is probably because they are the largest company and are advertising more houses and flats than anybody else. Officers have been in contact with Foxtons and made it clear that unless there is a significant improvement they will be prosecuted on future offences.

The Planning Enforcement Team is working closely with other sections and departments of the Council in dealing with unsightly sites and properties. During this period 8 properties have been refurbished, or are in the process of being refurbished, as a direct result of council intervention.

Sections 2 - 7 presents details of the individual areas of enforcement and a breakdown of the decisions/actions taken.

## **2. LIST OF ENFORCEMENT ACTIONS AUTHORISED**

(either by PAC or through delegated scheme)

**Enforcement Actions Authorised in period = 69**

- **81 Hammersmith Road, London W14** - Advert hoarding (21/12/09)
- **18 - 20 Fulham High Street, London SW6** - New shopfront (24/03/10)
- **256 Goldhawk Road, London W12** - Shutters on shopfront (01/02/10)
- **9 Tadmor Street, London W12** - Satellite dish (07/05/10)
- **68 Avonmore Road, London W14** - Satellite dish (09/04/10)
- **13 Tadmor Street, London W12** - Satellite dish (07/05/10)
- **19 Tadmor Street, London W12** - Satellite dish (07/05/10)
- **25 Tadmor Street, London W12** - Satellite dish (07/05/10)
- **39 Tadmor Street, London W12** - Satellite dish (07/05/10)
- **67 Dalling Road, London W6** - Satellite dish (05/05/10)

- **1 Charleville Road, London W14** - Advertisement hoarding (16/02/10)
- **3 Greyhound Road, London W6** - Satellite dish (05/05/10)
- **Larrik PH, 425 New King's Road, London SW6** - Advertisement hoarding (25/02/10)
- **85 Goldhawk Road, London W12** - Advertisement hoarding (01/02/10)
- **131 Dawes Road, London SW6** - Advertisement hoarding (19/01/10)
- **120 Goldhawk Road, London W12** - Advertisement hoarding (01/02/10)
- **256 Goldhawk Road, London W12** - Advertisement hoarding (01/02/10)
- **348 Uxbridge Road, London W12** - Shisha club (22/01/10)
- **75 Goldhawk Road, London W12** - Advertisement hoarding (20/01/10)
- **21 Cambridge Grove, London W6** - Satellite dish (05/05/10)
- **663 Fulham Road, London SW6** - Advertisement hoarding (02/02/10)
- **324 North End Road, London SW6** - Advertisement hoarding (02/02/10)
- **17 Hilary Road, London W12** - Replacement PVCu windows (05/05/10)
- **104 Uxbridge Road, London W12** - Window opening (19/11/09)
- **69 Colehill Lane, London SW6** - Roof terrace (02/12/09)
- **130 Goldhawk Road, London W12** - Satellite dish (06/05/10)
- **22 New King's Road, London SW6** - Advertisement hoarding (24/02/10)
- **91 Harwood Road, London SW6** - Satellite dish (25/03/10)
- **4 Harwood Road, London SW6** - Illuminated projecting signs (01/03/10)
- **33 North End Road, London W14** - Advertisement hoarding (06/01/10)
- **Riverbank House 1 Putney Bridge Approach, London SW6** - Advertisement hoarding (10/12/09)
- **8 Bulwer Street, London W12** - Satellite dish (07/05/10)
- **15 Benbow Road, London W6** - Plastic canopy (13/05/10)
- **361 Lillie Road, London SW6** - Advert hoarding (11/11/09)
- **108 Scrubs Lane, London NW10** - Waste transfer station (19/01/10)
- **56 Barclay Road, London SW6** - Satellite dish (04/01/10)
- **Brecon Road, London W6** - Wooden balustrade/roof terrace
- **41 Lilyville Road, London SW6** - Erection of fence (08/12/09)
- **26 Macfarlane Road, London W12** - Conversion to 9 flats (08/01/10)
- **60 Bovingdon Road, London SW6** - PVCu windows (05/01/10)
- **62 Hammersmith Grove, London W6** - PVCu windows (05/05/10)
- **103 Fulham Palace Road, London W6** - Untidy site (14/01/10)
- **29 Uxbridge Road, London W12** - 5 Air conditioning units (08/01/10)
- **296 Fulham Palace Road, London SW6** - Felling of a tree (05/01/10)
- **216 Uxbridge Road, London W12** - Advert hoarding (12/11/09)
- **21 Ellerby Street, London SW6** - Felling of a tree (04/01/10)
- **Lamington Hse, Lamington Street London W6** - Satellite dish (30/03/10)
- **21 Tadmor Street, London W12** - Satellite dish (08/01/10)
- **41 Fulham Park Gardens, London SW6** - Satellite dish (05/01/10)
- **66 Goldhawk Road, London W12** - Advertisement hoarding (19/02/10)
- **39 Goldhawk Road, London W12** - Advertisement hoarding (05/01/10)
- **77 Parsons Green Lane, London SW6** - Shopfront shutters (11/02/10)
- **25 Hilary Road, London W12** - PVCu windows (08/12/09)
- **368 Uxbridge Road, London W12** - Untidy site (16/02/10)
- **56 Charleville Road, London W14** - Bin store (09/12/09)
- **11 Thornfield Road, London W12** - Structure in front garden (19/02/10)
- **56 Tasso Road, London W6** - Fencing and shed on flat roof (01/02/10)

- **602 Fulham Road, London SW6** - Air conditioning unit (01/03/10)
- **30 Filmer Road, London SW6** - PVCu windows (25/02/10)
- **22 Goodwin Road, London W12** - Structure in front garden (18/01/10)
- **120 Goldhawk Road, London W12** - Untidy site (16/09/09)
- **358 Uxbridge Road, London W12** - Rear extension (20/10/09)
- **5 Bowfell Road, London W6** - Roof terrace (21/09/09)
- **83 Askew Road, London W12** - Untidy site (06/10/09)
- **8 Yew Tree Road, London W12** - High boundary fence (21/10/09)
- **44 Reporton Road, London SW6** - Satellite dish (25/11/09)
- **87 Loftus Road, London W12** - Untidy site (09/10/09)
- **64 Aldbourne Road, London W12** - Timber structure (04/11/09)
- **51 Scrubs Lane, London NW10** - Ground floor extension (08/01/10)

### 3. ENFORCEMENT APPEAL DECISIONS

- **15 Skelwith Road, SW6** - Appeal dismissed – rear roof extension
- **78 Sinclair Road, W12** - Appeal dismissed – satellite dishes
- **Grove Studios, Adie Road, W6** - Appeal dismissed – dormer window
- **48 Avonmore Road, W14** – Appeal allowed – 4 storey rear extension
- **39 Richmond Way, W14** - Appeal dismissed – windows
- **38 Beltran Road, SW6** - Appeal allowed – side and roof extension
- **33 Inglethorpe Street, SW6** - Appeal dismissed – single storey summer house
- **5 Bowfell Road, SW6** - Appeal dismissed – single storey rear extension
- **105 Uxbridge Road, W12** - Appeal dismissed – shisha cafe
- **97 Hammersmith Road, W14** – Appeal dismissed - advert hoarding

### 4. PROSECUTIONS

- **471 Fulham Palace Road, SW6** Additional Floor at roof level  
Successfully Prosecuted in the Magistrates Court – Fined £15,000
- **89 Comeragh Road, W14** Additional Floor at roof level.  
Successfully prosecuted in the Magistrates Court - Fined £7,500. Works to remove the additional floor in its entirety are imminent
- **Knights House, Barons Court Road, W14** – estate agents board. Successfully prosecuted in the Magistrates Court – Costs £275
- **57 Lakeside Road, W14** - Successfully prosecuted in the Magistrates Court – Fined £500 plus costs £470
- **4 Comeragh Road, W14** - Successfully prosecuted in the Magistrates Court – Costs £275

## **5. ENFORCEMENT ACTIONS COMPLIED WITH**

- **326 Uxbridge Road, London W12** - Installation of a new shopfront - Remedial works completed
- **21 Foliot Street, London W12** - Construction of a single storey outbuilding in the rear garden. Height of shed reduced in line with boundary wall
- **21 Foliot Street, London W12** - Felling of three Sycamore trees within a conservation Area. Tree replaced.
- **78 Uxbridge Road, London W12** - Installation of PVCu windows. – PVCu windows removed and original windows reinstated.
- **5 Ringmer Avenue, London SW6** - Satellite dish removed
- **37 Palliser Road, London W14** - Installation of satellite dish on front elevation at first floor level. – Satellite dish removed
- **1 Bloemfontein Road, London W12** - Use of the yard to the side of the dwelling house at the above property as a commercial storage area. Storage use ceased and implemented planning permission for 2 storey side extension to residential house.
- **56 Charleville Road, London W14** - Erection of a canopy structure on the back addition of the property at first floor level. – Canopy structure removed
- **Flat 3 179 Greyhound Road, London W6** - Installation of satellite dish on front elevation. – Satellite dish removed
- **Flat Ground Floor 179 Greyhound Road, London W6** - Installation of satellite dish on front elevation. – Satellite dish removed
- **17 Jerdan Place, London SW6** - Works to a listed building alterations to the shop fascia and canopy - Removed
- **53 Fulham Park Gardens, London SW6** - Installation of satellite dish on front elevation. Satellite dish removed
- **26 Felden Street, London SW6** - Installation of PVCu windows in front elevation of first floor level. Unauthorised windows removed
- **16 Leamore Street, London W6** - Single storey rear extension - Remedial works carried out.
- **52 Linver Road, London SW6** - Installation of french doors on rear elevation at first floor level.
- **51 Hestercombe Avenue, London SW6** - Installation of satellite dish to front elevation. Satellite dish removed
- **41 Fulham Park Gardens, London SW6** - Installation of satellite dish without planning consent. – Satellite dish removed.

## **6. ILLEGAL ADVERT HOARDINGS REMOVED**

- **1 Putney Bridge Approach, SW6** – 96 sheet advert hoarding removed of first floor roof of office building
- **297 North End Road, W14** – Internally illuminated advert hoarding on flank wall removed.
- **1 Charleville Road, W14** – Large internally illuminated advert hoarding on flank wall – removed.
- **1 Goldhawk Road, W6** – Large internally illuminated advert hoarding on flank wall facing Shepherds Bush Road – removed.
- **39 Goldhawk Road, W6** – Large internally illuminated advert hoarding on flank wall – removed.

- **66 Goldhawk Road, W6** – Internally illuminated advert hoarding on flank wall – removed.
- **171 Uxbridge Road, W12** – Large internally illuminated advert hoarding on flank wall – removed.
- **212/214 Uxbridge Road, W12** – Internally illuminated advert hoarding on flank wall – removed.
- **216 Uxbridge Road, W12** - Internally illuminated advert hoarding on flank wall – removed.
- **361 Lillie Road, SW6** - Internally illuminated advert hoarding on flank wall – removed.
- **295 North End Road, W14** – Banners signs removed

## **7. ESTATE AGENTS BOARDS**

### **i) Regulation 7**

The Council is currently operating two Regulation 7 areas within the borough. They are located in the Sinclair Road/Sinclair Gardens area and in the Barons Court area. The purpose of a Regulation 7 designation is to remove estate agents deemed consent rights to display a board without the need for express consent from the Council. It effectively operates as a total ban on estate agents boards.

Because of the success of these existing Regulation 7 areas four new areas of the borough have been identified for possible designation.

- Hammersmith Grove conservation area
- Harwood Road
- Gunter Estate
- Avonmore Road

We are currently awaiting the SoS decision which is due this month.

### **ii) Illegal estate agents boards**

The Planning Enforcement team have been actively identifying and seeking the removal of estate agents boards that are being displayed illegally i.e. still being displayed after a property has been sold or let.

**A total of 347 illegal boards were removed during the period October to March 2010**



### iii) “Name and Shame” list

The “name and shame” list identifies the worst offending agencies that have had the most number of illegal boards removed.

1	Foxtons, Fulham	39
2	Barnard Marcus	29
3	Chestertons	28
4	Lawson Rutter	25
5	Lawson & Daughters	23
6	Dexters	22
7	Chard	21
8	Marsh & Parsons	21
9	Douglas & Gordon	16
10	Faron Suturia	16

## 8. EYESORE PROPERTIES AND SITES

8.1 The Planning Enforcement team is working closely with other departments to deal with the problem of long standing eyesore properties and sites within the borough.

Listed below are some of the properties that have been investigated by the team which have resulted in their refurbishment/tidying up.

- **2/4 Castletown Road, W14** – untidy shopfront
- **116 Netherwood Road, W14** – boundary wall
- **191D Uxbridge Road, W12** – Shopfront
- **Kings Mall King Street, W6**– vacant unit shopfront
- **387 Fulham Palace Road, W6** – untidy property
- **320 Uxbridge Road, W12** – Untidy shopfront
- **80 North End Road, W14** – scaffolding and untidy property
- **39 Cloncurry Street, W6** – demolished house being rebuilt