

**London Borough of Hammersmith & Fulham**

Development Management, Planning and Growth  
Hammersmith Town Hall Extension, King Street, London W6 9JU

Tel: 020 8753 1081  
Email: [planning@lbhf.gov.uk](mailto:planning@lbhf.gov.uk)  
Web: [www.lbhf.gov.uk](http://www.lbhf.gov.uk)



Elie Osborne  
4D Planning  
86-90 Paul Street  
3rd Floor  
London  
EC2A 4NE

**22nd August 2016**

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Applicant:  
Mr Desmond Ruddy  
Flat First Floor  
34 Ellingham Road  
London  
W12 9PR

Application Reference: **2016/01190/FUL**

Registered on: **3rd June 2016**

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**Town and Country Planning Act 1990  
Town and Country Planning General Regulations 1992**

**FULL PLANNING PERMISSION**

**Location and Description:**

**Flat First Floor 34 Ellingham Road London W12 9PR**

Installation of a new door to replace the existing door and the erection of obscure glass balustrades around the flat roof at second floor level to the rear elevation, in connection with its use as a terrace.

Drawing Nos: 4D01 Rev C; 4D02 Rev C; 4D03 Rev C; ER-P-06; ER-P-05

**Particulars of Decision:**

**Full planning permission granted subject to the following condition(s):**

- 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 only in accordance with the approved drawings.

Juliemma McLoughlin  
Director for Planning &  
Development

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).

- 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 DM G3 of the Development Management Local Plan (2013) and BE1 of the Core Strategy (2011).

- 4) The development hereby permitted shall not commence until details and samples of the 1.7m high obscure glazed screen as measured from the floor level of the terrace, and fixings, to be used in connection with the roof terrace have been submitted to and approved in writing by the Council. The use of the roof of the back addition as a terrace shall not commence until the screening as approved has been installed and it shall be permanently retained as such thereafter.

To prevent detriment to the amenities of neighbouring properties by reason of overlooking and loss of privacy, in accordance with policies DM A9 and DM G3 of the Development Management Local Plan (2013) and SPD Housing Policy 8 (criteria ii) of the Planning Guidance Supplementary Planning (2013)

- 5) The extent of the terrace on top of the back addition shall not exceed that indicated on the approved drawings and the roof terrace shall not be subsequently enlarged prior to the submission and approval in writing of a further planning application. The roof of the remainder of the back addition, hereby approved shall not be used as a terrace or other amenity space. Other than the screens shown on the approved plans, no other railings or other means of enclosure shall be erected on or around the roof.

The increase in size of the roof terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of noise and disturbance, contrary to Policy DM H9 of the Development Management Local Plan 2013 and SPD Housing Policy 8 (iii) of Planning Guidance Supplementary Planning Document 2013.

- 6) The new door at second floor level shall be of timber construction, and thereafter permanently retained in this form.

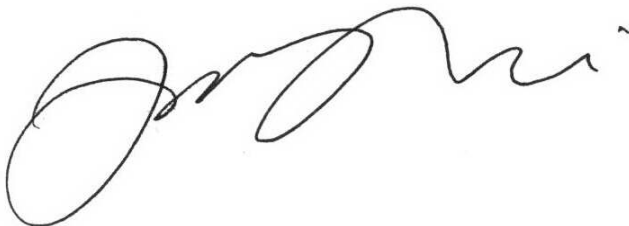
To ensure a satisfactory external appearance, in accordance with Core Strategy (2011) policy BE1, and Development Management Local Plan (2013) policies DM G3 and DM G7.

**Reason(s) for granting planning permission:**

- 1) It is considered that the proposed extension would be of an acceptable visual appearance and would not have a significant effect on the residential amenity of adjoining occupiers. The proposal would have an acceptable impact on the character of the area. In these respects the proposal complies with Policy BE1 of the Core Strategy (2011), Policies DM A9 and DM G3 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document (2013).

**For your information:**

- 1) In determining this application, the local planning authority has worked in a pro-active and positive manner with the applicant to foster the delivery of sustainable development, in accordance with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework
- 2) You are advised that the existing rear elevation shows an existing window which would be replaced in this application by a door. However, a site visit to the property confirmed that there is actually an existing door rather than a window. However, this error in the existing plans has not influenced the decision of this application.



Director of Planning and Development  
Duly authorised by the Council to sign this notice.

**Notes:**

This decision is a planning permission under Part III of the Town and Country Planning Act 1990 only. It must not be taken as implying that the Council will grant any other consent, permission or approval that may be necessary in connection with the development, whether under any other statutory powers or in any other capacity.

Refer to the Statement of Applicants' Rights and general information enclosed.

**LONDON BOROUGH OF HAMMERSMITH AND FULHAM  
TOWN AND COUNTRY PLANNING ACT 1990**

**STATEMENT OF APPLICANTS' RIGHTS**

arising from the grant of planning permission subject to conditions

- 1** An applicant aggrieved by the accompanying decision may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990. An appeal must be made by Notice served within six months of the date of this notice.
- The Secretary of State has the power to allow a longer period for the giving of notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the Development Order and any Direction given under the Order.
- 2** If permission to develop land granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which had been or would be permitted, then a Purchase Notice may be served on the Council of the London Borough of Hammersmith and Fulham requiring that authority to purchase the owner's interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- 3** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused, or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 108 of the Town and Country Planning Act, 1990.
- 4** Any appeal must be made on the appropriate forms, which can be obtained by post from:  
**The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN**  
or from the Inspectorate website at: [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)  
Telephone: **0117 372 8000**

**GENERAL INFORMATION**

The granting of planning permission does not relieve developers of the necessity for complying with any local Acts, the Building Regulations and general statutory provisions in force in the area, nor does it modify or affect any personal or restrictive covenants, easements etc, applying to or affecting either the land to which the permission relates or any other land or the rights of any persons or authorities (including the Council of the London Borough of Hammersmith and Fulham) entitled to the benefit thereof or holding in the property concerned in the development permitted or in any adjoining property.

The Council's Building Control Officer should be consulted at the earliest possible opportunity before commencing the development with regard to the provisions of the Building Regulations and/or other statutes.

Further, applicants are advised that the granting of planning permission does not authorise any development which may encroach upon a public highway and, in the event of such an encroachment, the Council may take such action as is appropriate to secure the removal of that part of the development which encroaches upon the public highway.

The Council's Highways and Engineering Division should be consulted as to any works proposed to, above, under or abutting any carriageway, footway or forecourt.

For all telephone enquiries please call the Council's Corporate Contact Centre on: **020 8753 1081**

