

London Borough Of Hammersmith & Fulham

Planning Applications Committee

Agenda for 9th March 2016

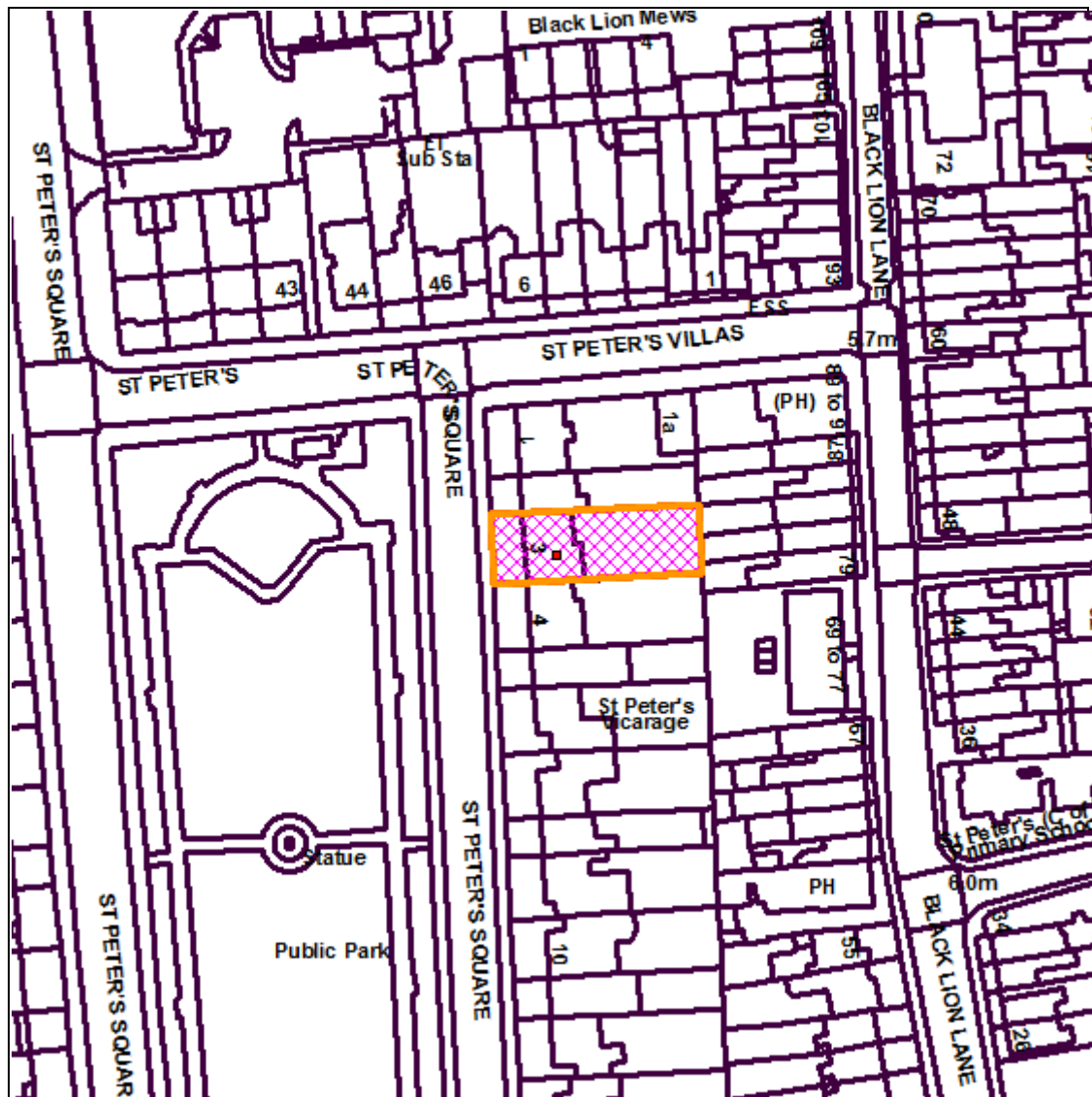
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Ward: Ravenscourt Park

Site Address:

3 St Peter's Square London W6 9AB



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For identification purposes only - do not scale.

Reg. No:

2015/01357/FUL

Case Officer:

Barry Valentine

Date Valid:

23.03.2015

Conservation Area:

St. Peter's Square Conservation Area - Number 1

Committee Date:

09.03.2016

Applicant:

Mr & Mrs R Nott
3 St Peter's Square London W6 9AB

Description:

Erection of a two storey rear extension at lower ground and upper ground floor levels, creation of a balcony at upper ground floor level and the erection of an external staircase from upper ground floor level to lower ground floor level; excavation of part of the rear garden in connection with the enlargement of the lower ground floor level, including associated landscaping and new trellis.

Drg Nos: P210 Rev E, P211 Rev E, P212 Rev E, P213 Rev E, P214 Rev E, P215 Rev E, P216 Rev E, P217 Rev E

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the application be approved subject to the condition(s) set out below:

- 1) The works hereby granted consent shall not commence later than the expiration of 3 years beginning with the date upon which this consent is granted.

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 works hereby approved are only those specifically stated in the written description and indicated on the approved drawing numbers P210 Rev E, P211 Rev E, P212 Rev E, P213 Rev E, P214 Rev E, P215 Rev E, P216 Rev E, P217 Rev E.

In order to safeguard the special architectural or historic interest of the building, in accordance with Development Management Local Plan (2013) policies DM G3 and DM G7, and Core Strategy (2011) policy BE1.

- 3) All new windows and doors hereby approved to the rear elevation shall be timber framed and painted white and thereafter permanently retained in this form.

In order to ensure that the proposed development would preserve the appearance of the property, the character and appearance of the conservation area; the character, appearance, setting and special architectural and historic interest of the listed building and to preserve the settings of the adjacent listed buildings, in accordance with policies outlined in the Development Management Local Plan (2013) in particular policies DM G3, DM G5 and DM G7 and policies outlined in the Core Strategy (2011) in particular policy BE1.

- 4) The development shall be finished in painted sand and cement render with ashlar coursing lines to match the existing.

In order to ensure that the proposed development would preserve the appearance of the property, the character and appearance of the conservation area; the character, appearance, setting and special architectural and historic interest of the listed building and to preserve the settings of the adjacent listed buildings, in accordance with policies outlined in the Development Management Local Plan (2013) in particular policies DM G3 and DM G7 and policies outlined in the Core Strategy (2011) in particular policy BE1.

- 5) Any replacement rainwater goods installed shall be cast aluminium painted black, and thereafter permanently retained in this form.

In order to ensure that the proposed development would preserve the appearance of the property, the character and appearance of the conservation area; the character, appearance, setting and special architectural and historic interest of the listed building and to preserve the settings of the adjacent listed buildings, in accordance with policies outlined in the Development Management Local Plan (2013) in particular policies DM G3 and DM G7 and policies outlined in the Core Strategy (2011) in particular policy BE1.

- 6) The new wrought iron balcony and railings shall match the existing metal railings on the rear elevation and shall be painted black, and thereafter permanently retained in this form.

In order to ensure that the proposed development would preserve the appearance of the property, the character and appearance of the conservation area; the character, appearance, setting and special architectural and historic interest of the listed building and to preserve the settings of the adjacent listed buildings, in accordance with policies outlined in the Development Management Local Plan (2013) in particular policies DM G3 and DM G7 and policies outlined in the Core Strategy (2011) in particular policy BE1.

- 7) The proposed balcony hereby approved shall not be used until the raising of the existing garden wall on the boundary with No.4 St Peter's Square, as shown on drawing No.P214 Rev.D is completed and constructed in London stock bricks to match the existing facing brickwork in terms of colour, texture, bonding, pointing and mortar colour. The works shall thereafter be permanently retained in this form.

In order to ensure that the proposed development would preserve the appearance of the property, the character and appearance of the conservation area, to preserve the character, appearance, setting and special architectural and historic interest of the listed building and to preserve the settings of the adjacent listed buildings, in accordance with policies outlined in the Development Management Local Plan (2013) in particular policies DM G3 and DM G7 and policies outlined in the Core Strategy (2011) in particular policy BE1 and to prevent overlooking in accordance with policy DM A9 of the Development Management Local Plan, 2013, and Housing Policy 8 (criteria ii) of the Planning Guidance Supplementary Planning, 2013.

- 8) The development hereby permitted shall not commence until detailed drawings of all new windows, including opening style, and doors in plan, section and elevation at a scale of not less than 1:20 shall be submitted to and approved in writing by

the Council. The development shall be built in accordance with the approved drawings, and permanently retained as such thereafter.

In order to ensure that the proposed development would preserve the appearance of the property, the character and appearance of the conservation area, to preserve the character, appearance, setting and special architectural and historic interest of the listed building and to preserve the settings of the adjacent listed buildings, in accordance with policies outlined in the Development Management Local Plan (2013) in particular policies DM G3, DM G5 and DM G7 and policies outlined in the Core Strategy (2011) in particular policy BE1.

- 9) Prior to the commencement of development, a statement shall be submitted to and approved in writing by the council outlining proposed flood mitigation measures that include the use of Sustainable Urban Drainage System (SUDS), including system of maintenance. This statement shall include details how any SUDS will be maintained. The development shall be carried out in accordance with the details approved and thereafter permanently retained and maintained in line with the agreed plan.

To ensure that flooding and surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of The London Plan 2015, Policy CC2 of the Core Strategy 2011 and policy DM H3 of the Development Management Local Plan 2013.

- 10) No alterations shall be made to the roof of the rear extension hereby approved, in connection with its use as a roof terrace or other form of amenity space. No railings or other means of enclosure shall be erected on the roof, and no alterations shall be carried out to the elevations of the application property to form access onto the roof.

Such a use would be detrimental to the amenities of neighbouring properties by reason of overlooking and loss of privacy and potential noise and disturbance, contrary to Policy DM A9, DM H9 and DM H11 of the Development Management Plan 2013, and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document 2013.

Justification for Approving the Application:

- 1) On balance Officers consider that the proposals would preserve the character, appearance, setting and special architectural and historic interest of the listed building which it is desirable to preserve in accordance with s.16(2) and s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; preserve the character and appearance of the Conservation Area which it is desirable to preserve in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; preserve the settings of the adjacent listed buildings including the terrace at Nos. 1-6 St Peter's Square which it is desirable to preserve in accordance with s.16(2) and s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and preserve the setting of the Registered Historic Park and Garden. The proposed extension would not have an unacceptable impact on neighbouring living conditions. The proposed development would not have an unacceptable impact on visual amenity provided by trees. The impact of the development on flooding could be mitigated through

condition. The application complies with Core Strategy policy (2011) BE1; Development Management Local Plan (2013) policies DM A9, DM E4, DM G3, DM G5, DM G7, DM H3 and DM H9; Planning Guidance SPD Design Policies 31, 34, 61 and 62; London Plan (2015) policy 5.13 and the NPPF including para 132.

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

All Background Papers held by Andrew Marshall (Ext: 3340):

Application form received: 20th March 2015
Drawing Nos: see above

Policy documents: National Planning Policy Framework 2012
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013
Core Strategy 2011
The Development Management Local Plan 2013
Planning Guidance Supplementary Planning Document July 2013

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

83 Black Lion Lane London W6 9BG	01.05.15
15 St Peter's Square London W6 9AB	29.04.15
27 St Peter's Square London W6 9NW	01.05.15
2 St Peter's Villas London W6 9BQ	17.04.15
2 St Peter's Villas London W6 9BQ	15.04.15
2 St Peter's Villas London W6 9BQ	21.04.15
Flat 7 Albion House 39 St Peter's Square London W6 9NN	21.04.15
43 St Peters Square Hammersmith W6 9NR	17.04.15
4 St Peter's Square London W6 9AB	25.04.15
9 St Peters Square Hammersmith London W6 9AB	02.05.15
43 black lion lane London W6 9BG	30.04.15
18 St Peter's Square Hammersmith London W6 9AJ	30.04.15
58 Black Lion Lane London W6 9BE	28.04.15
30 St. Peter's Square London W6 9UH	24.04.15
81 Black Lion Lane London W6 9BG	28.04.15
6 St Peter's Villas London W6 9BQ	26.04.15
Flat 5, Albion House, 39 St. Peter's Square, W6 9NN	17.04.15
8 St Peters Square Hammersmith London W6 9AB	02.05.15
7 St Peter's Square London W6 9AB	02.05.15
44 St Peter's Square London, W6 9AA	26.04.15
16 St Peters Square London W6 9AJ	26.04.15
47 Black Lion Lane London W6 9BG	12.01.16

OFFICERS' REPORT

1.0 BACKGROUND

1.1 The application property, 3 St. Peter's Square, is a three storey plus lower ground floor level building located on the eastern side of the square.

1.2 The property is located within the St Peter's Square Conservation Area. This property forms part of a grade II listed terrace (nos. 1 to 6 consec) dating from circa 1825 to 1830. There are a significant number of listed buildings within vicinity of the site, including 7 to 15 St Peter's Square (consec) (grade II listed) to the south, 3 to 6 St Peter's Villas (consec) (grade II listed) to the north and nos. 79 to 87 (odds) (grade II listed) Black Lion Lane to the east. The garden in the centre of St Peter's Square is included on the Historic England Register of Historic Parks and Gardens at Grade II.

1.3 The site has a Public Transport Accessibility Level (PTAL) of 4 (good).

1.4 The site is located in Flood Risk Zones 2 and 3 as defined by the Environment Agency.

1.5 Planning permission and listed building consent are sought for the erection of a rear extension at lower ground and upper ground floor level, installation of a balcony at rear ground floor level, erection of an external staircase from proposed upper ground floor level balcony to the garden, erection of new trellis and excavation of part of the rear garden in connection with the erection of extensions.

1.6 Listed building consent is also sought for the extensions and internal alterations including changes at lower ground and upper ground floor level, alterations to the layout of the first floor bathroom and replacement of the timber floor in the lower ground floor spare room with a solid concrete floor.

1.7 This is a joint report relating to matters arising from both the planning application and the listed building consent application.

1.8 The proposed two storey rear extension would be located on the southern side of the property. The extension would extend to a depth of 2.25m from the current rear wall. The extension would extend to a height of 4.4m above the property's garden level. In front of this extension at ground floor level would be a terrace/balcony that would extend 1m from the rear wall of the extension and be 5m in width. Centrally located steps would lead from the terrace/balcony to the garden. On the rear elevation of the rear extension three sets of timber framed French doors at ground floor level and timber framed sash windows at lower ground floor level are proposed. The external wall of the extension would match the existing building i.e. painted sand and cement render with ashlar coursing lines.

1.9 Since the submission of the current planning and listed building consent applications, but prior to the Planning and Development Control Committee (PADCC) meeting in July 2015 when the proposal was considered by Members and approved, further information was received from the applicant. Officers received amended drawings that redrew the neighbour's window at no.4, its opening style and size; and a revised sunlight and daylight test. The revised sunlight and daylight test provided an updated analysis of the impact of the proposal on the neighbouring property's window.

1.10 The current applications for planning permission and listed building consent were first considered by the Planning and Development Control Committee on 29/07/2015. Officers recommended both applications for approval. Members agreed with the recommendations of officers and planning permission and listed building consent was issued on 29/07/2015.

1.11 Following these decisions in August 2015, an application was made by a local resident to the Planning Court for a judicial review of the decisions of the Council to grant planning permission and listed building consent. The judicial review is not concerned with the conclusion of the decision but whether the Council followed the correct procedure in reaching its decision. (i.e. - it is an opportunity to challenge the lawfulness of the council's decision making). The application for judicial review was considered by the Planning Court (the Honourable Mr Justice Holgate) on 18/11/2015, who agreed that the claim was arguable and granted permission for the claim to proceed. This meant that a hearing date would be set for the Judge to consider the claim.

1.12 In granting permission for the claim to proceed the Honourable Mr Justice Holgate made various observations on the way the Council had addressed certain matters identifying that aspects of the consideration of the impact of the proposal on heritage assets had not been explicitly set out in the report considered by Committee in reaching their decision. His judgement also included concerns about the Council's Acknowledgement of Service which was their defence of the claim.

1.13 The central issue was that the Council had failed to assess the impact of the proposal upon the setting of 3 St. Peters Square or neighbouring listed buildings as required under section 66(1). He dismissed the Council's claims that because the Council had concluded that the development would preserve the character and appearance of the conservation area and preserve the appearance of the listed building, that the development would also have preserved the setting of the listed building and adjoining listed buildings.

1.14 By not explicitly addressing the issue of setting separately it was the Honourable Mr Justice Holgate's observation that the council had failed to meet its statutory obligations under Section 66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990. Mr Justice Holgate was unable to conclude based on the information provided that planning permission would still have been issued if the Council had considered the impact of the proposal on the setting of 3 St. Peter's Square and on neighbouring listed buildings i.e. if this has been set out and considered within the officer's report,.

1.15 Officers considered the comments made by the judge, the fact that permission had been granted for the claim to proceed and agreed to 'consent to judgement'. This means that the Council decided not to contest the resident's claim that there had been an error in law. Accordingly, a consent order agreeing to quash the consents was signed by all parties and has been endorsed by the Court. As a result of the quashing of the consents, the original applications still need to be determined. The applications are now reported back to PADCC for consideration and decision. This officers' report has been amended, and supplemented, to directly address the issues of what the impact of the development would be on the setting of 3 St Peter's Square and on the setting of neighbouring listed buildings.

PLANNING HISTORY

1.16 Listed building consent (1983/00974/LBC) was granted on 14/07/1983 for alterations at first floor level to front elevation involving the installation of French windows and canopy roof, removal of rear extension at ground floor level and formation of balcony and external staircase and alterations to the fenestration of the rear elevation.

1.17 Planning permission (2014/02131/FUL) was refused on 03/07/2014 for the erection of a two storey rear extension at lower ground and upper ground floor level, creation of a balcony at upper ground floor level, erection of an external staircase from upper ground floor level to lower ground floor level, excavation of part of the rear garden in connection with the enlargement of the lower ground floor level, including associated landscaping and new trellis. The reason for refusal was as follows:

'The proposed two storey extension would result in an overdevelopment of the site and would be unacceptable in the interests of residential amenity. More particularly, the proposed rear extension, by reason of its excessive size, bulk, height and depth in close proximity to the neighbouring residential property at 4 St Peter's Square would result in an unneighbourly and overbearing form of development and an unacceptable loss of light, outlook and increased sense of enclosure to this neighbouring property. Furthermore, the Vertical Sky Component (VSC) test demonstrates that there would be noticeable loss of daylight to the bedroom window at 4 St Peter's Square. The proposal is thereby contrary to Development Management Local Plan (2013) policies DM G3 and DM A9, and SPD Housing Policy 6 and Criteria 3 of SPD Housing Policy 7 of the Planning Guidance Supplementary Planning Document (2013).'

1.18 The Council's decision to refuse planning permission was appealed (APP/H5390/D/14/2226014); and the appeal was subsequently dismissed on 29/10/2014. Further analysis of this appeal decision can be found in the body of this report, in particular paragraphs 3.2 and 3.3.

1.19 A listed building consent application (2014/02132/LBC) that accompanied the above planning application (2014/02131/FUL) was granted on 01/08/2014. The description of development was as follows:

'the erection of a two storey rear extension at semi-basement and upper ground floor level, including the creation of a balcony at upper ground floor level and the erection of an external staircase from upper ground floor level to lower ground floor level; excavation of part of the rear garden in connection with the enlargement of the lower ground floor level, including associated landscaping and new trellis; internal alterations include bricking up existing window opening at lower ground floor level; removal of existing wall between new kitchen and living room at upper ground floor level; creation of two new internal door openings to the dining room at upper ground floor level; cupboards to bathroom removed at first floor level; and replacement of timber floor in lower ground floor spare room with solid concrete floor'.

1.20 The main difference between the planning (2014/02131/FUL) and listed building (2014/02132/LBC) applications and the current applications is the proposed depth of the rear lower ground and ground floor extension. The earlier proposed extension projected 3.5m from the existing rear wall of the application property, compared to 2.25m proposed in the current applications.

1.21 Planning permission (2014/05968/FUL) was refused on the 03/03/2015 for the 'erection of a two storey rear extension at lower ground and upper ground floor levels, creation of a balcony at upper ground floor level and the erection of an external staircase from upper ground floor level to lower ground floor level; excavation of part of the rear garden in connection with the enlargement of the lower ground floor level, including associated landscaping and new trellis.'

1.22 The reason for refusal was as follows:

'The proposed extension by virtue of its height, depth, bulk and location would have an unacceptable impact on neighbouring living conditions and would be unneighbourly. In particular the proposed extension would appear unacceptably dominant and overbearing when viewed from the rear lower ground floor bedroom window located within No.4 St Peter's Square. The proposal is contrary to policies in the adopted Development Management Local Plan (2013), particularly policies DM G3 and DM A9. The proposal is also considered not to accord with guidance outlined in the Planning Guidance Supplementary Planning Document (2013), particularly SPD Housing Policies 6 and 7.'

1.23 A listed building consent application (2014/05969/LBC) that accompanied the above planning application (2014/05968/FUL) was granted on 03/03/2015. The description of development was as follows 'erection of a rear extension at lower ground and upper ground floor; including the creation of a balcony at upper ground floor level and the erection of an external staircase from upper ground floor level to lower ground floor level; excavation of part of the rear garden in connection with the enlargement of the lower ground floor level, including associated landscaping and new trellis; Internal alterations to lower ground and ground floor levels including bricking up of window to the rear elevation at lower ground floor level; replacement of timber floor in lower ground floor spare room with solid concrete floor; installation of folding partitions at lower ground floor level; removal of existing kitchen at lower ground floor; installation of gas log fire at lower ground floor; new internal door opening at lower ground floor level; removal of existing wall between new kitchen and living room at upper ground floor level; creating a new opening in the existing wall between the study and dining room and installing a jib door at upper ground floor level; installation of a new serving hatch with jib door; alterations to first floor bathroom.'

1.24 The Council's decision to refuse planning permission (2014/05968/FUL) was appealed (APP/H5390/D/15/3038210); and the appeal was subsequently dismissed on 24/08/2015. It should be noted that the date the Inspectorate issued the decision to dismiss the appeal in connection with planning permission (2014/05968/FUL), was after these current applications were previously reported to PADCC on the 29/07/2015. Further analysis of this appeal decision can be found in the body of this report, in particular paragraphs 3.6 and 3.21

1.25 The main difference between planning permission application (2014/05968/FUL) and listed building consent application (2014/05969/LBC), and these current applications, is the depth of the proposed rear addition. The previously proposed extension extended 2.94m from the current rear wall compared to 2.25m under these current applications.

2.0 PUBLICITY and CONSULTATIONS

2.1 Both the planning permission and the listed building applications were advertised by way of site and press notices, and letters were sent to neighbouring properties. Twenty letters of objection have been received in connection with the planning application, and fifteen objections have been received in connection with the listed building consent application. The letters of objection are from residents in Black Lion Lane; Devonshire Road in Chiswick; St. Peter's Square; St. Peter's Villas and from the Hammersmith and Fulham Historic Buildings Group.

2.2 The concerns of the objectors are summarised as follows:

- Overdevelopment of the property that would be harmful to the listed building, the listed terrace and the conservation area.

Officers' response- The extension in design terms is of an appropriate height and depth which is in keeping with the established built form of the terrace. The proposed extension would still ensure that large parts of the original rear wall of the property would remain unobscured which would help to ensure that the extension has an appropriate subservient relationship to the main original building. The proposed extension would preserve the character, appearance, setting and special architectural interest of the listed building; preserve the character and appearance of the Conservation Area; preserve the setting of the adjacent listed buildings including the terrace at Nos. 1-6 St Peter's Square and preserve the setting of the Registered Historic Park and Garden. The extension would not result in overdevelopment of the property. The majority of the internal alterations already benefit from Listed Building Consent. The variations from the previous Listed Building Consent are minor and would not harm the special architectural and historic interest of the listed building, or its setting, or the setting of the adjacent listed buildings including the terrace at No. 1-6 St Peter's Square.

- That the proposed extension is unneighbourly and would have an overbearing impact on the neighbouring property.

Officers' response - The proposed extension, due to its modest depth, is not considered to be unneighbourly; nor would it have an overbearing impact on neighbouring properties.

- Impact of balcony on neighbouring living conditions in terms of privacy and noise nuisance.

Officers' response - The proposed balcony impact on neighbouring privacy and in terms of noise nuisance is considered to be acceptable. The balcony is modestly sized and any views that would be experienced from it would be similar to views that can already be experienced from existing windows and openings. Any additional harm would not be sufficient enough to the overall living conditions of neighbouring occupiers to justify the refusal of planning permission. The small size of the terrace would prevent its use generating significant noise disturbance, especially when consideration is given in regards to the size of the existing garden and the potential for this outdoor space to be used and generate noise.

- Impact of the extension on neighbouring daylight/sunlight.

Officers' response- The proposed extension is smaller than the previous refused extension that was subject to appeal. At appeal the previous extension was considered to be acceptable by the Planning Inspectorate in regards to its impact on neighbouring sunlight and daylight.

- That the proposed extension would set a dangerous precedent.

Officers' response- Each application has to be assessed on its individual merits. An application cannot be refused on the basis that a similar extension elsewhere might cause harm.

- The applicants do not need the space.

Officers' response- The main consideration of the Council in the assessment of planning applications is whether the development proposal complies with relevant planning policies in the Development Plan, and national and regional planning policy. This is discussed in the report below.

- Errors on submitted plans.

Officers' response- The submitted plans and elevations are considered to be sufficiently detailed and accurate so as to be able to make a judgement on the impact of the development on the building, surrounding area and neighbouring properties and whether it is compliant with policy, guidance and whether it meets requirements of statutory legislation.

- Impact on plants and trees

Officers' response - There is an existing pear tree that grows within the garden of no.5 St. Peter's Square that is located immediately on the boundary wall. This tree is not of particular visual merit and as such it would be unreasonable to refuse planning permission on the basis that this tree might be harmed. In addition, whilst a small number of shrubs and plants might be lost under the proposal, the impact on the green appearance of the borough and biodiversity is not such to justify refusal of planning permission especially when consideration is given to the size of garden remaining after the development would be completed. Many of these plants and shrubs are likely to grow back, or can be replanted after the development has been completed.

2.3 Hammersmith and Fulham Historic Buildings Group were consulted, and in summary have raised the following concerns:

- Overdevelopment of the property that would be harmful to the listed building, the listed terrace and conservation area.

Officers' response- The extension in design terms is of an appropriate height and depth which is in keeping with the established built form of the terrace. The proposed extension would still ensure that large parts of the original rear wall of the property would remain unobscured which would help to ensure that the extension has an appropriate subservient relationship to the main original building. The proposed extension would preserve the character, appearance, setting and special architectural

interest of the listed building; preserve the character and appearance of the Conservation Area; preserve the settings of the adjacent listed buildings including the terrace at Nos. 1-6 St Peter's Square and preserve the setting of the Registered Historic Park and Garden. The extension would not result in overdevelopment of the property. The majority of the internal alterations already benefit from Listed Building Consent. The variations from the previous Listed Building Consent are minor and would not harm the special architectural and historic interest of the listed building, or its setting, or the settings of the adjacent listed buildings including the terrace at Nos. 1-6 St Peter's Square.

- That the proposal unnecessarily demolishes part of the original party wall

Officers' response - Only a small section of the original party wall would be demolished. However, given that the rest of the boundary would be retained, this would not cause harm to the special architectural and historic interest of the listed building, its setting, or the settings of the adjacent listed buildings including the terrace at Nos. 1-6 St Peter's Square.

- That the reliance of the applicants on providing for a Lifetime Home is quite unrealistic in this context.

Officers' response - The proposed extension would not create a lifetime home and as such this matter cannot be given significant weight in the determination of the applications.

A further letter of objection was received from HFHBG in early January 2016, following the observations from Mr Justice Holgate. HFHBG commented:

- The observations of Mr Justice Holgate have not been reported to the planning committee - Officers' Response: The commentary on Mr Justice Holgate's observations are set out in paragraphs 1.10 to 1.15.

- Mr Justice Holgate's observations support the HFHBG position that the proposed development would harm the character and appearance of the conservation area and the setting of the listed building. - Officers' Response: Mr Justice Holgate's observations relate to whether the Council had correctly applied planning law to reach its decision; it is concerned with how the council made its decision rather than a full consideration of the merits of the case.

- No design and access statement has been submitted. - Officers' Response: The applicants have submitted a document entitled Design, Access and Heritage Statement, dated 20/03/2015.

2.4 St. Peter's Residents' Association were consulted, and in summary have raised the following concerns:

- That the proposed extension is un-neighbourly by reason of its easterly extension. That the bulk of the extension and balcony screening will lead to a loss in daylight and aspect.

Officers' response - The applicant has submitted a revised daylight assessment which demonstrates that the proposed development would not have a significant impact on neighbouring daylight. There would be some loss of aspect and increased in sense of enclosure associated with the proposal, but this would not be significant enough to be considered un-neighbourly.

- That the proposal would result in a loss of privacy from the balcony.

Officer's response - The proposed balcony impact on neighbouring privacy and in terms of noise nuisance is considered to be acceptable. The balcony is modestly sized and any views that would be experienced from it would be similar to views that can already be experienced from existing windows and openings. Any additional harm would not be sufficient enough to the overall living conditions of neighbouring occupiers to justify the refusal of planning permission.

2.5 Historic England was consulted in connection with the listed building consent and has advised the council to determine the application as they see fit.

2.6 The Council for British Archaeology, Ancient Monuments Society, the Georgian Group, the Twentieth Century Society, the Society for the Protection of Ancient Buildings, The Gardens Trust (previously known as Garden History Society) and the Victorian Society were consulted in regards to the listed building consent application. No responses have been received.

2.7 Ward councillor, Councillor Ivimy, has written to say that she was aware of concerns of local residents and groups, that this is a premier square and a hugely important conservation area; and that she considers it is important that the application is not approved just because the Council has run out of steam to 'fight' another set of applications at this property.

3.0 PLANNING CONSIDERATIONS

3.1 The relevant planning considerations in this case, to be assessed against the policies in the National Planning Policy Framework (NPPF), The London Plan and the Council's Local Development Framework, comprising the Core Strategy, Development Management Local Plan (DMLP) and the Planning Guidance Supplementary Planning Document (PGSPD) are:

- + Impact of the development on neighbouring living conditions.
- + Whether the proposal would preserve the special architectural or historic interest of the listed building.
- + Whether the proposal would preserve the setting of the listed building and whether the proposal would preserve the settings of other listed buildings including the listed terrace at Nos. 1-6 St Peter's Square.
- + Whether the proposal would preserve or enhance the character or appearance of the conservation area.
- + Whether the proposal would preserve the setting of the Registered Historic Park and Garden.
- + The impact on flooding and whether the proposal provides accessible accommodation.

IMPACT ON NEIGHBOURING LIVING CONDITIONS

3.2 The refused planning application (2014/02131/FUL) which was subsequently dismissed at appeal was for a similar lower ground and upper ground floor rear extension (see para. 3.6 for further details on the Inspector's conclusions in the most recent appeal). The previously proposed extension extended to a depth of 3.5m and was the same height as the current application. The appeal was dismissed on a single

ground, that the proposed development had an unacceptable impact on neighbouring living conditions. In particular the Inspector highlighted the impact of the development on a bedroom located at lower ground floor level of the neighbouring property 4 St. Peter's Square. The key extracts from the appeal decision follow, and are detailed in para 3.3, and discussed below.

3.3 The Inspector said that:

"Policy 6 of the SPD relates to rear extensions and states that the Council 'will have regard to the existing established rear building lines of adjoining properties in determining applications for rear extensions'. It adds that planning permission will not normally be granted for extensions of more than 3.5m in length or where the original property has already been extended, where the combined depth exceeds that. Policy 7 of the SPD offers guidance on rear extensions to terraced properties; part (iii) is relevant to this appeal and seeks to limit the effects of an extension 'at a level higher' on a rear window of a habitable room.

However, there are matters applicable to this appeal which seek to limit the effects of a rear extension on neighbours. The neighbouring property at No 4 has a bedroom with its window in the rear elevation at the lower ground floor level, close to the boundary with the appeal site; I had the benefit of viewing this part of No 4 at my site visit. When measured from the rear elevation of No 4, the combined depth of the resultant building along the common boundary would be 4.65m (the existing projection plus the proposed 3.5m). Whilst the appellant argues that the proposal meets the requirements of SPD Policy 6, it seems to me that it must be relevant to take account of the fact that the rear elevation of No 3 is set further rearwards than the wall containing the window at No 4; this is supported by the opening sentence of Policy 6 which I have quoted in parts above. The fact is that the Council seek to limit rear extensions to a maximum depth of 3.5m in order, in part, to respect neighbourliness. In such circumstances I find it difficult to ignore the fact that No 3 is already deeper than No 4 at this point. Furthermore, the proposal is not just for an extension at the same level as the affected window but proposes a level above that, which would accentuate any effects.

In my consideration of these matters, I find that the height of the proposal, combined with the distance that it would project rearwards beyond the rear wall of No 4 would mean that the extension would appear unacceptably dominant and overbearing when viewed from the relevant bedroom of No 4."

3.4 The proposed extension subject to this application would extend to a depth of 2.25m, 1.25m less than the application that was dismissed at appeal. The proposed extension is the same height as the previously dismissed at appeal extension.

3.5 The appeal decision gives weight to the fact that the proposed extension would project 4.65m in front of the relevant window of No.4, and that this would be greater than the 3.5m recommended in SPD Housing Policy 6. This revised application has addressed this matter, and is now proposed to project to a depth of 3.5m in front of No.4's window.

3.6 The more recent dismissed appeal (APP/H5390/D/15/3038210) dated 24/08/2015 in connection with refused planning permission application (2014/05968/FUL) considered it necessary to take the same approach as the previous Inspector in appeal decision (APP/H5390/D/14/2226014). The Inspector states: "In this case, whilst the

depth of the extension has been reduced, it would still project about 4.09m from this window (i.e. no.4's lower ground floor window that serves a bedroom). The result in practice, would be that outlook from the window would be severely restricted with a large and overly tall wall along the boundary creating a sense of enclosure." The Inspector also again noted Planning Guidance SPD Housing Policy 6 which explains that planning permission will not normally be granted for extensions of more than 3.5 metres in length and that the proposed extension would exceed 3.5 metres when measured from no.4's window. To reiterate, the current application is a revised proposal and the currently proposed extension would now project by 3.5m beyond the window at no.4.

3.7 SPD Housing Policy 7 is also of relevance, in particular criterion (iii). Whilst SPD Housing Policy 7 is more targeted towards narrower fronted terrace properties, it does provide a framework for assessing an extension's impact on a neighbouring property in terms of outlook. The proposed extension would be a level above the lower ground floor window of the neighbouring property at No.4 and would result in a 26% reduction in outlook, greater than the 15% recommended in the Planning Guidance SPD. It should be noted that the application refused at appeal would have reduced the outlook by 32%.

3.8 A site visit to No.4 was carried out by the case officer. It was identified that a bedroom window located at lower ground floor level adjacent to the boundary with No.3 could be materially affected by the scheme.

3.9 In favour of the proposal, the main affected window serves a small bedroom. This bedroom only makes up a small proportion of the overall floorspace of a generously proportioned house, whose other windows and associated rooms would otherwise largely remain unaffected. When standing in the centre of the room the view out of the window would largely be unchanged. The relationship between the window and the proposed side wall is not entirely uncommon in this terrace, there are similar boundary relationships between no.2 and no.3 and between nos.5 and 6. Both the room and property would continue to enjoy good views over the garden and to the south, with the level of aspect remaining good. The room affected is not part of the original house but a later extension constructed in the early twentieth century; albeit that it needs to be protected. The affected room is at lower ground floor level, an area of the property commonly associated with having poorer living conditions due to its floor level below garden level; albeit, again, that it needs to be protected.

3.10 Against the proposal is that this is still, despite its size, a used and valued room by the neighbour. The proposal would affect views northwards of sky when standing or sitting in the south eastern corner of the room. The proposal would still create a high boundary, albeit for a reduced length, from previous applications, that would increase the sense of enclosure both experienced within the room and parts of the garden above its current levels. The proposed extension would also slightly reduce the outlook to the kitchen located at lower ground floor level, the garden studio located in the rear garden, a bathroom located at ground floor level and the general garden area of No.4.

3.11 On balance, officers consider that the reduction in the size of the extension from previous schemes has now reduced the impact on the neighbouring property to an acceptable level. This amended proposal, in officers' view, has also addressed the Inspector's concerns. The arguments in favour of the scheme are now considered to be stronger than those against. It is officers' view that the development would not cause

unacceptable harm to neighbouring living conditions in term of outlook and sense of enclosure.

3.12 In terms of sunlight, the proposed extension is located on the northern side of No.4 and is a sufficient distance away from No.2 so as not to cause significant and unacceptable harm to the level of sunlight that these neighbouring properties receive.

3.13 In terms of daylight, it is acknowledged that the Inspector dismissed the Council's concerns in regards to the previous 3.5m deep extension. The proposed extension is significantly smaller than the previous extensions, and therefore would have a reduced impact in terms of daylight. Since the submission of the planning application Officers have received a revised sunlight and daylight test that includes updates VSC calculations and amended drawings that have redrawn the neighbour's window, its opening style and size. The report shows that the neighbouring bedroom window would retain 88% of its existing VSC. No objection is therefore raised on this matter.

3.14 In terms of privacy, the proposed balcony and windows would experience similar views as existing openings. These views would primarily be of the neighbouring gardens rather than of neighbouring windows (except possibly of the rear garden studio) and would not be sufficiently detrimental to neighbouring living conditions to justify the refusal of planning permission. The balcony/terrace, given its small size, would not be able to hold a significant number of people. As such it is unlikely to generate significant noise disturbance. It should be noted that a similar balcony and proposed extension formed part of the previously refused, dismissed at appeal planning application. Neither the Council nor the Inspector raised objection to the proposed balcony's impact on neighbouring living conditions. The proposed terrace would therefore have an acceptable impact on neighbouring living conditions. The proposal complies with Development Management Local Plan (2013) policy DM A9.

IMPACT ON HERITAGE ASSETS - CONSERVATION AREA AND LISTED BUILDING(S)

3.15 It is key to the assessment of these applications that the decision making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the Section 16, 66 and Section 72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 set out below together with the requirements set out in the NPPF. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states in relation to listed buildings that:

'In considering whether to grant listed building consent for any works, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses.'

3.16 A similar statutory duty in section 66(1) of the Listed Buildings Act applies to the determination of planning applications. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

3.17 Section 72 of the above Act states in relation to Conservation Area that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

3.18 Paragraph 129 of the NPPF requires planning authorities to assess the significance of any heritage assets affected by development proposal, including their effect on their setting. This assessment shall be taken 'into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal' (para 129 of the NPPF).

3.19 Paragraph 132 of the NPPF states that:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

3.20 Core Strategy Policy BE1 'Built Environment' states that all development within the borough, including in the regeneration areas should create a high quality urban environment that respects and enhances its townscape context and heritage assets. DM LP Policy DM G3 states that the council will require a high standard of design in all alterations and extensions to existing buildings. They are required to be compatible with the scale and character of existing development, their neighbours and their setting and should successfully integrated into the architectural design of the existing building. DM LP Policy DM G7 seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's heritage assets. Policies within Planning Guidance SPD (2013) provide greater detail on the application of the policies set out in the Core Strategy (2011) and Development Management Local Plan (2013).

3.21 The previous planning applications (2014/02131/FUL & 2014/05968/FUL) and listed building consent applications (2014/02132/LBC & 2014/05969/LBC) were all considered to preserve the character and appearance of the conservation area and to preserve the special architectural and historic interest of the listed building. For reference, the most recent appeal decision (APP/H5390/D/15/3038210) in connection with planning application (2014/05968/FUL) concluded the following:

"The appeal building is a Grade II listed building within the St Peter's Square Conservation Area. Listed building consent has been approved for works by the Council who found that the proposal would not cause harm to the special architectural or historic interest of the building. I see no reason to take a contrary position in respect of my duties under Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, with regard to the listed building or the conservation area."

3.22 The extension would have centrally located steps that would lead from the terrace/balcony to the garden. On the rear elevation of the rear extension three sets of timber framed French doors at ground floor level and three timber framed sash windows at lower ground floor level are proposed. The external wall of the extension would match the existing building i.e. painted sand and cement render with ashlar coursing lines. The proposed design of the extension, which includes its fenestration and materials as well as that of the balcony, are the same as previously proposed. The most significant difference between the previous application and this current submission is the reduction in depth of the extension.

3.23 The report will now briefly identify the significance of each heritage asset and then proceed to consider the developments impact on the significance of that asset.

ASSESSMENT OF SIGNIFICANCE OF HERITAGE ASSETS

3.24 LISTED BUILDING

The statutory list entry for the Grade II listed Nos. 1-6 St Peter's Square dates from 1985 and is relatively short, as was normal for the time:

"Terrace of houses, arranged as two linked trios. c 1825-30. Stucco. 3 storeys and basement. Each house three windows wide. Centre house in each trio recessed, with projecting Ionic colonnade to ground floor, with iron balustrade over. Houses to either side with two bays projecting beneath pediment and outermost bays recessed with projecting Ionic porches. Balconies over with tented canopies. String courses between storeys; cornice and blocking course. Windows square headed, sashed except for ground floor, with French windows opening onto balconies with iron balustrades. Glazing bars mostly retained. Nos 1 and 3 with one bay extensions. Part of coherent scheme with Nos 7 to 19, 22 to 39 and 44 to 46 consec."

No. 3 St Peter's Square forms part of a unified scheme of houses, built in groups of three, with a single symmetrical façade, each house being three windows wide to give the scale and appearance of a large detached villa. Later extensions have infilled the gap between the two groups which form Nos. 1-6 St Peter's Square.

3.25 LISTED BUILDING SETTING AND SETTINGS OF OTHER LISTED BUILDINGS INCLUDING TERRACE AT Nos. 1-6 ST PETER'S SQUARE

At the front of the building the wider setting is formed by the other buildings enclosing the central garden in St Peter's Square. At the rear of the building the wider setting is formed by the buildings within the street block formed by St Peter's Square, Black Lion Lane and St Peter's Villas including the other Grade II listed buildings around St Peter's Square and the Grade II listed buildings at Nos. 79-87 Black Lion Lane and Nos. 1-6 St Peter's Villas. On the east side of St Peter's Square the gaps between houses have been eroded by incremental extensions since the properties were built and many houses have been extended to the rear. The extension would be seen from a limited range of vantage points in the context of both the original groups of three houses and their later extensions, together with the rear elevations of properties in Black Lion Lane.

3.26 CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

St Peter's Square Conservation Area consists of a nineteenth century predominantly residential speculative development which originally stretched from King Street to Hammersmith Terrace. Within the conservation area there is a variety in scale, form and architectural style. St Peter's Square itself forms the centrepiece of the conservation area with tall stuccoed houses, three storey over semi-basement overlooking a central garden square. Of a grand scale and proportions, the uniform materials and design provide a homogenous and impressive townscape with a strong sense of place. The Square has a strong feeling of enclosure created by the height of the facades and the uniform building line which is strengthened in places by the remaining linking screen walls.

3.27 REGISTERED HISTORIC PARK AND GARDEN

The rectangular public garden at the centre of St Peter's Square was laid out between 1825 and 1830 by J. C. Loudon and forms the focal point for the residential development laid out around it. Originally the garden was private, but was bought by the local authority and opened as a public garden in 1915. The garden is included on Historic England's Register of Historic Park and Gardens at Grade II and forms the setting for the houses built around it. Registered Historic Parks and Gardens are defined as designated heritage assets in the NPPF. The garden forms one element of Loudon's planned hierarchy of landscape in the residential development around the square which also includes front and rear gardens.

3.28 ASSESSMENT OF IMPACT ON SIGNIFICANCE OF HERITAGE ASSETS - REAR EXTENSION TO LISTED BUILDING

The proposed extension's scale, height and massing are in keeping with the established built form along this side of St. Peter's Square. For example, Nos. 2 and 5 have extensions of a similar depth and height. A substantial part of the original rear elevation of the property would remain unaltered and unobscured, ensuring that the extension would not dominate the original parent building. The use of materials and the detailed design of the extension are in keeping with the character and appearance of the listed building. Officers consider that the development would not cause harm to the character and appearance of the listed building.

3.29 LISTED BUILDING SETTING AND SETTINGS OF OTHER LISTED BUILDINGS INCLUDING TERRACE AT Nos. 1-6 ST PETER'S SQUARE

The inconsistent rear building line created by more than a century of incremental extensions to the rear of the properties on the east side of St Peter's Square including the extension to the subject property and the modest 2.5m depth of the proposed extension has lead Officers to consider that the development would not harm the setting of the listed building at No. 3 St Peter's Square, nor would it harm the setting of adjacent listed buildings including Nos. 1-6 St Peter's Square.

3.30 CONSERVATION AREA

The development would result in a minor change to the character and appearance of the conservation area, which would not be visible from the street and which would not cause harm to its character or appearance. The proposed extension would be

subservient to the main house and would leave a significant proportion of the rear elevation unobscured, particularly at high level where it is most visible from surrounding properties. The rear building line and footprint of the extension would not cause unacceptable loss of rear garden space. Officers consider that although the development would not enhance the character and appearance of the conservation area, it would preserve it.

3.31 REGISTERED HISTORIC PARK AND GARDEN

Officers consider that the setting of the Registered Historic Park and Garden would not be harmed since the proposed development would be at the rear of the building and would not be seen from within the garden at the centre of St Peter's Square or in conjunction with it. The traditional hierarchy of landscape would not be harmed.

3.32 ASSESSMENT ON SIGNIFICANCE OF LISTED BUILDING - INTERNAL WORKS

Internally, the only significant difference from the schemes previously granted listed building consent that remains extant is that a dividing partition wall at lower ground floor level within the proposed rear extension is no longer proposed and that there would now be a door from the previous Victorian extension into the proposed extension at lower ground floor level. Given that both alterations are minor and would not affect the original plan form of the property or any significant historical features, the proposed variations are considered to be acceptable, and would not cause harm to the special architectural and historic interest of the listed building.

3.33 Internal works that already benefit from listed building consent (ref: 2014/02131/LBC, approved 01/08/2014) but are shown on submitted drawings include the demolition of part of the non-original rear wall at ground floor level, blocking up two internalised windows on non-original rear wall at lower ground floor level, insertion of new door into rear kitchen from corridor at lower ground floor level and insertion of faux/jib door and serving hatch with faux/jib door between dining room and existing study (proposed to become a kitchen) at ground floor level.

3.34 The section of the rear elevation at lower ground floor level that is to be demolished is not original and is likely to date from the late nineteenth/early twentieth century and is of lesser significance. Its demolition, especially in light of the improvements to the layout of the unit, is not considered to have a significant impact on the special architectural and historic interest of the listed building. The blocking up of the windows at lower ground floor level is not considered harmful due to their small size, lack of relationship with the historic fenestration of the property and due to them being non-original and of lower significance. The proposed single door opening at lower ground floor level is not harmful due to its appropriate design, size and location. The faux/jib doors will ensure that the room layout and form is retained ensuring that the proposal would preserve the special architectural and historic interest of the listed building.

CONCLUSION - IMPACT ON SIGNIFICANCE OF HERITAGE ASSETS

3.35 On balance Officers consider that the proposals would preserve the character, appearance, setting and special architectural interest of the listed building; would preserve the character and appearance of the Conservation Area; would preserve the settings of the adjacent listed buildings including the terrace at Nos. 1-6 St Peter's

Square and would preserve the setting of the Registered Historic Park and Garden. The proposal complies with Core Strategy policy (2011) BE1, Development Management Local Plan (2013) policies DM G3, DM G5 and DM G7 and Planning Guidance SPD Design Policies 31, 34, 61 and 62. The proposal is also compliant with the NPPF, in particular paras 132 and 134.

IMPACT ON TREE

3.36 The proposed extension would not undermine the green appearance of the borough as the proposed extension would only occupy a small area of the original garden. A poor quality pear tree located immediately on the boundary is likely to be harmed by the proposed development. However, this tree is not of significant visual amenity value and therefore no objection is recommended to be raised. The proposal complies with DMLP (2013) policy DM E4.

ACCESSIBLE HOUSING

3.37 The applicant's Design and Access Statement states the desire to make the building a 'life time home'. The legend to Plan P216 Rev.E states 'Lifetime Homes arrangement for single floor living'. Policy DM A4 of the DMLP (2013) relates to accessible housing, but this policy only applies to new residential units rather than extensions to existing residential units. In addition, it is noted that the proposed extension would still not make the property lifetime homes compliant (if that was the intention), due to the bathroom not meeting minimum size recommendations and the fact that the property does not have level access from the street. Nevertheless, the proposed development may allow the occupants of the property to live in the property for a longer period of time due to the alterations being more suitable for their personal needs.

FLOODING

3.38 This site is in the EA's Flood Zone 2 and 3 which indicates a high risk to flooding from the Thames, although this does not take into account the high level of protection provided by the Thames Barrier and local river wall defences. If these failed, EA modelling shows that the site is not in an area that could be impacted by rapid inundation of flood waters. The site is not in a flooding hotspot in terms of surface water flood risk, although there are other locations around St Peter's Square where an intense storm could cause some flooding, most likely in basement areas at the front of properties. Sewer flooding is also a known issue in the borough. As required, a Flood Risk Assessment (FRA) has been provided with the application. Condition 9 is recommended to secure further detail. Subject to this condition it is considered that the proposal would not have an unacceptable impact on flooding or flood risk.

4.0 CONCLUSION and RECOMMENDATION

4.1 On balance Officers consider that the proposals would preserve the character, appearance, setting and special architectural and historic interest of the listed building which it is desirable to preserve in accordance with s.16(2) and s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; would preserve the character and appearance of the Conservation Area which it is desirable to preserve in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; would preserve the settings of the adjacent listed buildings including the terrace at Nos. 1-6 St

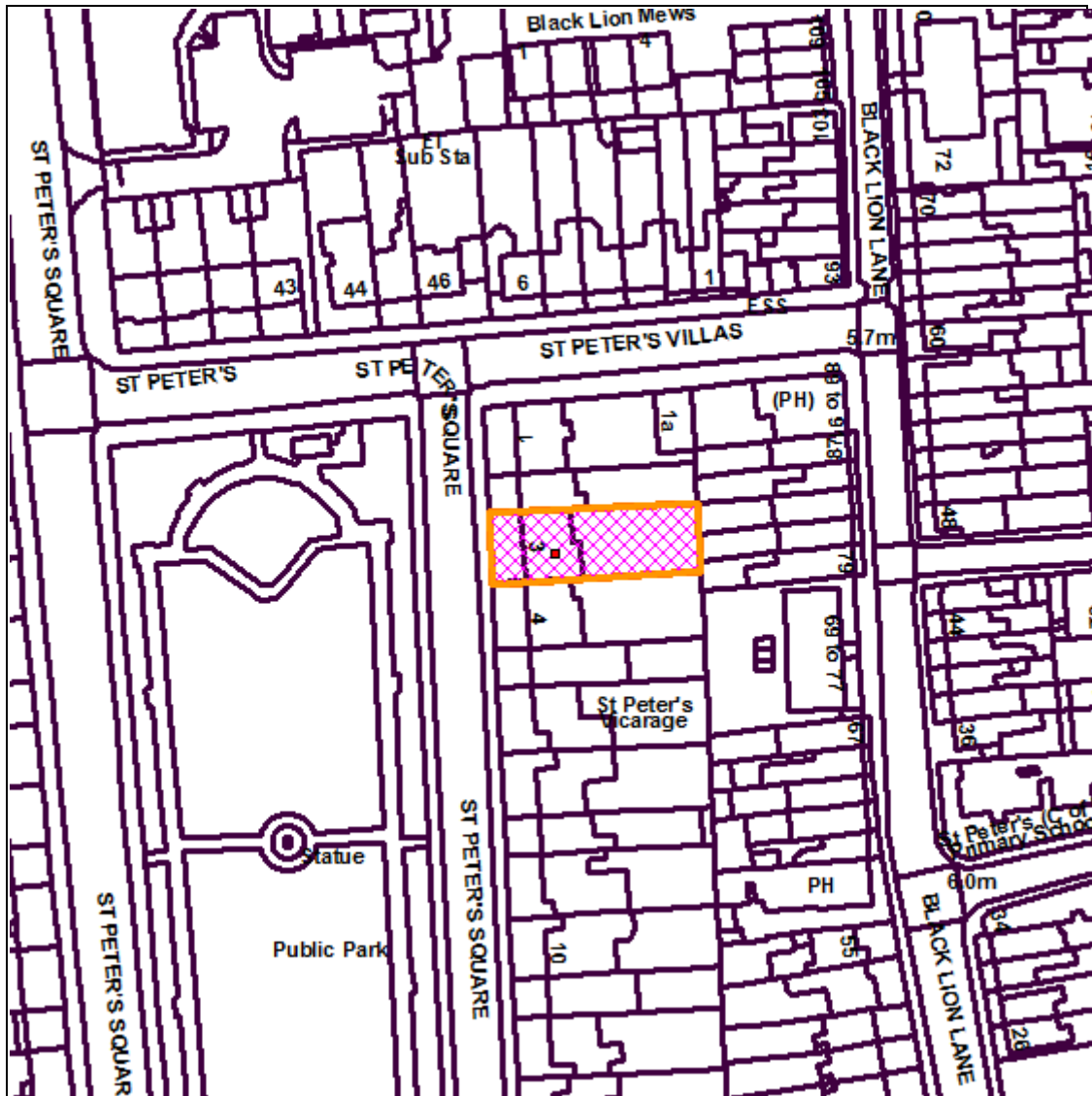
Peter's Square which it is desirable to preserve in accordance with s.16(2) and s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would preserve the setting of the Registered Historic Park and Garden. The proposed development would not have an unacceptable impact on visual amenity provided by trees. The proposed extension would not have an unacceptable impact on neighbouring living conditions. The impact of the development on flooding could be mitigated through condition. The application complies with Core Strategy policy (2011) BE1; Development Management Local Plan (2013) policies DM A9, DM E4, DM G3, DM G5, DM G7, DM H3 and DM H9; Planning Guidance SPD Design Policies 31, 34, 61 and 62; London Plan (2015) policy 5.13 and the NPPF including para 132.

4.2 It is therefore recommended that planning permission and Listed Building Consent be granted.

Ward: Ravenscourt Park

Site Address:

3 St Peter's Square London W6 9AB



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For identification purposes only - do not scale.

Reg. No:
2015/01358/LBC

Case Officer:
Barry Valentine

Date Valid:
23.03.2015

Conservation Area:
St. Peter's Square Conservation Area - Number 1

Committee Date:
09.03.2016

Applicant:

Mr & Mrs R Nott
3 St Peter's Square London W6 9AB

Description:

Erection of a rear extension at lower ground and upper ground floor; including the creation of a balcony at upper ground floor level and the erection of an external staircase from upper ground floor level to lower ground floor level; excavation of part of the rear garden in connection with the enlargement of the lower ground floor level, including associated landscaping and new trellis. Internal alterations to lower ground floor level includes bricking up of window to the utility room to the rear elevation; replacement of timber floor in the spare room with solid concrete floor; installation of folding partitions; removal of existing kitchen; installation of gas log fire; creation of a new door opening and reinstatement of original door. Internal alterations to upper ground floor level includes removal of existing wall between new kitchen and living room; creation of a new door opening in the existing wall between the study and dining room, installation a jib door and installation of a new serving hatch with jib door. Internal alterations to first floor bathroom includes removal of cupboards and alteration of layout. Drg Nos: P210 Rev E, P211 Rev E, P212 Rev E, P213 Rev E, P214 Rev E, P215 Rev E, P216 Rev E, P217 Rev E, P210 Rev E, P211 Rev E, P212 Rev E, P213 Rev E, P214 Rev E,

Application Type:

Listed Building Consent

Officer Recommendation:

That the application be approved subject to the condition(s) set out below:

- 1) The works hereby granted consent shall not commence later than the expiration of 3 years beginning with the date upon which this consent is granted.

Condition required to be imposed by Section 18(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 91 of the Planning and Compensation Act 2004).

- 2) The works hereby approved are only those specifically stated in the written description and indicated on the approved drawing numbers outlined above.

In order to preserve the character, appearance, setting and special architectural and historic interest of the listed building and preserve the settings of the adjacent listed buildings, in accordance with policies outlined in the Development Management Local Plan (2013) in particular policies DM G3 and DM G7 and policies outlined in the Core Strategy (2011) in particular policy BE1.

- 3) All new windows and doors hereby approved to the rear elevation shall be timber framed and painted white and thereafter permanently retained in this form.

In order to preserve the character, appearance, setting and special architectural and historic interest of the listed building and preserve the settings of the adjacent listed buildings, in accordance with policies outlined in the Development

Management Local Plan (2013) in particular policies DM G3, DM G5 and DM G7 and policies outlined in the Core Strategy (2011) in particular policy BE1.

- 4) The development shall be finished in painted sand and cement render with ashlar coursing lines to match the existing.

In order to preserve the character, appearance, setting and special architectural and historic interest of the listed building and preserve the settings of the adjacent listed buildings, in accordance with policies outlined in the Development Management Local Plan (2013) in particular policies DM G3 and DM G7 and policies outlined in the Core Strategy (2011) in particular policy BE1.

- 5) Following completion of the works hereby approved walls, skirtings, floors and ceilings shall be repaired to match existing and shall be so maintained.

In order to safeguard the special architectural or historic interest of the building, in accordance with Development Management Local Plan (2013) policy DM G7, and Core Strategy (2011) policy BE1.

- 6) Any replacement rainwater goods installed shall be cast aluminium painted black, and thereafter permanently retained in this form.

In order to preserve the character, appearance, setting and special architectural and historic interest of the listed building and preserve the settings of the adjacent listed buildings, in accordance with policies outlined in the Development Management Local Plan (2013) in particular policies DM G3 and DM G7 and policies outlined in the Core Strategy (2011) in particular policy BE1.

- 7) The new wrought ironing balcony and railings shall match the existing metal railings on the rear elevation and shall be painted black, and thereafter permanently retained in this form.

In order to preserve the character, appearance, setting and special architectural and historic interest of the listed building and preserve the settings of the adjacent listed buildings, in accordance with policies outlined in the Development Management Local Plan (2013) in particular policies DM G3 and DM G7 and policies outlined in the Core Strategy (2011) in particular policy BE1.

- 8) The proposed balcony hereby approved shall not be used until the raising of the existing garden wall on the boundary with No.4 St Peter's Square, as shown on drawing No.P214 Rev.D is completed and constructed in London stock bricks to match the existing facing brickwork in terms of colour, texture, bonding, pointing and mortar colour. The works shall thereafter be permanently retained in this form.

In order to preserve the character, appearance, setting and special architectural and historic interest of the listed building and preserve the settings of the adjacent listed buildings, in accordance with policies outlined in the Development Management Local Plan (2013) in particular policies DM G3 and DM G7 and policies outlined in the Core Strategy (2011) in particular policy BE1.

- 9) The development hereby permitted shall not commence until detailed drawings of all new windows, including opening style, and doors in plan, section and elevation

at a scale of not less than 1:20 shall be submitted to and approved in writing by the Council. The development shall be built in accordance with the approved drawings, and permanently retained as such thereafter.

In order to safeguard the special architectural or historic interest of the building, in accordance with Development Management Local Plan (2013) policies DM G3, DM G5 and DM G7 and Core Strategy (2011) policy BE1.

- 10) Prior to commencement of the development, details of the internal elevations of the two storey rear extension in plan, section and elevation at a scale of not less than 1:20 shall be submitted to, and approved in writing by, the Council. The works shall be implemented in accordance with the approved details and thereafter permanently maintained in this form.

In order to safeguard the special architectural or historic interest of the building, in accordance with Development Management Local Plan (2013) policy DM G7, and Core Strategy (2011) policy BE1.

Justification for Approving the Application:

- 1) On balance Officers consider that the proposals would preserve the character, appearance, setting and special architectural and historic interest of the listed building which it is desirable to preserve in accordance with s.16(2) and s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; preserve the settings of the adjacent listed buildings including the terrace at Nos. 1-6 St Peter's Square which it is desirable to preserve in accordance with s.16(2) and s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and preserve the setting of the Registered Historic Park and Garden. In this respect the proposal is considered to comply with Core Strategy (2001) policy BE1; Development Management Local Plan (2013) policies DM G3, DM G5 and DM G7; Planning Guidance SPD Design Policies 31, 34, 61 and 62; London Plan (2015) policy 5.13 and the NPPF including para 132.

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

All Background Papers held by Andrew Marshall (Ext: 3340):

Application form received: 20th March 2015
Drawing Nos: see above

Policy documents: National Planning Policy Framework 2012
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013
Core Strategy 2011
The Development Management Local Plan 2013
Planning Guidance Supplementary Planning Document July 2013

Consultation Comments:

Comments from:

Historic England London Region
Hammersmith & Fulham Historic Buildings Group
Historic England London Region

Dated:

09.06.15
16.04.15
16.07.15

Neighbour Comments:

Letters from:

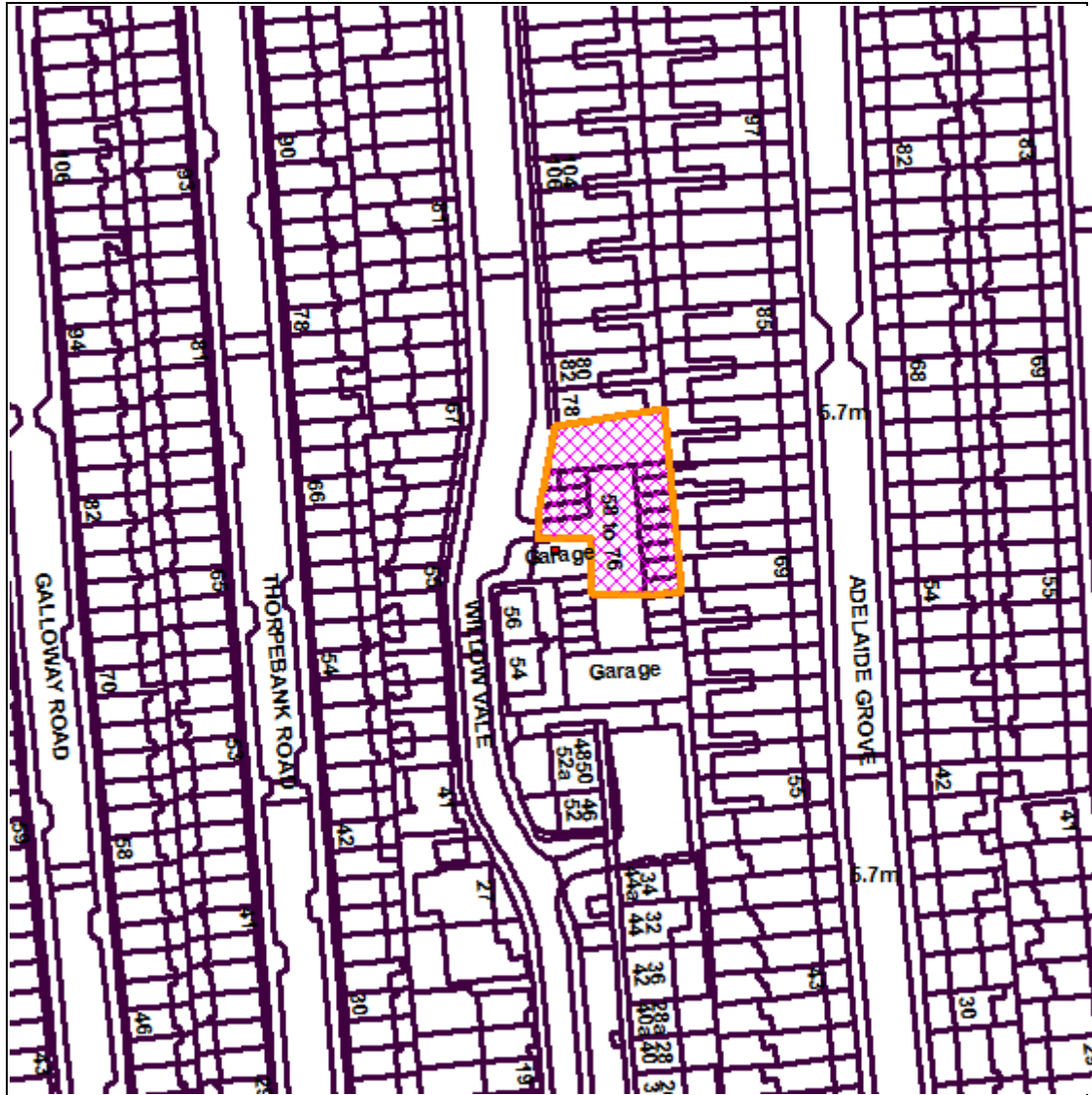
16A St Peters Square, London W6 9AJ	29.04.15
397 Goldhawk Road London W6 0SA	16.04.15
49 Black Lion Lane London W6 9 BG	11.04.15
53 Black Lion Lane London W6 9BG	16.04.15
53 Black Lion Lane London W6 9BG	28.04.15
58 Black Lion Lane London W6 9BE	28.04.15
6 St Peter's Square London W6 9AB	04.05.15
4 St Peter's Square London W6 9AB	25.04.15
Nag	28.04.15
30 St. Peter's Square London W6 9UH	24.04.15
130A Devonshire Road, W4 2AW	03.05.15
NAG	01.05.15
Flat 5 Albion House, 39 St Peter's Square, London W6 9NN	30.05.15
14 St Peter's Square London W6 9AB	01.05.15
8 St Peters Square Hammersmith London W6 9AB	02.05.15
9 St Peters Square Hammersmith London W6 AB	02.05.15
3 St Peter's Square London W6 9AB	09.06.15

Please see Officers' report for planning application 2015/01357/FUL

Ward: Wormholt And White City

Site Address:

58 - 76 Willow Vale London W12 0PB



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For identification purposes only - do not scale.

Reg. No:
2015/04568/VAR

Case Officer:
Denuka Gunaratne

Date Valid:
30.09.2015

Conservation Area:

Committee Date:
09.03.2016

Applicant:

Willow Vale Innovations Limited
C/o Rolfe Judd Planning

Description:

Variation of Conditions 2, 16 and 26 of Planning Permission 2013/00063/FUL granted 07.03.2014, permitting three houses, following demolition of garages. Variations involve the introduction of new bedroom accommodation and terraces at second floor level to the rear of each of the approved dwellings and minor internal amendments; increase in the footprint of the dwellings to the rear with the inclusion of recessed elements to the rear façade at first and second floor levels; change to the front building line along Willow Vale

Drg Nos: 1740/PL103, 1027 P16A, 1027 P17, 1027 P18, 1027 P19, 1027 P20, 1027 P21, 1027 P23

Application Type:

Vary or Delete Conditions Full/Outline

Officer Recommendation:

That the Committee resolve that the Executive Director of Transport and Technical Services be authorised to determine the application and grant permission up on 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 development shall not be erected otherwise than in accordance with the detailed drawings which have been approved, ref: 1740/PL103, 1027 P16A, 1027 P17, 1027 P18, 1027 P19, 1027 P20, 1027 P21, 1027 P23.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policies H3 and BE1 of the Core Strategy (2011), policies DM G1, DM G3 of the DM Local Plan (2013) and Housing policies 1 and 8 of the Planning Guidance SPD (2013).

- 3) Prior to commencement of the development hereby approved, a Demolition Management Plan, a Demolition Logistics Plan, a Construction Logistics Plan and a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The details shall also include the numbers, size and routes of

demolition and construction vehicles, 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. Approved details shall be implemented throughout the project period.

To ensure that demolition and construction works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies DM J1, DM J6, DM H5, DM H8, DM H9, DM H10 and DM H11 of the Development Management Local Plan (2013).

- 4) No development shall commence until a scheme for temporary fencing and/or enclosure of the site where necessary has been submitted to and approved in writing by the Council, and such enclosure has been erected in accordance with the approved details and retained for the duration of the building works. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.

To ensure a satisfactory external appearance of the site, in accordance with policies DM G1 and DM G3 of the Development Management Local Plan 2013 and Policy BE1 of the Core Strategy 2011.

- 5) The development hereby permitted shall not commence until particulars and samples of materials to be used in all external faces and roof coverings of the buildings (including colour and sample of render), have been submitted and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance, in accordance with Policy DM G3 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

- 6) The development hereby permitted shall not commence until a sample panel indicating details of brickwork including brick colour, bond, pointing style and mortar colour has been constructed on site for inspection and approved in writing by the Council and no part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance, in accordance with Policy DM G3 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

- 7) The development shall not commence until detailed drawings of a typical bay on the front elevations of the new buildings, in plan, section and elevation at a scale of no less than 1:20 are submitted in writing for the Council's approval prior to construction commencing and built in accordance with the approved drawings.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies DM G1 and DM G3 of the Development Management Local Plan 2013 and Policy BE1 of the Core Strategy 2011.

- 8) The new windows and doors hereby approved shall be of a timber construction, and the new windows shall be of sliding sash design, and so maintained as such thereafter.

To ensure a satisfactory external appearance, in accordance with policy DM G3 and DM G5 of the DM Local Plan (2013) and policy BE1 of the Core Strategy (2011).

- 9) Prior to commencement of the development hereby permitted, details of the hard and soft landscaping of all areas external to the building, including planting and paving, detailed drawings at a scale of not less than 1:20 of fences, gates and other means of enclosure shall have been submitted to and approved in writing by the Council, and the development shall not be used until such hard landscaping as is approved has been carried out. Soft landscaping shall be carried out during the first planting season available. Any soft landscaping removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

To ensure a satisfactory external appearance and satisfactory provision for permeable surfaces in accordance with policies DM G1 of the Development Management Local Plan 2013, and policy BE1 of the Core Strategy 2011.

- 10) No alterations shall be carried out to the external appearance of the buildings, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, without planning permission first being obtained.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DM G1 and DM G3 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

- 11) 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 of the development hereby approved and permanently maintained thereafter.

To ensure a safe and secure environment for users of the development, in accordance with policy DM G1 of the Development Management Local Plan 2013.

- 12) No plumbing, extract flues or pipes, other than rainwater pipes, shall be fixed on the front elevation of the buildings hereby approved.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DM G1 and DM G3 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

- 13) No plant, water tanks, water tank enclosures or other structures that are not shown on the approved plans shall be erected upon the roofs of the buildings hereby permitted.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DM G1 and DM G3 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

- 14) Notwithstanding the indications shown on the approved drawings the development shall not be occupied until full details of refuse storage enclosures, including provision for the storage of recyclable materials, have been submitted to and approved in writing by the Council and provided on site as per the approved details. The refuse and recycling facilities shall thereafter be permanently retained for such use.

To ensure the satisfactory provision of refuse storage and recycling and to ensure that the use does not give rise to smell nuisance and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policy CC3 of the Core Strategy 2011.

- 15) No part of the development hereby approved shall be occupied prior to the provision of 6 cycle storage spaces for the residential development hereby approved, located within the areas indicated on the approved drawing 1027 P16A, and such storage facilities shall be permanently retained thereafter in accordance with the approved details.

In order to promote alternative, sustainable forms of transport, in accordance with Policy 6.9 and Table 6.3 of the London Plan (2015), and Policy DM J5 of the Development Management Local Plan (2013).

- 16) No part of the development hereby approved shall be occupied prior to the provision of 3no. parking spaces for the residential development hereby approved, located within the areas indicated on the approved drawing 1027 P16A, and such parking spaces shall be permanently retained thereafter in accordance with the approved details.

To ensure the provision and permanent retention of the parking spaces so as to ensure the development does not result in additional on street parking stress detrimental to the amenity of surrounding residents, in accordance with Policies DM J2 and DM J6 of the Development Management Local Plan (2013).

- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no extensions or other form of enlargement to the development hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosure, shall take place without the prior written permission of the Council.

Due to the limited size of the site, proximity to neighbouring properties and proposed design of the building on the site, the Council would wish to exercise future control over development which may affect residential amenity or

appearance of the area, in accordance with Policy BE1 of the Core Strategy (2011), and Policies DM A9 and DM G1 of the Development Management Local Plan (2013).

- 18) Prior to occupation of the dwelling houses, the windows to the bedrooms at first floor rear (east) elevation of the development hereby approved shall be permanently glazed with obscure glass, with a fixed pane of glass on the bottom half and the top quarter openable as indicated in the approved drawing No's. 1027 P20 and 1027 P23 a sample of which shall have been submitted to and approved in writing by the Council prior to any development on site. Thereafter the windows shall be retained in the form approved.

To prevent overlooking to protect the amenity of the occupants of adjacent residential properties in accordance with Policies DM A9, H9, H11 of the Development Management Plan 2013 and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

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

Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 23) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the

Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 25) The development hereby permitted shall not commence until further details of a Sustainable Urban Drainage System (SUDS), including maintenance programme have been submitted to and approved in writing by the council. The SUDS scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

To ensure that surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of The London Plan 2011, Policy CC2 of the Core Strategy 2011 and policy DM H3 of the Development Management Local Plan 2013.

- 26) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite

dishes or related telecommunications equipment shall be erected on any external part of the approved buildings, without planning permission first being obtained.

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the building in accordance with Policy BE1 of the Core Strategy (2011), and Policy DM G1 of the Development Management Local Plan (2013).

- 27) With exception to the private roof terrace areas shown on approved drawing 1027 P18 no part of the remainder of the roof areas provided by the development hereby approved shall be used as a terrace or other accessible amenity space. No walls, fences, railings or other means of enclosure shall be erected around the roofs, and no alterations shall be carried out to the approved buildings to form access onto these roofs.

To ensure a satisfactory external appearance and so that the use of the buildings does not harm the amenities of the existing neighbouring residential properties and future residential occupiers of the development as a result of overlooking, loss of privacy and noise and disturbance, in accordance with Policy DM H9, DM A9 and DM G1 of the Development Management Local Plan (2013), and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document (2013).

- 28) The development hereby permitted shall not commence until full details and samples of the 1.7m high obscure glazed screen as measured from the floor level of the terraces to be used in connection with the roof terraces have been submitted to and approved in writing by the Council. The use of the roof terraces shall not commence until the obscure glazed screens, as approved have been installed and they shall be permanently retained as such thereafter.

In order to ensure that the glazing would not result in overlooking and any subsequent loss of privacy, in accordance with Policy DM G3 of the Development Management Local Plan 2013 and SPD Housing Policy 8 (ii) of Planning Guidance Supplementary Planning Document 2013.

Justification for Approving the Application:

- 1) 1. Land Use: The redevelopment of the site for residential use is considered acceptable, in accordance with the NPPF, Policies 3.3 and 4.4 of the London Plan (2015), Policies H1 and H4 of the Core Strategy (2011), and Policy DM A1 and DM A3 of the DM LP (2013). The density, housing mix, internal design and layout of the new residential units are considered satisfactory having regard to Policies 3.4, 3.5 and 3.16 of the London Plan (2015), Policies H2 and H3 of the Core Strategy (2011), Policies DM A2, DM A3 and DM A9 of the DM LP (2013), and SPD Housing Policy 8 of the Planning Guidance SPD (2013); and the amenity space provision is also considered satisfactory, having regard to the physical constraints of the site, judged against Policy DM A2 of the DM LP (2013) and SPD Housing Policies 1 and 3 of the Planning Guidance SPD (2013).
2. Design: The proposed development would be a high quality development which would make a positive contribution to the urban environment in this part of the Borough. The development would therefore be acceptable in accordance with the

NPPF, Policies 7.1, 7.2, 7.4, 7.5 and 7.6 of the London Plan (2015), Policy BE1 of the Core Strategy (2011), Policy DM G1 of the DM LP (2013), which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.

3. Residential Amenity and Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable in terms of noise, overlooking, loss of sunlight or daylight or outlook to cause undue detriment to the amenities of neighbours. In this regard, the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with Policies DM G1, DM H9, DM H11 and DM A9 of the DM LP (2013) and SPD Housing Policy 8 of the Planning Guidance SPD (2013).

4. Safety and Access: A condition will ensure the development would provide a safe and secure environment for all users in accordance with Policy 7.3 of the London Plan (2015) and Policy DM G1 of the DM LP (2013). Conditions will also ensure the proposal would provide ease of access for all people, including disabled people, in accordance with Policy 3.8 of the London Plan (2015), Policy H4 of the Core Strategy (2011), Policy DM G1 and DM A4 of the DM LP (2013) and SPD Design Policies 1, 2, 3 and 11 of the Planning Guidance SPD (2013).

5. Transport: Subject to provision of on site car parking spaces and cycle parking provision conditions there would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions will also secure satisfactory provision cycle and refuse storage. The development would therefore be acceptable in accordance with the NPPF, Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, and 6.16 of the London Plan (2015), Policies T1 and CC3 of the Core Strategy (2011), Policies DM J1, DM J2, DM J3, DM J5, DM A9 and DM H5 of the DM LP (2013), and SPD Transport Policies 3, 7 and 12 and SPD Sustainability Policies 3, 4, 7, 8, 9 and 10 of the Planning Guidance SPD (2013).

6. Land Contamination: Conditions will ensure that the site would be remediated to an appropriate level for the sensitive residential use. The proposed development therefore accords with Policy 5.21 of the London Plan (2015), Policy CC4 of the Core Strategy (2011) and Policies DM H7 and H11 of the DM LP (2013).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Andrew Marshall (Ext: 3340):

Application form received: 25th September 2015

Drawing Nos: see above

Policy documents: National Planning Policy Framework 2012
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013
Core Strategy 2011
The Development Management Local Plan 2013
Planning Guidance Supplementary Planning Document July 2013

Consultation Comments:

Comments from:	Dated:
Thames Water - Development Control	02.10.15
Thames Water - Development Control	09.10.15

Neighbour Comments:

Letters from:	Dated:
67a Adelaide Grove Shepherds Bush London W12 0JX	09.10.15
69 Willow Vale London W12 0PA	20.10.15
69A, Adelaide Grove Shepherds Bush London W12 0JX	09.10.15
69A, Adelaide Grove Shepherds Bush London W12 0JX	09.10.15
73a Adelaide Grove London W12 0JX	12.10.15
79 Adelaide Grove shepherds bush London W12 0JX	27.10.15
67a Adelaide Grove Shepherds Bush London W1U1FD	23.10.15

OFFICER'S REPORT

1.0 BACKGROUND

1.1 The application site is located on the eastern side of Willow Vale (which runs between Uxbridge Road to the south and Dunraven Road to the north). The site is occupied by single storey garage buildings and forms part of a small courtyard of commercial buildings known as 58-76 Willow Vale, the site backs onto Adelaide Grove. The site is approximately 100m from its junction with Dunraven Road and is occupied by a small courtyard of single storey commercial/storage buildings including one vacant workshop (North workshop) and 11 garages, of which 3 (garages 16, 17 and 18) were occupied by commercial operators (Officers understood that all these three garage units previously occupied are now vacant). These units formed part of a wider site which is not within the red outlined site area, but within a blue outlined area owned by the applicant, that retains two workshops (West and South workshops) and 9 garages to the south which are accessed via a crossover to Willow Vale.

1.2 The site is not situated within a Conservation Area and does not contain any listed buildings. The nearest conservation area boundary is situated about 105m to the north of the site (Old Oak and Wormholt Conservation Area) on the north side of Dunraven Road. The site is located in Flood risk zone 1, which is at the lowest risk of flooding from the River Thames. The site has a poor level of public transport accessibility (PTAL 2).

1.3 Planning permission was granted and a S106 signed on 7th March 2014 to demolish existing garages and to erect a terrace of three two-storey dwellings (Ref: 2013/00063/FUL). The legal agreement was considered to be necessary to ensure that existing occupiers of the garages 16, 17 and 18 which would be demolished as part of the development, would be relocated into the vacant units available within the

remainder of the site, prior to the implementation of the approved development. This development has not been implemented. The planning permission is extant and expires on the 7th March 2017.

1.4 A further decision to grant planning permission for a similar scheme was made on 13th March 2015, subject to the completion of a S106 agreement. The scheme was for the demolition of existing garages and the erection of three part two, part three storey single family dwelling houses (2014/05760/FUL). A similar legal agreement to the earlier approval was required. The S106 has not been signed and therefore planning permission has not been issued.

1.5 The current application is to vary the earlier planning permission. As such the application proposes the variation of Conditions 2, 17 and 26 of Planning Permission 2013/00063/FUL granted 07.03.2014. The variations comprise:

- additional bedroom accommodation at 2nd floor level;
- terraces at second floor level to the rear of each of the approved dwellings;
- minor internal amendments;
- an increase in the footprint of the dwellings to the rear with the inclusion of recessed elements to the rear façade at first and second floor levels; and
- a change in the building line along Willow Vale.

1.6 The matters for consideration in this application only relate to the proposed variations to the earlier approved scheme.

2.0 PUBLICITY AND CONSULTATIONS

2.1 The application has been advertised by means of a site notice and a press advert, and individual notification letters have been sent to the occupiers of neighbouring properties. Responses have been received from six residents in Adelaide Grove and Willow Vale raising objections to the proposal. The grounds objections are as follows:

- Loss of light to neighbours gardens in Adelaide Grove
- Increased noise disturbance from construction activities
- Increased loss of privacy and overlooking to habitable windows at the properties to the rear in Adelaide Grove from the proposed roof terraces
- Impact on parking and local services

Officers' comment:

The building works would be temporary. Noise and disturbance generated by building works are generally covered under separate legislation to that for planning permission. In addition, demolition/construction management and logistic plans would have to be approved by the Council prior to works starting. The other planning issues raised are addressed within the report.

2.3 The Environment Agency has advised that it has no objection.

2.4 Thames Water has advised that it has no comments to make on the application.

3.0 PLANNING CONSIDERATIONS

3.1 Planning permission has already been approved for the residential redevelopment of this part of the application site. Therefore, the main issues for consideration here are

the amendments to the previously approved scheme. Notwithstanding this, the main planning matters taken into account are detailed below. These are considered in the context of the London Plan (2015), the Council's adopted Core Strategy (2011), Development Management Local Plan (DM LP) (2013) and Planning Guidance Supplementary Planning Document (PG SPD) (2013). These matters include; the loss of the existing employment use on site, the principle of the residential use in land use terms; quantum and intensity of development in terms of the height, scale and massing; design; quality of the living environment in the proposed development; impact on surrounding uses particularly on the existing amenities of occupiers of neighbouring residential properties in terms of noise, outlook, light and privacy; potential for traffic generation and the impact on the highway network; flood risk and contamination issues.

LAND USE:

3.2 Both national and regional policy specify that employment land and premises should be retained where needed and intensified where appropriate, but unwanted land or premises could be released to provide for increased housing. This is detailed in London Plan policy 4.4.

3.3 Borough Wide Strategic Policy LE1 'Local Economy and Employment' seeks to ensure that there is accommodation available for all sizes of business, including small and medium enterprises. Premises for employment use should be retained unless it can be satisfactorily demonstrated that the property is no longer required for employment purposes. Policy LE1 is supported by Development Management Local Plan (DM LP) policy DM B1 'Providing for a range of employment uses'. Strategic Policy B states that unused or underused employment land may be permitted to change to alternative appropriate uses including residential or mixed uses if there is no clear benefit to the economy in continued employment use.

3.4 Evidence that the site is surplus to requirements (in this case periods of vacancy and satisfactory evidence of unsuccessful marketing over a period of time) has been provided by the applicant in the consideration of the previously approved planning application (2013/00063/FUL). The applicant had demonstrated that the North Workshop has been vacant since 2007. That application, and the subsequent application 2014/05760/FUL, proposed the relocation of the occupiers of the garages which would have been displaced by the scheme within the larger site curtilage. Therefore these proposals would not have constituted a loss of employment (to be secured by legal agreement). A legal agreement is recommended to be included as part of this application to ensure that the occupiers of the existing garages would be relocated on site. The proposal could therefore be considered to be consistent with Policy LE1 of the Core Strategy and DM B1 of the DMLP, together with London Plan Policy 4.4.

3.5 The NPPF requires local authorities to promote more efficient use of land through higher density, mixed use development and the use of suitably located previously developed land and buildings. The London Plan also seeks to ensure that proposals achieve the optimum intensity of use that remains compatible with the local context and is well served by public transport.

3.6 The NPPF seeks to deliver a wide choice of high quality homes, to widen opportunities for home ownership and to create sustainable, inclusive and mixed communities. London Plan Policy 3.3 states that an annual average of 42,000 net

additional homes should be delivered. Table 3.1 sets an annual target of 1,031 net additional dwellings for Hammersmith and Fulham. The Draft Local Plan, (January 2015), currently out to public consultation, supports the new updated targets as set out in The London Plan. In the interim, Core Strategy Policy H1 reiterates The London Plan's previous annual target of 615 net additional dwellings for the borough. This is supported by DMLP Policy DM A1. The proposed three additional units would contribute towards these targets.

3.7 Core Strategy Policy H4 and Policy DM A3 of the DM LP require a choice of high quality residential accommodation that meets the local residents needs and aspirations and market demand. In particular there should be a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation.

3.8 The proposal involves the provision of three residential dwellings on previously developed land in a predominantly residential area. Local shops and services together with public transport links are available on Uxbridge Road. The construction of these homes would contribute towards achieving the Borough's housing targets. The proposed housing mix of 3 x 4 bedroom houses, would not meet the requirements of policy DM A3 of the Development Management Local Plan, which seeks a mix of units including family accommodation for market housing schemes such as this. Although the proposal would not provide a mix of housing normally required, given that only three units are proposed and the existing pattern of development in the area, the provision of family sized accommodation is welcomed.

3.9 The provision of three residential units is below the threshold for which affordable housing is normally required to be provided under London Plan Policy 3.13. Although this scheme does not propose ten or more units, there is a requirement to consider whether there is reasonable capacity for ten or more units, applying the density guidance set out in policy 3.4 of The London Plan 2015.

3.10 London Plan Policy 3.4 (Optimising Housing Potential) seeks to ensure that development optimises housing output for different types of location within the relevant density range shown in Table 3.2 (Sustainable residential quality and residential density matrix) which takes into account local context and character, design principles and public transport capacity. Development proposals which compromise this policy will normally be resisted.

3.11 The site is located in Public Transport Accessibility Level (PTAL) 2 using Transport for London's methodology, indicating that it has a poor level of accessibility by public transport. The proposed residential development site comprises 0.05 hectares (500sq.m) and would have a total of 15 habitable rooms (including bedrooms, lounge/dining rooms). This would result in a residential density of 333 hr/ha, falling within the range of The London Plan's optimal housing for urban sites for sites with PTAL 2 of 200 - 450 habitable rooms. As such, the density of the proposed development is judged to be acceptable in this location and would comply with London Plan Policy 3.4, Policy H3 and DM A2 of the Development Management Local Plan 2013. Officers consider that more than 3 houses or a higher number of flats would not fit in with the character of the area and would adversely harm the existing amenities of neighbouring properties. Furthermore, it is likely to result in increased demand for the limited on street parking spaces in this area of poor public transport accessibility. On this basis it is not considered to be appropriate to seek to increase the density of the proposed development.

DESIGN and EXTERNAL APPEARANCE:

3.12 A core planning principle of the NPPF is that proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Core Strategy policy BE1 (Built Environment) states that 'all development within the borough should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places'.

3.13 London Plan policy 7.4 also states that 'buildings, streets and open spaces should provide a high quality design response that: a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, b) contributes to a positive relationship between the urban structure and natural landscape features, c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings, d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and e) is informed by the surrounding historic environment'.

3.14 Policy DM G1 of the Development Management Local Plan relating to Design of new build states that 'New build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting'.

3.15 The proposed houses will be similar in design to those previously approved within planning permission 2013/00063/FUL. However the current design introduces a continuous flush front façade as opposed to the previous staggered building line. To the rear the amendments will also introduce additional bedroom accommodation and screened terraces at second floor level for the new accommodation and the minor increase in the footprint of the dwellings to the rear with the inclusion of recessed elements to the rear façade at first and second floor level. As in the case of the application ref: 2013/00063/FUL the changes to the rear will not be visible from the Willow Vale elevation as it will be concealed by the front pitched element of the roof.

3.16 There are no objections in principle to the erection of three houses on this site which is currently occupied by single storey employment buildings, which present a poor appearance to the street. The height and detailed design of the proposed houses is intended to be a close match to houses in the adjacent late Victorian/Edwardian terrace and to read as a continuation of the terrace. The design of the houses directly on Willow Vale are well proportioned and correctly paired to continue the pattern and design of the neighbouring property. They would carry across the same detailing (such as timber sash windows), integrating themselves successfully into the streetscene.

3.17 The design of the development to the rear of the site is acceptable and provides private gardens and separation between the rear building lines of the proposed houses and the sites to the rear in Adelaide Grove.

3.18 Planning conditions would require details including samples of all external materials including roof materials to be submitted to the Council for approval and details

of brickwork including brick colour, bond, pointing style and mortar colour and a brick sample panel to be erected on site for the Council's inspection (Conditions 5 and 6).

3.19 In summary the proposed development has been informed by a considered analysis of existing context and situation. The height of the design and materials of the façade would complement the streetscene and the area. In this respect the design complies with Policy DM G1 and Core Strategy policy BE1 in that it would be consistent with scale mass form of surrounding development, and respect the prevailing rhythm and articulation of its surroundings and would be consistent with the aims of NPPF and London Plan policy 7.4.

3.20 London Plan Policy 7.3 and DMLP Policy DM G1 require new development to respect the principles of Secure by Design. Details of how the proposed development will incorporate crime prevention measures to provide a safe and secure environment will be secured by condition (Condition 11).

IMPACT ON RESIDENTIAL AMENITY:

3.21 Policy DM G1 of the DMLP states that all proposals must be formulated to respect the principles of good neighbourliness. SPD Housing Policy 8 seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.

Daylight and Sunlight Study

3.22 In considering this, the Council has regard to the guidance set out in Building Research Establishments' (BRE) Report 2011 'Site Layout Planning for Daylight and Sunlight - A guide to good practice'. This guidance sets out advice on site layout planning to achieve good sun lighting and daylighting within buildings and in the open spaces between them. Although it provides numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design.

3.23 The BRE sunlight tests should be applied to all existing main living rooms and conservatories which have a window which faces within 90 degrees of due south. The guide states that sunlight is viewed as less important in kitchens and bedrooms. In non-domestic buildings, any spaces which are deemed to have a specific requirement for sunlight should be checked. The BRE guide recommends that main living room windows should receive 25% of the total annual probable sunlight hours, including 5% of the annual probable sunlight hours during the winter months between 21st September and 21st March.

3.24 The BRE also requires that the availability of sunlight should be checked for all open spaces (generally rear amenity spaces) where sunlight is required. The BRE guide recommends that for an open space/garden to appear adequately lit throughout the year, at least 50% of its area should receive two hours of sunlight on 21st March.

3.25 The applicants, in support of the application, have submitted a consultant's report on the impact of the scheme on daylight and sunlight to neighbouring properties, in accordance with the BRE guidelines. Officers have assessed the report and concur with its findings. The study assesses the impact of the development on the light receivable by the neighbouring properties at 52a, 53 to 69 & 78, 80 Willow Vale and 57 to 83

Adelaide Grove. The report concludes that the proposed development would have a low impact on the light receivable by neighbouring properties and confirms that the development design satisfies all of the requirements set out in the BRE guidance 'Site Layout Planning for Daylight and Sunlight'.

Outlook and privacy

3.26 Policy DM A9 of the DM LP states that to achieve a high standard of design the protection of existing residential amenities will be taken into account. SPD Housing Policy 8 requires that there is no significant loss of outlook and privacy to existing residential amenities.

3.27 The SPD requires that the proposed siting and mass of the building should not breach a line at an angle of 45 degrees from ground level on the rear boundary with Adelaide Grove property. The development would not breach this. The proposal would therefore comply with SPD Housing Policy 8. Officers consider that the development would not result in increased loss of outlook and sense of enclosure to occupiers of properties in Adelaide Grove.

3.28 SPD Housing Policy 8 (ii) states that 'new windows should normally be positioned so that the distance to any residential window is not less than 18metres as measured by an arc of 60 degrees taken from the centre of the proposed new window.' if this standard cannot be met then windows should be designed to ensure that no loss of privacy will occur.

3.29 The first floor rear building lines of the proposed houses are situated between 10m and 13.4m from the rear building lines of the back additions of properties at No's 73 - 79 Adelaide Grove. The previous application ref: 2013/00063/FUL proposed to obscure the lower half of each of the rear first floor windows. The same, solution is proposed in the current scheme. This, in officers' view, would prevent any unacceptable overlooking to any habitable rooms in the back additions of No's 75 and 79 Adelaide Grove, and the provision of obscure glazing will be required by planning condition (Condition 18). It is also noted that the main habitable rooms of properties in Adelaide Grove are principally in the back elevations and are sited in excess of 18m away.

3.30 The second floor habitable rooms within the proposed houses would be set further back and set within the rear roof of the main frontage building. The proposed obscurely glazed screens to the proposed roof terraces would prevent overlooking from these second floor windows. Undue overlooking from the roof terraces would also be prevented by these privacy screens.

3.31 Development Management Local Plan Policies H9 and H11 relate to environmental nuisance and require all development to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties. SPD Housing Policy 8 (iii) adds that roof terraces or balconies likely to cause harm to the existing amenities of neighbouring properties by reason of noise and disturbance will not be supported.

3.32 The potential for noise and disturbance to neighbours would be minimised by the modest size of the proposed roof terraces (10sq.m) which would prevent any large gatherings of people. Given the nature of the site and surroundings, Officers consider

that the scale and location of the terraces at second floor level would not result in any undue increase in noise and disturbance to neighbouring residents.

QUALITY OF RESIDENTIAL ACCOMMODATION

3.33 Housing quality is a key consideration in the assessment of applications that would result in the formation of new dwellings. The NPPF says that planning has a social role in delivering strong, vibrant and healthy communities which can be achieved by providing housing that meets the needs of existing and future generations. The Mayor's London Plan seeks the delivery of new housing that is of a high quality of design. More specifically, policy 3.5, which is entitled 'Quality and Design of Housing Developments' says that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To ensure the delivery of high quality, well designed housing, the Mayor has prepared Supplementary Planning Guidance entitled 'Housing' (herein referred to as the Housing SPG). The guidance aims to assist in designing residential accommodation that is of the highest quality because this will make a difference to the quality of life of future occupiers. The Housing SPG is clear that increasing output (of housing) is not a simple end in itself - new housing must also enhance the environment, improve choice and affordability and provide better quality homes. Further guidance on how to achieve high quality residential design is also set out at a local level in Core Strategy Policy H3, DM LP Policies DM A2 and A9 and PG SPD Housing Policy 1.

3.34 The Mayor's Housing SPG states that the Mayor seeks to encourage the kind of housing that provides comfortable and enjoyable places of retreat and privacy. Factors to be considered include privacy, the importance of dual aspect development, noise mitigation, floor to ceiling heights, daylight and sunlight. These points are addressed in turn below.

3.35 Borough Wide Strategic Policy H3 states that the council will expect all housing developments to respect the local setting and context, provide a high quality residential environment, be well designed and energy efficient, meet satisfactory internal and external space standards, and provide a good range of housing types and sizes.

3.36 Policy DM A2 states that all new housing must be of high quality design and take account of the amenity of neighbours and must be designed to have adequate internal space in accordance with the London Plan.

3.37 Policy DM A9, entitled 'Detailed Residential Standards' states that the Council will ensure that the design and quality of all new housing is of a high standard. To assess this, the following considerations will be taken into account:

- Floor area
- Accessibility for disabled people
- Amenity and garden space provision
- A safe and secure environment
- Car parking and cycle parking
- Attenuation of surface water run off
- Sustainable energy matters
- Provision of waste and recycling storage facilities
- Noise insulation and layout to minimise noise nuisance between dwellings
- Protection of existing residential amenities

Size/floor area

3.38 London Plan Policy 3.5 places a significant new focus on internal space standards for dwellings. The purpose of the policy is to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. London Plan Table 3.3 and Housing SPG Baseline Standard 4.1.1 set out the minimum gross internal area for new flats.

3.39 In this case, the three houses would be:

House 1	4 bed, 7 person, GIA 134sqm (minimum required 121sqm)
House 2	4 bed, 7 person, GIA 144sqm (minimum required 121sqm)
House 3	4 bed, 7 person, GIA 146sqm (minimum required 121sqm)

3.40 The proposed units would exceed the minimum internal floor areas required.

Floor to ceiling heights

3.41 The council will expect all residential units to meet the minimum floor to ceiling height of 2.3m for 75% of the floorspace set out in DCLG's Technical Housing Standards. The application proposals confirm that the ground floor of all three properties is 2.75m, the first floor is 2.5m and the second floor is 2.4m apart from under the eaves. Therefore the proposal meets the requirements of DCLG's Technical Housing Standards

Private Amenity Space

3.42 The Mayor's Housing SPG Baseline Standards 4.10.1, 4.10.2 and 4.10.3 relate to private amenity space. The supporting text recognises that private open space is highly valued and should be provided in all new housing developments. The standard is quantified as 5sqm for 1-2 person dwellings and says that an extra 1sqm should be provided for each additional occupant. The standard recognises that in some cases, site constraints may make it impossible to provide private open space for all dwellings. In these cases, a proportion of the dwellings may instead be provided with additional living space, equivalent to the area of the private open space requirements. Private space should have a level access and for balconies, these should have a minimum depth of 1.5m.

3.43 At the local level, SPD Housing Policy 1 identifies the importance of providing private amenity space in family sized dwellings and says that all types of dwellings should have private amenity space and family sized dwellings should have 36 sqm, provided as either solely private space or a combination of private and communal space.

3.44 The development would provide rear gardens of 36sq.m each for units 1 and 2 and 41 sq.m for unit 3, as well as roof terraces of 10sq.m each. Therefore all the units would exceed the minimum amenity space required.

Aspect and Outlook, Daylight and Sunlight

3.45 The applicants submitted report on daylight and sunlight matters also considers these matters for the new units being provided. There are minimum recommendations for dwellings of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms in terms of average daylight factor. The BRE guidance recommends that where possible each dwelling should have at least one main living room window that faces within 90 degrees of due south. The applicants BRE report concludes that sufficient levels of light will be

received for the units. The proposed houses would also not have all their habitable windows facing in a northerly direction and will have dual aspect (east/west facings) thus offering a good standard of light and aspect to the dwellings.

3.46 The applicants have also submitted an analysis of overshadowing to gardens and open spaces. This concludes that the proposed development would not create any new gardens or open space which would receive less than two hours of sunlight on 21 March. The report concludes that the proposed design would satisfy all of the requirements set out in the BRE guidance.

3.47 Officers have considered the findings of the applicants BRE report and concur with its findings. Sufficient levels of light will be received for the units and there will be no unacceptable overshadowing of garden spaces. Officers consider the proposed layout to give an acceptable standard of aspect and outlook for these units. The proposal is therefore considered to comply with policies DM A2 and A9 of the Development Management Local Plan (2013) and SPD Housing Policy 8 (iv).

Accessibility

3.48 London Plan Policy 3.8 'Housing Choice', DM LP Policy DM A9 'Detailed Residential Standards', DM LP Policy DM A4 'Accessible Housing' and SPD Design Policy 1 'Inclusive Design' of the PG SPD relate to ensuring that homes are accessible. London Plan policy 3.8 Housing Choice seeks to replace the requirement for all new homes to meet Lifetime Homes Standards with a requirement for 90% of new housing to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. To comply with Building Regulations requirement M4(2), step free access must be provided. Generally this will require a lift where a dwelling is accessed above or below the entry storey. However in the case of the application proposal the proposed units are single dwelling houses and are each accessed at ground level. The provision of lift accommodation therefore mainly relates to flatted developments.

3.49 However notwithstanding the provisions of Para: 3.48 the applicants have confirmed that units will incorporate the following measures:

- Approach to all entrances: These will comprise a level approach.
- Entrances: These will be illuminated; have level access over the threshold; an effective clear opening width of at least 800mm; weather protection will be provided at external entrances.
- Doorways and hallways: All doors within dwellings will have a minimum effective clear opening width of 800mm. All doors will have 300mm clear space at the leading edge on the pull side.
- Wheelchair accessibility: Living rooms/dining rooms will allow a clear turning circle of 1500mm diameter, or a turning ellipse of 1700mm x 1400mm. There will be 1200mm clear width between kitchen units. Bedrooms will have 750mm wide clear space provided on at least one side of the bed.
- Bathroom and WC walls: Walls in all bathrooms will be capable of taking adaptations such as grab rails.
- Lift: The potential location for a platform lift (if required) has been identified on the plan
- Bathroom layout: An accessible bathroom on the same level as the main bedroom will be provided.

TRAFFIC GENERATION and CAR PARKING:

3.50 The NPPF requires developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised; and that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

3.51 Policy 6.1, 6.3, 6.10, 6.11 and 6.13 of The London Plan sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.

3.52 Core Strategy Policy T1 supports the London Plan. Policy DM J4 of the DM LP requires new development to incorporate ease of access by disabled people and people with mobility impairment. Policy J1 states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policy DM J2 of the DM LP requires new development to accord with the car parking standards set out in the London Plan. SPD Transport Policy 3 requires compliance with the Council's car parking standard except in exceptional circumstances.

3.53 The proposed development needs to adhere to London Plan 2015 Policy 6.13 and Table 6.2. The site has a PTAL of 2 using Transport for London's (TfL's) methodology, indicating that it has a poor level of public transport accessibility. According to DMLP 2013 Policy DM J2 properties with 4 or more bedrooms can have 1.5 to 2 car spaces maximum.

3.54 The proposal as originally submitted did not propose any on-site car parking; and wanted to rely on future occupants having access to on street parking permits to cater for the parking demand. However, this property is located in a PTAL 2 area, so has a poor level of public transport accessibility. Also, allowing future occupiers of the new units access to permits would increase the parking stress in the local CPZ. The previous planning approval included on-site parking (and that scheme was for smaller houses). The applicants have argued that planning conditions can restrict the allocation of parking permits to one per unit. However, it is not possible to limit permits to one per unit. The maximum limits are per person not per property.

3.55 At officers request the applicants have therefore revised the application since submission, and now propose three off-street car parking spaces, as per the previous approved application. The proposal would utilise the existing vehicular access to the site. The scheme also proposes that the crossover, which served the roller shutter access into the northern workshop on the site, would be removed. This would allow for a new on-street car parking space to be introduced. These works would consist of raising the footpath, to be consistent with the footway either side and re-lining the highway to indicate that this area can be parked in. The reinstatement of the pavement would provide an opportunity to increase current on-street parking allocation by extending the existing parking bay for 6-7m. This would be secured by way of a legal agreement.

Cycle parking

3.56 DMLP Policy DM J5 states that all 1-2 bedroom units are required to have a minimum of 1 cycle parking space and that all 2 or more bedroom units are required to have a minimum of 2 cycle parking spaces. These are required to be safe, accessible and conditioned for the life of the development.

3.57 The application indicates cycle storage in the rear gardens for two bicycles at each property. A condition would secure that this is provided (Condition 15).

Refuse storage

3.58 London Plan Policy 5.16 outlines the Mayor's approach to waste management. Core Strategy Policy CC3, DMLP Policy H5 and SPD Sustainability Policies 3, 4, 7, 8, 9 and 10 sets out the Councils Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste. Refuse/recycling storage would be provided at ground level off-street. A condition is proposed to ensure the refuse storage is implemented before the use is occupied and is maintained for the life of the development (Condition 14).

Vehicular Access Point (Crossover)

3.59 The existing northern workshop has a crossover that will be redundant as a result of the proposed development. Accordingly, the applicant will be required to pay for the replacement of this existing crossover and the reinstatement of the footway. This matter would be secured by legal agreement.

Footway improvements

3.60 The developer would be expected to finance required improvements to bring the existing footway along Willow Vale, that is adjacent to the properties to be constructed, to the required standard, e.g. repaving and matching the footway to ASP (artificial paving slabs). This matter would be secured by legal agreement; and the work would be carried out by a Council contractor.

Construction and Demolition Plans

3.61 Demolition and Construction Management Plans (DMP/CMP) and Demolition and Construction Logistics Plans (DLP/CLP) would be required to ensure that there is no harmful impact on neighbours and on the local highways network. They shall include demolition details, contractors' construction 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. The logistics plans shall be in accordance with Transport for London (TfL) requirements, which seeks to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. These would be secured by conditions in accordance with London Plan Policy 6.3, Policy DM H5, DM H9 and DM H11 of the DMLP (Condition 03).

FLOOD RISK and SUDS:

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

3.63 London Plan policies 5.11, 5.12, 5.13, 5.14 and 5.15 requires new development to comply with the flood risk assessment and management requirements of national policy, including the incorporation of sustainable urban drainage systems, and specifies a drainage hierarchy for new development.

3.64 Core Strategy Policy CC1 requires that new development is designed to take account of increasing risks of flooding. Policy CC2 states that new development will be expected to minimise current and future flood risk and that sustainable urban drainage will be expected to be incorporated into new development to reduce the risk of flooding from surface water and foul water. These are also supported by DM LP Policy DM H3 and SPD Sustainability Policies 1 and 2.

3.65 This site is in the Flood Risk Zone 1. This indicates that flood risk from the Thames is low. As the site is small (less than 1 hectare in size), no flood risk assessment assessing and mitigating flooding from the Thames is required. Also, this part of the borough is not considered to have an increased potential for elevated groundwater, so flood risk from this source is also low.

3.66 Local Plan policy DM H3 requires developments to reduce the use of water and minimise current and future flood risk by implementing a range of measures such as Sustainable Drainage Systems (SuDS) and also the use of water efficient fittings and appliances. Implementation of SuDS measures must be assessed and proposed with the aim of reducing peak flows of surface water run-off from the site to greenfield run-off levels or as much as possible.

3.67 Opportunities to include SuDS measures need to be considered and integrated where possible. Measures could include rainwater harvesting for re-use (e.g. greywater recycling to flush toilets), infiltration techniques (soft landscaping and permeable paving in external areas or green roof/walls if these are feasible - i.e. soil conditions are suitable) or use of attenuation tank to store run-off for controlled release into the sewer system (Condition 25). Water efficient fixtures and fittings should also be specified as part of the planned works to help reduce water use and reduce foul water flows from the site (Informative added)

SUSTAINABLE DESIGN AND CONSTRUCTION/CARBON REDUCTION:

3.68 London Plan Policy 5.2 (Minimising Carbon Dioxide Emissions) in the London plan states that 'The Mayor will work with boroughs and developers to ensure that major developments meet the following targets for CO2 emissions reductions in buildings.' The policy then goes on to outline the stringent CO2 reduction targets compared to the Building Regulation minimum requirements. The policy also states 'Major development proposals should include a detailed energy assessment to demonstrate how the targets for CO2 emissions reduction are to be met' Policy 5.3 of The London Plan on Sustainable Design and Construction also states that major developments should meet the minimum standards outlined in the Mayor's SPG although there is also a more

general reference to proposals demonstrating that sustainable design standards are integral to the proposal.

3.69 This is not a major application, so there are no requirements in respect of planning policies relating to sustainable design & construction. Notwithstanding this, the Building Regulations benchmark for new build schemes is high in terms of sustainability and energy performance.

CONTAMINATION:

3.70 Policy 5.21 of The London Plan, Core Strategy Policy CC4 and Policy DM H7 and H11 of the DM LP states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place.

3.71 Potentially contaminative land uses, past or present, are understood to occur at, or near to, this site. In order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works conditions will be attached covering the assessment and remediation of contaminated land (Conditions 19 - 24).

COMMUNITY INFRASTRUCTURE LEVY:

3.72 Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. This development will be subject to a London-wide community infrastructure levy. This will contribute towards the funding of Crossrail, and further details are available via the GLA website at www.london.gov.uk. The GLA expect the council, as the collecting authority, to secure the levy in accordance with London Plan policy 8.3. It is calculated that a contribution of £14,356 would be required with regard to Mayoral CIL.

3.73 The Council has also set a CIL charge. The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The Council's CIL runs alongside Section 106 Agreements (S106s) which will be scaled back but will continue to operate. The CIL Charging Schedule was presented to the Council and approved on the 20th May 2015 and has formally taken effect since the 1st September 2015. It is estimated that a payment of £12,962 would be required to Local CIL.

PLANNING OBLIGATIONS:

3.74 In dealing with planning applications, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations. London Plan policy 8.2 recognises the role of planning obligations in mitigating the effects of development and provides guidance on the priorities for obligations in the context of overall scheme viability.

3.75 In accordance with Section 106 of the Town and Country Planning Act 1990 (As Amended) the applicant has agreed to enter into a legal agreement. The Legal Agreement will include the following Clauses:

- To ensure that existing occupiers of the garages 16, 17 and 18 which would be demolished as part of the development hereby approved, are relocated into the vacant units available within the remainder of the site which is under the ownership of the applicant, prior to the implementation of the approved development.
- Developer to pay the cost of the removal of a vehicular access off Willow Vale, which provides access into the northern workshop on the site, and associated alterations to the highway including the reinstatement of the kerb, making good of the pavement and extending of the existing parking bay for 6-7m.
- Developer to make a contribution towards improvements to bring the existing footway along Willow Vale that is adjacent to the properties to be constructed to the required standard, e.g. repaving and matching the footway to ASP (artificial paving slabs).
- All the future occupiers (apart from blue badge holders) of the three new residential units to be prohibited from applying/having on-street residential car parking permits in existing/proposed CPZs.

4.0 CONCLUSION and RECOMMENDATION

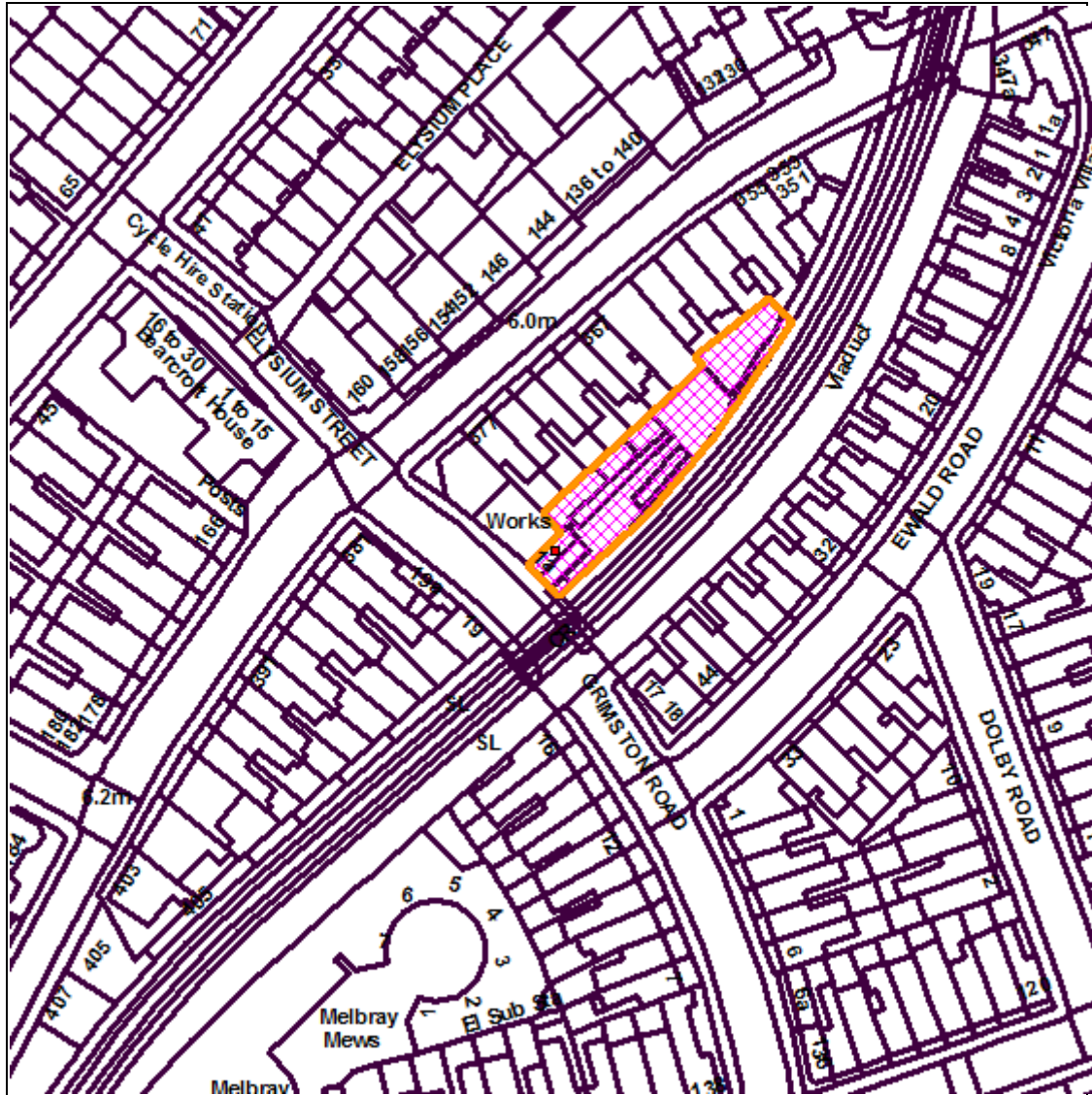
4.1 Officers consider that the redevelopment of the land for residential accommodation is acceptable. The new buildings are considered to be of an acceptable design quality, which would contribute to the character and appearance of the streetscene, and would sit comfortably within its townscape context. It is also considered that the proposal would not result in harmful levels of traffic generation and would not have a demonstrably harmful impact on the amenities of surrounding residents.

4.2 For these reasons, it is recommended that this variation to an existing planning permission is granted, subject to conditions, and subject to the completion of a satisfactory legal agreement.

Ward: Town

Site Address:

1A Grimston Road London SW6 3QP



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Reg. No:
2015/05053/FUL

Case Officer:
Graham Simpson

Date Valid:
02.11.2015

Conservation Area:
Fulham Park Gardens Conservation Area -
Number 16

Committee Date:
09.03.2016

Applicant:

Mr Christopher Old
11 Russell Gardens London W14 8EU United Kingdom

Description:

Conversion of the existing two storey building fronting Grimston Road (Use Class B1) to provide two residential units (Use Class C3), and the insertion and replacement of windows and doors and associated alterations; demolition of the existing one and two storey buildings (Use Class B1) within the application site and the erection of a two storey building to provide six residential units (Use Class C3)

Drg Nos: 211 Rev F; 212 Rev D; 220 Rev G; 230 Rev H; 231Rev B; 290 Rev E; 230 Rev H

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Executive Director of Transport and Technical Services be authorised to determine the application and grant permission up on 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 development shall be carried out and completed in accordance with the approved drawing No.s 211 Rev F; 212 Rev D; 220 Rev G; 230 Rev H, 231 Rev B and 290 Rev E.

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 DM G1, DM G3 and DM G7 of the Development Management Local Plan 2013 and Policy BE1 of the Core Strategy 2011.

- 3) Prior to commencement of the development hereby approved, a Demolition Management Plan, a Demolition Logistics Plan, a Construction Logistics Plan and a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The details shall also include the numbers, size and routes of demolition and construction vehicles, 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. Approved details shall be implemented throughout the project period.

To ensure that demolition and construction works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies DM J1, J6, H5, H8, H9, H10 and H11 of the Development Management Local Plan 2013.

- 4) No development shall commence until a scheme for temporary fencing and/or enclosure of the site where necessary has been submitted to and approved in writing by the Council, and such enclosure has been erected in accordance with the approved details and retained for the duration of the building works. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.

To ensure that the site remains in a tidy condition during and after demolition works and during the construction phase and to prevent harms to the street scene and character and appearance of the adjoining conservation area, in accordance with Policies DM G3 and G7 of the Development Management Local Plan 2013 and Policy BE1 of the Core Strategy 2011.

- 5) The development hereby permitted shall not commence prior to the submission and approval in writing by the Council of details of the fenestration including materials and means of opening, and no part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance, in accordance with Policies DM G1, DM G3 and G7 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

- 6) The development hereby permitted shall not commence prior to the submission and approval in writing by the Council of details and samples of all materials to be used on the external faces of the new building, including railings and balustrades and no part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance, in accordance with Policies DM G1, DM G3 and G7 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

- 7) No plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the Parsons Green and Heathmans Road elevations of the building hereby approved.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies DM G1, DM G3 and G7 of the Development Management Local Plan 2013 and Policy BE1 of the Core Strategy 2011.

- 8) Notwithstanding the provisions 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 telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being granted.

To ensure that that the visual impact of telecommunication equipment can be considered in accordance with Policies DM G3 and G7 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

- 9) No plant, water tanks, water tank enclosures or other structures, that are not shown on the approved plans, shall be erected upon the roofs of the building hereby permitted.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies DM G1, DM G3 and G7 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

- 10) No alterations shall be carried out 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, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DM G1, DM G3, G7, H9 and H11 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011

- 11) The residential units hereby permitted shall not be occupied until details of 12 secure cycle parking spaces to be provided in connection with the proposed residential units have been submitted to and approved in writing by the Council, and such details as are approved shall be implemented prior to the occupation or use of the flats and permanently retained thereafter for such use.

In order to promote alternative, sustainable forms of transport, in accordance with Policy DM J5 of the Development Management Local Plan 2013.

- 12) No part of the development hereby approved shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawings. All refuse generated by the development hereby permitted shall be stored within these enclosures, shall only be brought to the front of the premises on the day of collection and shall be permanently retained for these purposes.

To ensure that the use does not give rise to smell nuisance and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policy CC3 of the Core Strategy 2011 and Policy DM H5 of the Development Management Local Plan 2013.

- 13) No occupier of the development hereby permitted, and with the exception of disabled persons who are blue badge holders, shall apply to the council for a parking permit or retain such a permit and if such a permit is issued it shall be surrendered to the Council within seven days of written receipts.

In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with policies DM J1 and DM J2 of the Development Management Local Plan (2013).

- 14) The development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the local planning authority to ensure that all occupiers, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the council and to ensure that occupiers are informed, prior to occupation, of such restriction. The development shall not be used otherwise than in accordance with the approved scheme unless prior written agreement is issued by the council.

In order that the prospective occupiers of the residential units are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with policies DM J1 and DM J2 of the Development Management Local Plan (2013).

- 15) The development hereby permitted shall not be occupied until the council has been notified in writing (and has acknowledged such notification) of the full postal address of the new dwellings. Such notification shall be to the Council's Head of Development Management and shall quote the planning application number specified in this decision letter.

In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new dwellings hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with policies DM J1 and DM J2 of the Development Management Local Plan (2013).

- 16) Prior to the occupation of the development water efficient appliances should be installed to help minimise water use.

In order to reduce the use of water and minimise current and future flood risk in accordance with Development Management Local Plan (2013) policy DM H3.

- 17) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from dwelling above. Details shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 15 dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. 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/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in

accordance with Policies DM H9 and H11 of the Development Management Local Plan (2013).

- 18) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings. 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 is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan (2013).

- 19) Prior to use of the development, details shall be submitted to and approved in writing by the Council, of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/ equipment will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. 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/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with Policies DM H9 and H11 of the Development Management Local Plan (2013).

- 20) Prior to use of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that machinery, plant/ equipment extract/ ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. 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/ surrounding premises is not adversely affected by vibration, in accordance with Policies DM H9 and H11 of the Development Management Local Plan (2013).

- 21) No part of the development hereby approved shall be used or occupied prior to the changes to the vehicular access layout to reinstate the curb. These works will be undertaken by the council's contractor, and the applicant will have to pay for all expenses in relation to this. Estimate costs for the above work can be obtained from a highway officer on 020 8753 3070.

In order to prevent harm arising through deviations from the approved plans, in accordance with Policy BE1 and T1 of the Core Strategy 2011, and Policy DM G3, J2 and J3 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 24) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent

person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

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

Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

Justification for Approving the Application:

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

All Background Papers held by Andrew Marshall (Ext: 3340):

Application form received: 23rd October 2015

Drawing Nos: see above

Policy documents: National Planning Policy Framework 2012
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013
Core Strategy 2011
The Development Management Local Plan 2013
Planning Guidance Supplementary Planning Document July 2013

Consultation Comments:

Comments from:
Thames Water - Development Control

Dated:
10.11.15

Neighbour Comments:

Letters from:
Fen Farm Fen Lane, Hitcham Ipswich IP7 7NL
369 new kings road London w7 2lu
18 Grimston Rd London SW6 3QL

Dated:
18.11.15
04.12.15
24.11.15

372 New Kings Road Fulham SW6 4RJ	07.12.15
371 New kings road Fulham SW6 4 RJ	01.12.15
373 New Kings Road London SW6 4RJ	22.12.15
375 New Kings Road London SW6 4RJ	24.11.15

OFFICER'S REPORT

1.0 SITE CONTEXT

1.1 The application site comprises a backland site, comprising vacant motorcycle workshops. The site is accessed from Grimston road and backs onto the rear of 359-377 New Kings Road to the north, and the District line viaduct to the south. The site is on the edge of, but within the Fulham Park Gardens conservation area. The application site is in Environment Agency Flood Risk Zone 2 and 3.

1.2 Relevant planning history:

Application Reference: 1983/01893/FUL Status: PER
Description: Rebuilding and extension of two storey office building and access to Grimston Road.

Application Reference: 1993/00426/FUL Status: PER
Description: Use of the premises as a motor cycle repair workshop and motor cycle retail outlet.

Application Reference: 2001/00655/ADV Status: PER
Description: Display of 2 internally illuminated signs, and one non- illuminated sign.

1.3 Conversion of the existing two storey building fronting Grimston Road (Use Class B1) to provide two residential units (Use Class C3), and the insertion and replacement of windows and doors and associated alterations; demolition of the existing one and two storey buildings (Use Class B1) within the application site and the erection of a two storey building to provide six residential units (Use Class C3). The scheme was amended in following manner:

- Omission of an additional floor at second floor level on top of the existing building fronting Grimston Road.
- Corrected the height of the boundary wall between the application site the neighbouring properties fronting New Kings Road
- Lowering the height of the windows in the north west elevation at ground floor level
- Reduction in bulk and scale at first floor level along the length of the new building on the north west elevation, adjacent to No.s 365 to 377 New Kings Road.

2.0 CONSULTATION RESPONSES (INTERNAL AND EXTERNAL)

2.1 Individual letters were sent to neighbouring properties notifying them of the proposal. A further round of consultation letters were sent to neighbours following the submission of an amended proposal. Eight responses received. Grounds of objection can be summarised as:

- Impact on parking and increased traffic and congestion
- Visual amenity due to height, massing, and poor design

- Impact on the conservation area
- Loss of daylight/sunlight
- Loss of outlook
- Increased sense of enclosure
- Loss of employment space
- Overlooking and loss of privacy
- Substandard level of accommodation
- Noise and disturbance from building works, and the new residential units.

(Officer note: Noise and disturbance from building works would be controlled through Building Regulations and Environmental Health legislation, and as such is not a planning consideration. Other issues raised are addressed in the body of this report.)

2.2 Highways Division raise no objection, subject to conditions.

2.3 Environmental Quality Team raise no objection, subject to conditions.

2.4 Environmental Policy Team raise no objection, subject to conditions.

2.5 Design raise no objection, subject to conditions

3.0 PLANNING CONSIDERATIONS

3.1 The main planning considerations to be considered in light of the Council's adopted Core Strategy 2011, Development Management Local Plan (DMLP) 2013 and the Planning Guidance Supplementary Planning Document (PG SPD) 2013 include; the principle of the development in land use terms, the intensity of development in terms of the height, scale and massing; the impact on surrounding uses particularly on the existing amenities of occupiers of neighbouring residential properties in terms of noise, outlook, light and privacy; and the potential for traffic generation, and the impact on the highway network.

Land Use:

3.2 The proposal involves changing the use of the light industrial premises to residential use in connection with 8 self-contained flats.

3.3 The proposed change of use is assessed against Core Strategy Strategic Policy B and Borough Wide Strategic Policy LE1 and policy DM B1 of the Development Management Local Plan (2013) which seeks to retain existing employment uses and states that when assessing an application for loss of employment, officers should have regard to the suitability of the site for continued employment use and evidence of unsuccessful marketing.

3.4 A marketing history report prepared by Willmotts has been submitted in support of the change of use. This states that Cannon Estates and Llewellyn and Co. have been actively marketing the property since December 2012. Willmotts have been marketing the site since February 2015. This active marketing campaign generated limited interest in the property. Willmotts received six calls from parties, none of which showed any serious interest. The negatives that may have put the interested parties off the property may have included the following:

- Poor condition of the existing buildings;
- The large amount of work required; and
- Trade potential from the location would be limited.

In addition, the site is in a poor state of repair which would require significant investment to bring the building back into commercial use. The report concludes that the site is no longer suitable for commercial use. The improvements required to bring the premises up to a suitable standard would be costly with no guarantee of finding a tenant. This has been demonstrated throughout the marketing period.

3.5 Officers have considered the applicant's report and are satisfied that it is robust. The report addresses each of the criteria within policies LE1 and DM B1, in particular there is evidence of marketing over a 3 year period including both for sale and let which exceeds the 12 months required by policy. Officer site visits reveal that the buildings are in relatively poor and would need updating. The continued underuse of this employment site has no clear benefit to the local economy. Officers consider that the loss of the B1 premises in this case would accord with Policies LE1 of the Core Strategy and DMB1 of the DMLP.

Residential:

3.6 The NPPF seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy 3.3 (Increasing London's Supply of Housing) of the London Plan and Core Strategy Policy H1 (Housing Supply) sets minimum borough targets for housing provision up to 2021. The policies specifies a 10 year minimum target for LBHF of 10,312 dwellings, and an annual monitoring target of 1,031 dwellings.

3.7 Policy DM A1 of the DM LP states the council will seek to exceed the London Plan housing target by seeking housing on both identified and windfall sites and as a result of change of use. The provision of 8 flats would contribute towards these targets.

3.8 Core Strategy Policy H3 seeks to ensure that all housing development is provided to a satisfactory quality, has an appropriate mix of types and sizes (with a particular emphasis on family accommodation), and is well related to its surroundings (and neighbouring residential properties in particular). This approach is reflected in DM LP Policy A2 and A9, and SPD Housing Policy 4 and 5 which sets out minimum floor areas and internal room sizes and that new residential development (including conversions), where possible, development should provide family accommodation at ground floor level with direct access to a private garden or amenity space SPD Housing Policy 2. SPD Housing Policy 8 (iv) states that north facing properties should be avoided where possible. The proposed floorspace for the residential units should be of adequate size to provide an acceptable layout, outlook and sunlight and daylight levels to occupiers of the property in accordance with Core Strategy policy H3 (Housing Quality and Density), and Development Management Local Plan Policies .

3.9 The proposed flats would be range from 35sqm-127sqm meeting the requirements of the above policies. In addition, the new units would be provided with rooms adequate in size for their intended use and occupancy. The proposed floorspace would be of an adequate size to provide an acceptable layout, outlook and sunlight and daylight levels to occupiers of the residential units considering the flats are dual aspect for the ground

floor units and the units within the existing building fronting Grimston Road, and largely south facing for Units 6 and 9.

Design:

3.10 London Plan policy 7.1 requires that all new development is of high quality that responds to the surrounding context and improves access to social and community infrastructure contributes to the provision of high quality living environments and enhances the character, legibility, permeability and accessibility of the surrounding neighbourhood. Policy 7.2 requires that new development embraces the principles of inclusive design. Policy 7.4 of The London Plan requires that new development responds to the surrounding setting and provides a human scale and relationship with street level activity and is informed by the historic context. Policy 7.6 requires development to be of high architectural quality that is of a scale that is compatible with the surrounding area that makes a positive contribution to the immediate, local and wider area.

3.11 Core Strategy policy BE1 requires that all new development creates a high quality, accessible, urban environment that respects the surrounding setting, including heritage assets. Policies DM G1 and DM G3 of the Development Management Local Plan requires development to be of a high standard of design, and be compatible with the scale and character of the existing development and its setting. Development Management Local Plan Policy DMG7 (Heritage and Conservation) aims to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment. DM LP Policy A8 states that basement accommodation should not extend beyond the footprint of the property and extensions. This is supported by DMLP Policy A9 and SPD Design Policies 13, 14, 16, 17, 31, 32, 34 and 35.

3.12 The existing buildings on the site are of no historical interest or architectural merit and does not share many design characteristics with its immediate neighbours. Although within the Fulham Park Conservation area, most of the site is not visible from any public vantage points of view, and the existing buildings within the site do not contribute in any significant way to the existing quality, character, appearance or setting of the conservation area and its historic environment. There would be no objection to the loss of the existing buildings within the site, and the principle of the replacement buildings to the rear is considered acceptable, subject to appropriate design. The only part visible from the public vantage point of view (fronting Grimston Road) would be largely retained.

3.13 The proposals involve a mix of conversion, and new build. The proposed replacement buildings have been designed to relate to the height and scale of the surrounding buildings and structures, most notably the railway viaduct to the south. The replacement building is predominantly two storey has been designed to be lower on the north side, near to the rear gardens of the neighbouring terrace fronting New Kings Road, and then slope away from the houses at No.s 359 to 363 New Kings Road to two storeys to a similar existing height of the adjacent railway viaduct. This is intended to reduce the impact of the development as viewed from the adjoining residential properties. The visual scale and massing is therefore considered to be compatible with the scale and character of the surroundings. The appearance of the new two storey buildings would be in the form of modern mews houses with contemporary frontages using traditional brickwork and metal framed windows, and standing seam roofing. In

this form the proposal is considered to be visually acceptable. There are therefore no objections to the design, scale and massing of the replacement two storey buildings in terms of visual amenity.

3.14 The proposed elevation fronting Grimston Road includes the replacement of existing Upvc windows at first floor level with timber sliding sash windows, which would be matched by three new windows at ground floor level. It is considered that this would be an improvement on the existing appearance. In this form it is considered that the proposal would be sympathetic with surrounding properties and the townscape setting. In this form the proposal is considered to be visually acceptable, and would meet the objective of enhancing the conservation area.

Residential Amenity

3.15 Policy DM A9 of the Development Management Local Plan states that proposals must respect the principles of good neighbourliness. Policy DM H9 seeks to prevent noise and disturbance to neighbours. Planning Guidance SPD Housing Policy 8 is concerned with the outlook and loss of privacy to occupiers of adjacent properties.

3.16 The effect of the development upon the amenities of the surrounding residential occupiers is one of the key issues relating to this proposal. The scale and proximity of the development in comparison with the height of the existing buildings, structures and boundary walls, relative to the proximity of surrounding properties, is central to this assessment.

3.17 The application site runs along the rear boundaries of a ten residential properties fronting New Kings Road (No.s 359 to 377). No.s 359 to 363 back onto the existing two storey building at the eastern end of the application site, and No. 365 has infilled the whole rear garden with an existing rear extension. There are therefore six properties (No.s 367 to 377) that have small rear gardens backing onto the central portion of the application site, adjacent to the new build part of the proposal.

3.18 In terms of the existing views from the rears of the neighbouring properties, any development would be seen against the backdrop of the 6.4m high railway viaduct to the south. In addition, the existing single storey structure running along the rears of No. 369 to 377 is at least 2.3m on the shared boundary, with No. 367 having a high rear fence to a matching height.

Outlook/sense of enclosure

3.19 SPD Housing Policy 8(i) relates to loss of outlook and states that 'a building's proximity can have an overbearing and dominating effect, detrimental to the enjoyment by residential occupiers of their properties'.

3.20 It is commonly held that loss of view is not a material consideration in assessing the acceptability of built development, including extensions. However a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. Although it is dependent upon the proximity and scale of the proposed development a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point 2 metres above the adjoining ground level of the boundaries of the site where it adjoins residential properties. However, on sites that adjoin residential properties that have rear gardens of

less than 9 metres in length this line should be produced at 45 degrees from a point at ground level on the boundary of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines then on-site judgment will be a determining factor in assessing the effect which the extension will have on the existing amenities of neighbouring properties.

3.21 The part of the redeveloped building adjacent to the neighbouring properties No.s 365 to 377 New King's Road would replace an existing 2.3m high single storey building. The proposal has been designed to slope away from the rear boundaries of the adjoining properties. The proposal has been further amended since first being submitted, further reducing the parts above ground floor level on the north west elevation, in order to comply with SPD Housing Policy 8(i). Officers consider that the impact of the development would be such as to no longer result in an unacceptable sense of enclosure, aspect and outlook such as to justify refusing planning permission. In this respect the proposed development is judged to be acceptable in the context of SPD Housing Policy 8(i).

Privacy

3.22 SPD Housing Policy 8(ii) states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window.

3.23 With regard to overlooking and loss of privacy, objections have been raised that the proposed windows in the ground floor of the north west elevation would have the potential to result in overlooking or loss of privacy to the first floor windows in the rear elevations of the back additions of No.s 359 to 377 New Kings Road. Although within 18m of neighbouring windows (7.5m), there would be no additional opportunity for overlooking due to the presence of the existing 2.3m high wall running along the length of the north west boundary screening the proposed new windows. In this form, it is considered that the proposal would not result in a loss of privacy or overlooking. The proposed development is therefore considered to be acceptable in the interests of residential amenity, complying with Policy DM A9 and DM G1 of the Development Management Local Plan 2013 and SPD Housing Policy 8 (ii).

Noise and disturbance

3.24 Policy DM H9 of the DM LP considers noise levels both inside the dwelling and in external amenity spaces while SPD Housing Policy 8 (iii) states 'planning permission will not be granted for roof terraces or balconies if the use of the terraces or balconies is likely to cause harm to the existing amenities of neighbouring properties by reason of noise and disturbance.'

3.25 It is difficult to predict with any accuracy the likely level of noise/disturbance that would be generated by the use of the proposed outdoor amenity spaces backing onto the properties fronting New Kings Road. However, on balance, having regard to the modest sizes of the proposed outdoor spaces (no more than 10.5sq m), it is not considered that its use would, in the normal course of events, be likely to harm the existing amenities of adjoining occupiers as a result of additional noise and disturbance to a degree that would justify refusing planning permission. The proposal is therefore considered to be acceptable under Policy DM H9.

Sunlight and daylight

3.26 The proposed development could potentially impact residential windows in the rear elevations of the neighbouring properties fronting New Kings Road.

3.27 In considering this, the Council has regard to the guidance set out in Building Research Establishments' (BRE) Report 2011 "Site Layout Planning for Daylight and Sunlight - A guide to good practice". This guidance sets out advice on site layout planning to achieve good sunlighting and daylighting within buildings and in the open spaces between them. Further, Section 2.3 takes account of adjoining development land where it is noted that from a 'daylighting standpoint it is possible to reduce the quality of adjoining development land by building too close to the boundary.' The justification continues stating 'a well-designed building will stand a reasonable distance back from the boundaries so as to enable future nearby residents to enjoy similar access to daylight.'

3.28 Taking a line from the middle of the nearest affected windows at ground floor level in the rear elevations of the neighbouring properties in New Kings Road, the difference between the existing line of site to the adjacent railway viaduct and that of the proposed building is small, going from 19 to 21 degrees to the horizontal. Officers are satisfied that the development would have no significant adverse impact on the neighbouring residents in terms of daylight/sunlight.

Highways Matters

3.29 Borough Wide Strategic Policy T1 of the Core Strategy seeks to improve the transport network by amongst wider public transport improvements, also promoting cycling and ensuring that car parking meets the essential needs of the development, without impacting on the quality of the urban environment. The proposal is considered a 'change of use' so DMLP Policy - DM J2 and DM J3, and SPD Transport Policies 3 & 5 apply.

Impact of building works:

3.30 A Demolition and Construction Management Plan (CMP) and Construction Logistics Plan (CLP) will be required to ensure that there is no harmful impact on neighbours and on the local highways network. The Demolition and CMP shall include demolition details, contractors' construction 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. The CLP shall be in accordance with Transport for London (TfL) requirements, which seeks to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. These would be secured by a condition in accordance with DM LP Policies DM J1, J6, H5, H8, H9, H10 and H11, SPD Amenity Policy 19 and 26, and SPD Transport Policy 28, and London Plan Policy 6.3.

Car Parking

3.31 The site has a PTAL score of 4 using Transport for London's methodology, indicating that it is very accessible by public transport. Therefore, the proposed

residential units will need to be designated Car Permit Free, which will be secured through a legal agreement.

Cycle Parking

3.32 Policy J5 of the DMLP requires 1 space per 1-2 bed dwelling and 2 spaces per 3 bed dwelling. Although there is likely sufficient space to provide cycle parking, further details of how the required 12 cycle parking spaces would be provided would be secured through condition.

Refuse and Recycling

3.33 London Plan Policy 5.16 outlines the Mayor's approach to waste management. Core Strategy Policy CC3, Policy DM H5 of the DM LP and SPD Sustainability Policies 3 (Residential Waste Storage) and 6 (External storage), sets out the Council's Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste. Officers are satisfied that there is sufficient space within the designated area for the satisfactory storage of refuse, although if officers were minded to grant planning permission a condition would be attached to ensure the refuse storage is implemented before the use is occupied and is maintained for the life of the development.

Flood Risk

3.34 This site is in the Environment Agency's Flood Zone 3. As required, a Flood Risk Assessment (FRA) has been submitted with the application. The FRA includes details of suitable mitigation measures and their implementation can be conditioned.

3.35 Local Plan policy DM H3 requires developments to reduce the use of water and minimise current and future flood risk by implementing a range of measures such as Sustainable Drainage Systems (SuDS). The ground floor plans show external garden areas that should be utilised to help manage surface water run-off - e.g. by integrating permeable surfaces, soft landscaping and water butts if feasible. Water efficient fixtures and fittings should also be specified as part of the planned works. This will help minimise water use and reduce foul water flows from the site. Further details would be secured through conditions.

CONTAMINATION

3.36 Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. Conditions would be attached in event of permission being granted in order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan.

MAYORAL CIL:

3.37 This development will be subject to a London-wide community infrastructure levy, charged at a rate of £50 per square metre for additional floorspace in Hammersmith & Fulham. The amount charged will contribute towards the funding of Crossrail, and further details are available via the GLA website www.london.gov.uk. The GLA expect the Council, as the Collecting Authority to secure the levy in accordance with the London

Plan Policy. In dealing with planning applications, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations.

3.38 The Council has also set a CIL charge. The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The Council's CIL runs alongside Section 106 Agreements (S106s) which will be scaled back but will continue to operate. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September. An estimate of £61,200 based on 153 sqm of additional floorspace has been calculated.

PLANNING OBLIGATIONS

3.39 The council is obliged to assess planning proposals against the policies and standards contained within the Development Plans for the area and to consider any other material planning considerations. In some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations.

3.40 If the application were considered acceptable in all other respects than the applicant would be expected to agree to enter into a legal agreement with the council with respect to the following heads of terms.

- (i) Reinstating the footway on the Grimston Road elevation, following removal of the crossover which would be rendered redundant by the development taking place.
- (ii) Residential units to be car permit free

4.0 CONCLUSION AND RECOMMENDATION

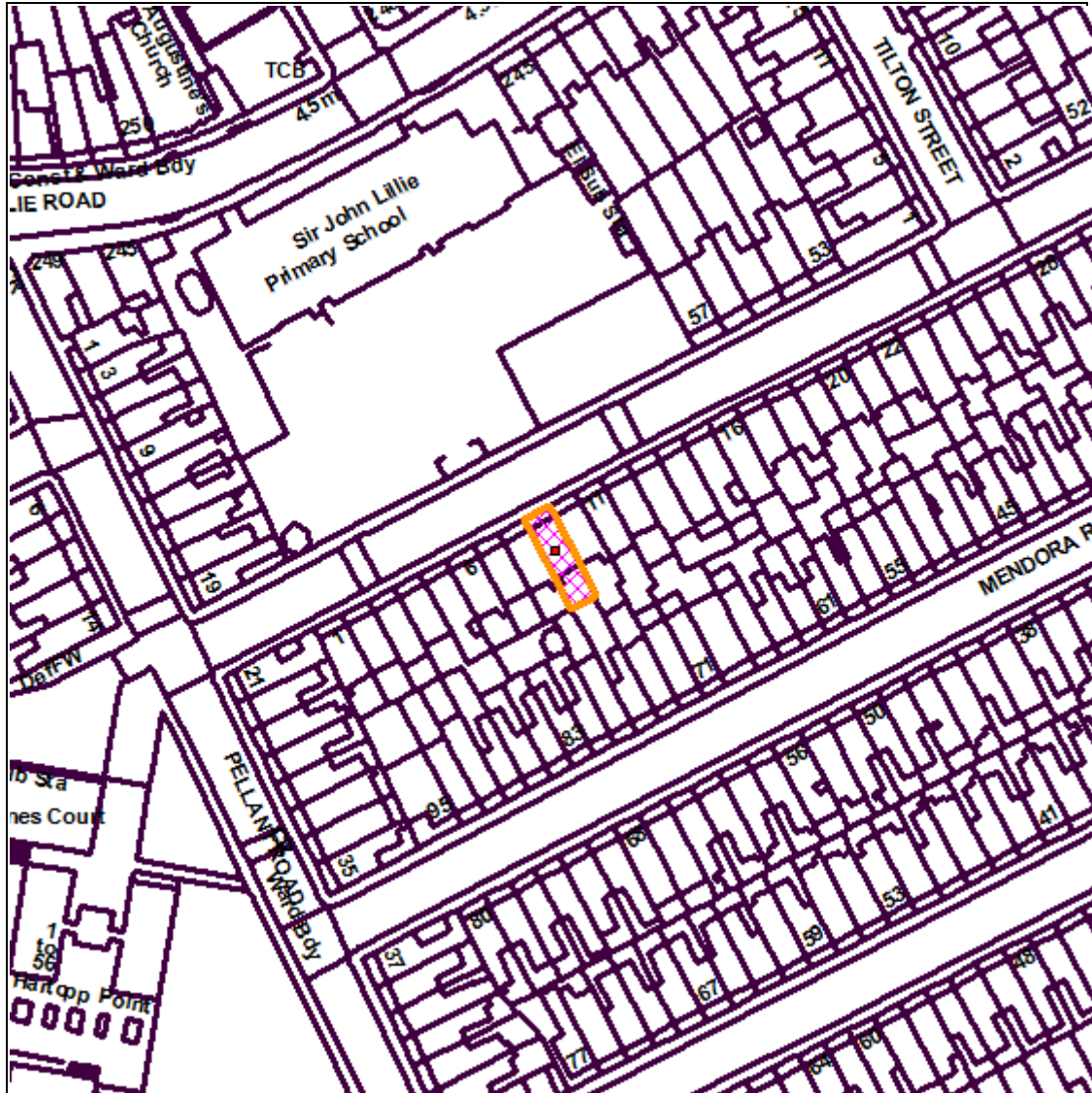
41. The proposed development would create well-designed dwelling units that would complement its setting. The proposed level of demolition is acceptable given that the parts of the building being demolished are not of architectural merit, or listed. The proposal would improve the appearance of the site and the surrounding area. The proposal would have an acceptable impact on local services and employment. The proposal would have an acceptable impact on neighbouring living and working conditions. The impact of the development subject to conditions would not have a significant impact on the highway, parking, flooding or the environment. As such the proposal is considered to be in accordance with relevant national guidance, London Plan policies, the Core Strategy, DM LP and Planning Guidance Supplementary Planning Document Policies.

4.2 Approve subject to conditions.

Ward: Fulham Broadway

Site Address:

9 Delaford Street London SW6 7LT



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For identification purposes only - do not scale.

Reg. No:
2015/05604/FUL

Case Officer:
Alison Lavin

Date Valid:
30.11.2015

Conservation Area:

Committee Date:
09.03.2016

Applicant:

Mr Craig Matson
5 Chamberlain Street London NW1 8XB

Description:

Excavation of front garden and part of rear garden to form lightwells, in connection with the creation of a basement; erection of a two storey rear extension at ground and first floor levels; erection of a rear roof extension; installation of two rooflights in the front roofslope in connection with the conversion of a single dwelling house into 1 x 1 bedroom and 2 x 2 bedroom self-contained flats.

Drg Nos: PDEL 04 rev B; PDEL 03 rev B.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the application be approved 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 development hereby permitted shall be built in complete accordance with the submitted drawings, and the height of the rear roof extension shall not exceed the height of the ridge of the existing roof of the application property and that of the neighbouring properties No. 8 and 10 Delaford Street as shown on approved drawing No. PDEL 04 rev B.

In order to ensure full compliance with the planning permission hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G3 of the Development Management Local Plan 2013.

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

To ensure a satisfactory external appearance, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G3 of the Development Management Local Plan 2013.

- 4) The raised party walls of the rear roof hereby approved shall be constructed in second hand London stock brickwork.

To ensure a satisfactory external appearance, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G3 of the Development Management Local Plan 2013.

- 5) The party walls of the rear roof extension hereby approved shall not project more than 250 millimetres above or beyond the external faces of the main roof structures.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G3 of the Development Management Local Plan 2013.

- 6) The slope of the rear roof extension and the first floor extension hereby approved shall be clad in slates or artificial slates.

To ensure a satisfactory external appearance, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G3 of the Development Management Local Plan 2013.

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

It is considered that such structures would seriously detract from the appearance of the building, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G3 of the Development Management Local Plan 2013.

- 8) The development hereby permitted shall not commence until the dormer window to the rear of the property at first floor level has been installed as non openable and to incorporate obscure glazing to a height of 1.7metres as measured from floor level.

In order to ensure that the glazing would not result in overlooking and any subsequent loss of privacy, in accordance with Policy DM G3 and A9 of the Development Management Local Plan 2013 and SPD Housing Policy 8 of Planning Guidance Supplementary Planning Document 2013.

- 9) No alterations shall be carried out to the external appearance of the building, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the plans, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the street scene, and to protect the amenity of neighbouring residential properties in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G3, H9 and H11 of the Development Management Local Plan 2013.

- 10) No alterations shall be carried out to the roof of the extension at first floor level to facilitate the conversion to use, all or in part, as a terrace or other amenity space. No railings or other means of enclosure shall be erected around the roofs and no alterations shall be carried out to the rear or side elevations of the application property to form an access onto the roofs.

Such a use would be detrimental to the amenities of neighbouring properties by reason of overlooking and loss of privacy, in accordance with Policies DM A9 and

G3 of Development Management Local Plan (2013) and SPD Housing Policy 8 (criteria ii) of the Planning Guidance Supplementary Planning (2013).

- 11) The new/replacement windows shall be timber frame construction.

To ensure a satisfactory external appearance, in accordance with Policy BE1 of the Core Strategy (2011) and Policy DM G3 of the Development Management Local Plan (2013).

- 12) Where openings are to be formed in the external faces of the extensions/existing building the parts of the structure above such openings shall be supported by brick arches, brick faced lintels, or such other means as may be agreed in writing by the Council prior to construction.

To ensure a satisfactory external appearance, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G3 of the Development Management Local Plan 2013.

- 13) No part of the basement approved shall be occupied or used until metal grille is installed over the front lightwell flush with the surrounding ground area and thereafter the grille shall be permanently retained in place. At no time shall railings or another vertical element be constructed around the lightwell.

To ensure a satisfactory external appearance, in accordance with Policies BE1 of the Core Strategy (2011), Policy DM G3 of the Development Management Local Plan (2013) and the Council's SPD Guidelines for Lightwells of the Planning Guidance Supplementary Planning Document (2013).

- 14) The dimensions of the lightwells at ground floor level hereby approved shall not exceed those shown on drawing ref: PDEL 04 rev B and PDEL 03 rev B.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policy BE1 of the Core Strategy (2011), Policies DM G3 of the Development Management Local Plan (2013) and the Council's SPD Guidelines for Lightwells of the Planning Guidance Supplementary Planning Document (2013).

- 15) The new windows at basement level to the front elevation shall be timber frame construction to match the existing windows in the elevations above.

To ensure a satisfactory external appearance, in accordance with Policy BE1 of the Core Strategy (2011) and Policy DM G3 of the Development Management Local Plan (2013).

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

To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 17) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings, namely ceiling between living room of flat 1 and bedroom of flat 2 above. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 18) Prior to commencement of the development hereby approved, a demolition method statement and a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies DM H9, H10 and H11 of the Development Management Local Plan.

- 19) The development hereby permitted shall not commence until details of installing water efficient appliances to help minimise water use and foul water flows in the new unit have been submitted to and approved in writing by the council. The approved measures shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

To reduce the impact of flooding to the proposed development and future occupants, and to ensure that surface water run-off is managed in a sustainable manner, in accordance with Policy CC2 of the Core Strategy (2011) and Policy H3 of the Development Management Local Plan 2013.

- 20) Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- 21) The three new flats hereby permitted shall not be occupied until the Council has been notified in writing (and has acknowledged such notification) of the full postal

address of the flats. Such notification shall be to the council's Head of Development Management and shall quote the planning application number specified in this decision letter.

In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the first and second/third floor flat hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy DM A1, A9, J2 and J3 of the Development Management Local Plan 2013 and Policy T1 of the Core Strategy 2011.

- 22) No occupier of the first floor flat and second/third floor flat hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued it shall be surrendered to the Council within seven days of written demand.

In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy DM A1, A9, J2 and J3 of the Development Management Local Plan 2013 and Policy T1 of the Core Strategy 2011.

- 23) The first floor and second floor flats hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the local planning authority to ensure that all occupiers, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the council and to ensure that occupiers are informed, prior to occupation, of such restriction. The flats shall not be occupied otherwise than in accordance with the approved scheme unless prior written agreement is issued by the Council.

In order that the prospective occupiers of the residential units concerned are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy DM A1, A9, J2 and J3 of the Development Management Local Plan 2013 and Policy T1 of the Core Strategy 2011.

- 24) The residential units hereby permitted shall not be occupied until details of three secure cycle parking spaces and associated cyclist channel on the stairs or another assistance method for cyclists to get their bikes to first floor level to be provided in connection with the proposed residential dwellings have been submitted to and approved in writing by the Council, and such details as are approved shall be implemented prior to the occupation or use of the flats and permanently retained thereafter for such use.

In order to promote alternative, sustainable forms of transport, in accordance with Policy DM J5 of the Development Management Local Plan 2013 and SPD Transport Policy 12 Planning Guidance Supplementary Planning Document 2013.

- 25) The residential units hereby permitted shall not be occupied until details of refuse space to be provided in connection with the proposed residential dwellings have been submitted to and approved in writing by the Council, and such details as are approved shall be implemented prior to the occupation or use of the flats and permanently retained thereafter for such use.

To ensure that the use does not give rise to smell nuisance and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policy DM H5 of the Development Management Local Plan 2013 and SPD Sustainability Policies 3, 4, 6 and 8 of the Planning Guidance Supplementary Planning Document 2013.

- 26) Any refuse/recycling generated by the residential units hereby approved shall be stored in the refuse stores forming part of the details approved pursuant to Condition 25 and shall not be stored on the pavement or street.

To ensure that the use does not give rise to smell nuisance and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policy DM H5 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

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

are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 31) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and

disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

Justification for Approving the Application:

- 1) It is considered that the proposal would not have significant effect on the residential amenity of adjoining occupiers and would be of an acceptable visual appearance. The proposal would not have an unacceptable impact on street parking in surrounding streets. The proposed flats would be of an acceptable standard of accommodation. In this respect the development is judged to be acceptable assessed against Policy BE1, H1, H3 and T1 of the Core Strategy 2011, Policy DM A2, DMA8, DM A9, DM G3, DM H9, DM J2, DM J3 and DM J5 of the Development Management Local Plan 2013, and SPD Housing Policies 4, 5, 7, 8, 9, SPD Design Policies SPD 12, 13, 14, 17 and 18, Transport Policy 3, 4, 5 and 12 and SPD Sustainability Policy 3, 4, 6 and 8 of the Planning Guidance Supplementary Planning Document 2013.

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

All Background Papers held by Andrew Marshall (Ext: 3340):

Application form received: 27th November 2015
Drawing Nos: see above

Policy documents: National Planning Policy Framework 2012
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013
Core Strategy 2011
The Development Management Local Plan 2013
Planning Guidance Supplementary Planning Document July 2013

Consultation Comments:

Comments from:	Dated:
Environment Agency - Planning Liaison	02.12.15
Thames Water - Development Control	03.12.15

Neighbour Comments:

Letters from:	Dated:
22 Delaford Street Fulham SW6 7LT	10.12.15
21 Delaford Street London SW6 7LT	24.12.15
22 London SW6 7LT	10.12.15
10 Delaford Street London SW6 7LT	29.12.15

OFFICER'S REPORT

1.0 SITE CONTEXT

1.1 The site includes a three storey mid-terrace single family dwelling situated on the southern side of Delaford Street.

1.2 Delaford Street is characterised by a long terrace of three storey residential dwellings on the southern side of the street. Tilton Street splits the northern side of Delaford Street in two, with Sir John Lillie Primary School located to the east of it and a row of smaller, two storey terraced houses to the west.

1.3 The property is not located within a Conservation Area and is not subject to any Article IV directions. The property is situated within Flood Risk Zone 2.

2.0 RELEVANT HISTORY

2.1 In November 2015 an (2015/04182/FUL) application was refused for the conversion of the single family dwelling house into 1 x one bedroom and 2 x two bedroom self-contained flats; erection of a front dormer extension at roof level; creation

of a terrace at roof level; erection of a two storey rear extension at ground and first floor level; Excavation of front garden and part of rear garden to form lightwells, in connection with the creation of a basement. This application was refused due to impact on visual amenity, unneighbourly development, poor quality of accommodation, and inadequate cycle storage.

2.2 The current application is for the conversion of the single family dwelling house into 1 x one bedroom and 2 x two bedroom self-contained flats; erection of a front dormer extension at roof level; creation of a terrace at roof level; erection of a two storey rear extension at ground and first floor level; Excavation of front garden and part of rear garden to form lightwells, in connection with the enlargement of the basement.

2.3 This is essentially a resubmission of the previously refused planning application, which has been revised to design out the unacceptable details. This revised proposal has been redesigned so that:

- (i) The front roof dormer extension has been removed.
- (ii) The rear window at first floor level is proposed to be obscure glazed up to a height of 1.7m.
- (iii) The ground and basement maisonette flat has been rearranged so that living rooms are provided at ground floor level.
- (iv) The cycle storage for the ground and basement floor flat has been provided in the rear garden. The cycle storage for the first and second floor flats respectively, has been provided internally, within the communal hallway at ground floor level.

3.0 CONSULTATION RESPONSES (INTERNAL AND EXTERNAL)

3.1 Individual notification letters sent to the occupiers of 8 neighbouring properties including Sir John Lillie Primary School. Four objections have been received. The representations may be summarised as follows (where appropriate Officer's comments are in brackets):

i) The introduction of a front lightwell would be contrary to council policy and would have a negative impact on the street. (Officer Comment: This is considered in the report below).

ii) Loss of family homes. Continuous conversions will alter the dynamic of the street.

iii) Harmful impact on on-street parking and traffic. (Officer Comment: This is considered in the report below)

vi) The basement excavation may cause structural damage. (The applicants have submitted a Construction Method Statement which has been completed by a structural engineer which considers the scope of the works relating to the proposed new basement and its likely impact on the structural integrity of adjoining properties. These matters are covered under Building Regulations together with provisions contained in the Party Wall Act and the latter is a private matter between the respective parties).

v) The excavation may impact on mains pipes on the street, drainage to site and surrounding area. (A flood risk assessment has been submitted in support of this application which has been reviewed by the Council's Environmental Policy Team, the

Environment Agency and Thames Water who have raised no objections to the proposal).

vi) Previously Officers have stated that development at 20 Delaford Street would not be allowed if the application had been made all at once. Therefore this application at No. 9 should be rejected on the grounds of overdevelopment. (Each application is assessed on its own merits and on a case by case basis).

vii) Noise and disturbances during construction. (The Council can exercise separate public protection and safety controls in respect of the side effects of development (such as noise, dust, smoke and the accumulation of rubble and waste) under separate Pollution Control and Environmental Protection legislation)

viii) There would be an increase in household refuse.

ix) The removal of trees should not be allowed.

x) The CIL contribution calculation is incorrect. (This matter is dealt with subsequent to any planning decision by the Council's dedicated borough CIL Officer).

Internal Consultation Responses:

3.2 Thames Water - No objections subject to conditions.

3.3 Environmental Agency - No objections.

3.4 Land Contamination/Environmental Quality - No objections subject to conditions.

3.5 Public Protection - No objections.

3.6 Highways - No Objections.

3.7 Policy/Flood Risk - No objections

4.0 PLANNING CONSIDERATIONS

4.1 The main issues to be considered are the acceptability of the conversion; the quality of the living environment for future occupiers; design and visual amenity; impact on existing amenities enjoyed by neighbouring occupiers in terms of loss of outlook, light and privacy; the impact on the highway network; and flood risk.

CONVERSION OF PROPERTY

4.2 The National Planning Policy Framework (2012) identifies the need for additional housing and sets out ways in which planning can significantly boost the delivery of housing through the preparation of policy documents. London Plan Policy 3.3 B states that an annual average of 32,210 net additional homes should be delivered. Table 3.1 sets an annual target of 1,031 net additional dwellings for Hammersmith and Fulham. Core Strategy (2011) Policy H1 reiterates the London Plan's annual target of additional dwellings for the borough.

4.3 This application seeks to provide two net additional residential units, contributing towards local and national housing targets.

4.4 At the local level, Policy DM A1 of the DM Local Plan relates to house conversions. It states the Council will permit conversions of existing dwellings (to contribute to housing targets) where: (a) the net floor area of the original dwelling is more than 120sqm; (b) at least 50% of the proposed units consist of two or more bedrooms; (c) housing appropriate for families has access to any garden or amenity space, and (d) where there is no adverse impact on on-street parking stress.

(a) The original floorspace of the property is approximately 139m².

(b) Out of the three new units proposed, two of the units will comprise two bedrooms and the other will be a one bedroom unit.

(c) The DM Local Plan defines a "family dwelling" as a dwelling containing three or more bedrooms, whilst a "non-family dwelling" is defined as a dwelling containing two bedrooms or less. In this case, none of the units proposed are family sized. One of the two bedroom units at ground/basement level would benefit from direct access to the rear garden. As such, the proposal would meet the criteria and is considered acceptable. In addition, the public amenity space of Normand Park is approximately 240metres walking distance from the application property.

(d) No off-street parking has been proposed. Currently, the property is entitled to apply for a parking permit. If permission is granted for the conversion of the property to flats, a condition would be added restricting future occupiers of the upper storey units from applying for parking permits.

4.5 Of the 57 properties located along Delaford Street, fourteen have gained approval for conversion into flats including the following: Nos. 1, 3, 7, 13, 14, 15, 18, 29, 30, 31, 43, 50, 53 and 54. The earliest approvals date back to the late 1960s and the most recent conversion permitted are at No. 3 Delaford Street (2005/01529/FUL), No. 29 Delaford Street (2008/01469/FUL), No. 13 Delaford Street (2014/01845/FUL) and No. 30 Delaford Street (2015/04821/FUL). Therefore, Officers consider that conversions of properties to flats within Delaford Street forms a part of the established pattern of development.

4.6 This proposed change of use is therefore considered to accord with national policies, The London Plan, Core Strategy Policy H1 and DM Local Plan Policy DM A1.

QUALITY OF LIVING ENVIRONMENT

Size and aspect

4.7 Core Strategy Policy H3 seeks to ensure that all housing development is provided to a satisfactory quality, has an appropriate mix of types and sizes (with a particular emphasis on family accommodation), and is well related to its surroundings (and neighbouring residential properties in particular).

4.8 This is supported by Policy DM A2 and DM A9 of the DM Local Plan. SPD Housing Policy 4 states that converted flats should have at least 32.5sqm where a separate bedroom is provided, whilst SPD Housing Policy 5 stipulates the internal

space provision in residential conversions. SPD Housing Policy 8 (iv) states that north facing properties should be avoided where possible.

4.9 The proposed converted units are of different sizes. Flat 1 at ground/basement levels incorporates a floorspace of 89.85m², Flat 2 at first floor level - 45.76m² and Unit 3 at second and third floor - 70.24m². Therefore, all three units meet the minimum space standards for one and two bedroom dwellings as outlined in the London Plan 2015, DM Local Plan and Housing Supplementary Planning Guidance. All of the internal rooms either meet or are above the required minimum sizes as stipulated in SPD Housing Policy 5, with the exception of the bedroom in Flat 2 (first floor unit) which is slightly under at 11.4sqm . The basement level of Unit 1 will accommodate bedrooms while the living spaces have been relocated to ground floor level (in light of the previously refused application). Overall, it is considered that all three flats would provide sufficient floorspace for future occupiers. In addition the flats would provide good levels of daylight and sunlight and would benefit from a dual aspect orientation.

Noise and Insulation

4.10 DM LP Policies DM A9 and DM H9 are aimed at ensuring that residents of future housing are not unduly affected by noise and disturbance from adjoining sites or the wider setting. The application would allow for the development of three flats on top of one another.

4.11 Environmental Protection officers have reviewed the proposal and are satisfied that the proposed development would provide a high quality of residential accommodation for future occupiers. Noise cancelling mitigation measures will be secured by way of a Condition 26 in order to ensure that different room uses (e.g. the kitchen of Flat 2 and bedroom 2 of Flat 3) are adequately protected in terms of any noise pollution.

4.12 The proposal therefore complies with Core Strategy Policy H3, Local Plan Policy A2, A9 and H9, and SPD Housing Policies 4, 5 and 8(iv), subject to the incorporation of conditions.

DESIGN and CONSERVATION

4.13 When assessing planning applications in regards to their design, London Plan Policies 7.1, 7.3, 7.4 and 7.6 require development to be of the highest architectural quality and be adaptable to the changing needs of users and the neighbourhoods in which the developments are located.

4.14 At a local level the Council's Core Strategy requires a high standard of design in all alterations, and that extensions to existing buildings respect the local context and protect and enhance the character, appearance and setting of the borough's conservation areas (Policy BE1). The Development Management Local Plan 2013 builds on this and DM G3 states that any new proposal should be subservient to the original building and be compatible with the scale and character of the existing development, their neighbours and their setting.

4.15 A rear roof extension is proposed. The design and scale of the extension would be compatible with the host building; incorporating a 70 degree mansard design and clad in slate tiles. A dormer window will be incorporated into the rear elevation of the extension

and the materials will comprise a painted white timber design. The extension would be similar to others which have received permission in the street, with recent planning approvals at No's 30 (2015/04821/FUL) and 20 (2015/00536/FUL). This aspect of the proposal is considered to be compatible with the character of the host building and surrounding area.

4.16 At ground and first floor level a two storey full width extension is proposed. At ground floor level the extension will project 2.5 metres from the rear elevation and will be constructed in brickwork. At first floor level the extension will incorporate a mansard design; 75° pitched roof which will be clad in slate. A dormer will be installed comprising a width of 3 metres and height of 1.85 metres. Obscure glazing will be incorporated into the first floor window in order to protect the privacy of neighbours to Mendora Road. Overall, the proposal is consistent with other extensions which have been approved in the terrace (albeit under permitted development legislation), namely at No's 20 (ref: 2015/02468/CLP) and 13 (ref: 2013/05491/CLP) Delaford Street.

4.17 To the front of the property a refuse storage unit is proposed in the front yard. The timber clad storage unit will be located along the boundary wall with No. 10 Delaford Street and is deemed a minor alteration to the property, which will not harm the character of the either the building or the streetscene.

Basement

4.18 The Council's general presumption is that basements should be confined to the footprint of the building. This is to prevent any adverse impact on drainage arising from such developments and the cumulative impact on ground water flows. Furthermore, any excavation under front and rear gardens is likely to involve the removal of soft landscaping and tree planting. Excavation could also result in the loss of potential for tree planting and soft landscaping where none currently exists (DM A8 and SPD H9). Policy DM A8 states new basement accommodation in existing dwellings will be permitted where it does not extend beyond the footprint of the dwelling and any approved extension (whether built or not). SPD Design Policies 12, 13, 14, 17 and 18 relate to the design of lightwells. The criteria for lightwells specifies that they should be appropriate in their design and location, and must not be out of character with the original dwelling or street scene, or be excessive in size.

4.19 It is proposed to excavate the front garden in connection with the creation of a basement. The front lightwell would comply with the Council's prescribed front lightwell design, being no wider than the front ground floor bay window, be no greater in depth than 800mm and be covered with a metal grille. The design of the front lightwell is now considered to be in accordance with the Council's Planning Guidelines for Lightwells. Furthermore, a condition will ensure new fenestration within the front lightwell would of materials to match the existing ground floor window above. In these circumstances, the proposed lightwell would be of a design and scale sympathetic to the character and appearance of the property, its neighbours and setting. The front garden is already hard landscaped so the excavation underneath would not reduce opportunity for planting. Similar lightwells have received approval at No's 13 (ref: 2015/05603/FUL) and 20 (ref: 2015/00536/FUL) Delaford Street.

4.20 In addition a lightwell is proposed to the rear garden. The rear garden is hard landscaped and as such, the excavated area would not result in a significant loss of biodiversity to the rear garden, and would not be visible from any public vantage points.

In this respect, it is not considered that the proposed basement extension would have a harmful effect on the character and appearance of the application property or to the terrace of which it forms a part of.

Trees:

4.21 Policy DM E4 relates to 'Greening the Borough'. The Policy seeks to maximise the provision of gardens, green space and soft landscaping. In addition the Policy also seeks to prevent the loss protected trees and seeks the retention of existing trees and provision of new trees on development sites.

4.22 It is proposed to remove a tree in the rear garden along the boundary with 77 Mendora Street. The tree is not protected and the site is not within a conservation area therefore no objections are raised to the removal of this tree. A sufficient amount of vegetation would remain around the perimeter of the rear garden.

IMPACT ON NEIGHBOURS

4.23 The borough has a high density of development and it is necessary to ensure that the amenities of existing residential occupiers are not unduly affected. DM Local Plan Policy DM A9 which states that extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact on privacy enjoyed by neighbours in adjoining properties. SPD Housing Policy 8 contain safeguards against sense of enclosure, loss of outlook, loss of privacy and disturbances against neighbouring occupiers.

Overbearing/Sense of Enclosure

4.24 SPD Housing Policy 7 (i) stipulates that extensions should not result infringe an angle of 45 degrees to the rear boundary at a height of 2m. SPD Housing Policy 8 (i) stipulates that where the neighbouring garden is less than 9m in depth the extensions should not result in infringing an angle of 45 degrees to the rear boundary at ground floor level.

4.25 The proposal complies with SPD Housing Policy 7 (i), and although the proposed extension at roof level would marginally infringe the criteria set out in SPD Housing Policy 8 (i), following Officers site visit, it is considered that, given the extension is of a modest size and set several metres back from the rear building line of the opposing back addition, in this instance the proposal would not result in an overbearing development which would result in an increased sense of enclosure to surrounding occupiers.

4.26 SPD Housing Policy 8 (ii) outlines that no new windows should be within 18 metres of residential windows. In particular, SPD Housing Policy 8 (iii) stipulates that generally a roof terrace/balcony is unacceptable if it would result in an additional opportunity for overlooking or result in a significantly greater degree of overlooking and consequent loss of privacy than from the access point onto the proposed roof terrace/balcony.

4.27 The proposed two storey extension at ground and first floor level would incorporate a dormer window to the rear elevation at first floor level. This element has been altered since the previous refusal of planning permission to incorporate obscure glazing to a height of 1.7metres from the internal floor level. A condition will secure this

detail. This will prevent overlooking to the habitable room window located a distance of approximately 13.1 metres to the rear of 77 Mendora Road, as well as the opposing properties to the rear of No's 79 and 75 Mendora Road, therefore preserving the privacy and residential amenity of neighbouring occupiers. As such, this aspect of the proposal would be in accordance to DMLP Policy DMA9 and SPD Housing Policy 8.

4.28 Overall it is considered that the impact of the proposal on the amenity of neighbouring properties is acceptable in accordance with Policies DM A9 of the Development Management Local Plan and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document.

HIGHWAYS MATTERS

4.29 The National Planning Policy Framework (NPPF) requires that developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes (such as public transport) can be maximised; and that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

4.30 Policies 6.1, 6.3, 6.10, 6.11 and 6.13 of The London Plan set out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.

4.31 Core Strategy Policy T1 supports The London Plan. Policies DM J2 and DM J3 of the Development Management Local Plan set out maximum vehicle parking standards, which brings them in line with London Plan standards and gives circumstances when they need not be met. Policy DM J2 stipulates maximum residential parking standards for one and two bedroom units should be less than one car parking space per unit. This policy further states that 'All developments in areas with good public transport accessibility should aim for significantly less than 1 space per unit'. Policy DM J3 states that 'Market housing with zero or reduced parking will only be considered in areas with good levels of public transport accessibility'.

4.32 The site is located in a PTAL 3 area, meaning the development has moderate public transport accessibility. There is a net increase of two residential units as part of this proposal. The current parking stress surveys show that the area has high levels of overnight parking stress at present. Therefore, in order to adhere to DMLP J2 and SPD transport policy 3, the proposed additional two units are required to be car parking permit free in order to ensure the development does not have a negative impact on parking stress in the area (69.5% on average overnight parking stress in Delaford Street). No car parking is provided on site. The existing residential house is entitled to a parking permit, however in order that the proposal accords with policy, the new units at first and second floor levels will be required to be car parking permit free. This detail will be secured by way of a condition.

CYCLE PROVISION

4.33 London Plan Policy 6.9 of The London Plan specifically relates to cycling and says that 'When determining planning applications, developments should provide secure,

integrated cycle parking facilities, in accordance with the minimum standards set out in Table 6.3'. Local Plan Policy DM J5 requires all 1-2 bedroom units to have a minimum of once cycle space per unit.

4.34 The application has been revised since the previous refusal and cycle parking is now provided for all three residential units at ground floor level. The development one cycle parking space in the rear garden for Flat 1 and two cycle spaces internally located off the communal entrance hall at ground floor level. This provision satisfies the requirement for cycle parking and shall be secured by way of a condition.

REFUSE PROVISION

4.35 London Plan Policy 5.16 outlines the Mayor's approach to waste management. This is supported by Core Strategy Policy CC3, and Policy DM H5 of the Development Management Local Plan 2013 sets out the Council's Waste Management guidance, supported by SPD Sustainability Policy 3, 4 and 6 which requires suitable storage space for refuse and recycling to be provided. It is not acceptable for waste material to be left on the highway for extended periods of time

4.36 The installation of a refuse storage container, located in the front garden space, provides adequate refuse provision for the development. This detail shall be secured by way of a condition.

Construction and Demolition Logistics Plan

4.37 Due to the excavation works and nature of the site a separate Construction Logistics Plan and a Demolition Plan will be required as a condition.

FLOOD RISK

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

4.39 London Plan Policies 5.11, 5.12, 5.13, 5.14 and 5.15 require development to comply with the flood risk assessment and management requirements of national policy, including the incorporation of sustainable urban drainage systems, and specifies a drainage hierarchy for new development.

4.40 Policy CC1 of the Core Strategy requires that new development is designed to take account of increasing risks of flooding. Policy CC2 states that 'New development will be expected to minimise current and future flood risk and that sustainable urban drainage will be expected to be incorporated into new development to reduce the risk of flooding from surface water and foul water'. This is supported by Policy DM H3 of the Development Management Local Plan 2013. Local Plan Policy DM H3 requires developments to reduce surface water run-off and to promote the use of water efficient fittings and appliances.

4.41 This site is in the Environment Agency's Flood Zone 2. This indicates a medium risk to flooding although this does not take account of the presence of flood defences such as the Thames Barrier and local river walls which provide a high level of flood protection. If these defences failed or were breached, the site would not be at risk of

rapid inundation by flood waters. As required, a Flood Risk Assessment has been submitted with the application which provides flood mitigation measures and details including: all new window frames at basement level will be sealed at brick joins, non-return valves will be installed in all plumbing (sinks/toilets) and the occupants will be advised to subscribe to the Environment Agency flood warning service. In addition, The Construction Method Statement provides additional flood mitigation methods including the installation of sumps and pumps and a cavity layer to be laid on the basement slab and walls. This contains adequate flood mitigation measures which can be secured by condition. Water efficient fixtures/fittings could also be installed to help reduce water use and minimise foul water flows from the site and this detail could also be secured by condition.

4.42 Thames Water have requested that development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. These works shall be secured by way of a condition.

CIL

4.43 Please note that the Mayor of London's Community Infrastructure Levy (CIL) came into force on 1st April 2012 and will affect many new planning permissions from that date across London. The Community Infrastructure Levy (CIL) is a new power which enables a charge to be levied on the net increase in gross internal area floorspace arising from development in order to fund infrastructure that is needed to support development in the area. Any new-build development involving a net increase in gross internal area (GIA) floorspace above 100m² (or the creation of 1 or more dwellings) for new buildings where people normally go is liable to pay CIL.

5.0 RECOMMENDATION

5.1 Approve planning permission subject to conditions.