
Appeal Decision

Site visit made on 12 September 2016

by Joanna Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 September 2016

Appeal Ref: APP/H5390/D/16/3151223

3 St Peter's Square, London W6 9AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs R Nott against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2015/01357/FUL, dated 20 March 2015, was refused by notice dated 9 March 2016.
 - The development proposed is rear extension at ground and lower ground floor, internal alterations to lower ground and ground floor internal plans, alterations to first floor bathroom, and replacement of timber floor in lower ground floor spare room with solid concrete floor.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal building, 3 St Peter's Square, is part of the terrace at numbers 1 to 6 (consecutive) St Peter's Square (the listed building), which was listed in Grade II with group value in May 1952. It is sited within the St Peter's Square Conservation Area 1.
3. As the appeal involves a listed building, I am required to take account of section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* as amended (LBCA) which states that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As the appeal building is in a conservation area, I am also required to take account of section 72(1) of the LBCA which states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Main issues

4. The main issues are whether the proposed development would preserve the special architectural or historic interest of the listed building or its setting or any features of special interest which it possesses, whether it would preserve or enhance the character or appearance of the Conservation Area, and the effect that the proposal would have on the living conditions of the occupiers of 4 St Peter's Square with regard to outlook.

Reasons

Listed building

5. The appellant's representations refer to the list description and they say that the majority of the heritage value of the appeal dwelling relates to its front elevation. However, as the purpose of this list description is principally to aid identification, the absence from the list description of any reference to a feature does not indicate that it is not of interest.
6. The appeal dwelling is part of the listed building, which is a key element in the group of classical villas that face the public garden at St Peter's Square, which is registered in Grade II within the Register of Historic Parks and Gardens (the historic park). The listed building is sited between the Grade II listed buildings at numbers 7 to 15 St Peter's Square and numbers 3 to 6 St Peter's Villas. The front of the listed building is part of a classically proportioned composition, so that the 2, now linked, groups of 3 historic terraced houses have the appearance of 2 larger villas. The simpler backs of the dwellings in the terrace are also part of the listed building and it is desirable to preserve them. The scale, form and historic architecture of the elegant 3-storey plus basement stucco-faced early C19 house are important to the special architectural interest of the listed building, and to its significance as a terrace of historic dwellings.
7. From the appellant's historic maps, in around 1853 the listed building was 2 terraces of 3 buildings and the outer buildings in each terrace had a modest back outshoot. From what I saw, including the thickness of the lower and upper ground floor walls, their relationship to the historic staircase, and the small upper and lower ground floor window openings in them at the back, the appeal dwelling includes such an outshoot. This is an important part of the historic plan form of the original dwelling, which is one of its most important features. The main parties say that the side addition between the original dwelling and the side boundary is late-Victorian, so this also falls to be considered as part of the listed building. Because of its siting and alignment, the late-Victorian side addition respects the form of the lower and upper ground floor at the back of the original dwelling. The settings of heritage assets change over time and previous additions at the back of the dwelling have been removed, for which the appellant's maps and the Council's planning history provide support. The mainly open leafy character in most of the back gardens contributes positively to the setting of the listed building.
8. The proposed 2-storey extension, which would be more than half the width of the dwelling, would be cut into the ground by about half a storey. Due to its box-like form, and its boundary screening, balcony and steps, the proposal would be out of keeping with the simple form of the back wall of the appeal dwelling, which is important to the character and special interest of the listed building. Thus, the proposal would intrude into the back garden, beyond the historic building line at the back of the listed building. The proportions and arrangement of French windows in the extension would contrast starkly with the historic character and solid to void relationship of the existing openings in the back wall. This would damage its appearance, and the important pattern of openings in the lower floors of the late-Victorian addition and in the outshoot, which allow this part of the listed building to be appreciated, would no longer be seen. Thus, the proposal would harmfully disrupt the character and appearance of the back of the listed building, and it would erode the spacious

back garden that contributes positively to its setting. As other dwellings in the listed building been extended at the back over time, this makes it all the more important to preserve the appeal dwelling. Furthermore, the loss of much of the south and east upper ground floor walls in the outshoot would damage the historic plan form of the original building. They may also cause a harmful loss of historic fabric.

9. In the terms of the *National Planning Policy Framework* (Framework), the proposal would cause less than substantial harm to the significance of the heritage asset. Framework paragraph 134 explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
10. As the dwelling would remain in the same use, securing its optimum viable use is not relevant, and as almost no public benefits have been put to me, the less than substantial harm that the proposal would cause would not be outweighed. Moreover, there is insufficient clear and convincing justification to show that the proposal would be necessary to preserve the listed building in a manner appropriate to its significance as a terrace of historic dwellings.
11. The proposal would also be within the wider settings of the adjacent listed buildings and the historic park, but due to its relationships to those assets, their settings would be preserved. The back extensions to other dwellings in the terrace do not offer support for the scheme because I do not have the full details about them. The proposal would not be readily visible from the public domain, but many heritage assets are in private hands, and their significance is not affected by the ability of the public to experience them. Furthermore, the proposal would be seen by the occupiers and by the occupiers of nearby dwellings and their gardens, so that would not be a good reason to allow this damaging scheme.
12. Therefore, I consider that the proposal would fail to preserve the special architectural interest of the listed building and its setting. It would be contrary to Policy BE1 of the *Hammersmith & Fulham Council Core Strategy* (CS) which seeks a high quality urban environment that respects heritage assets, Policy DM G3 of the *Hammersmith & Fulham Council Development Management Local Plan* (LP) which seeks a high standard of design, and LP Policy DM G7 which aims to protect the quality, character, appearance and setting of the borough's historic environment, including listed buildings. It would also be contrary to the Framework which aims to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Conservation Area

13. The mainly early to mid C19 street pattern and the diversity in the form, scale and style of the mostly historic residential development within the Conservation Area contribute positively to its character, and to its significance as an important area of historic suburban townscape. With St Peter's Square at its heart, a significant positive contribution to the appearance of the Conservation Area is made by the verdant openness in the historic garden, the wide streets that edge it, and the coherent scheme of grand historic villas set in spacious private gardens that face it.

14. For the reasons given in the first main issue, the proposal would damage the appearance and the historic character of the back of the appeal dwelling, and it would erode the openness in the back garden. Because the proposal would also overlap the rear outshoot of the original dwelling, which is important to the significance of the appeal dwelling as a part of the listed building, it would also fail to respect the important historic building line at the back. The *Hammersmith & Fulham St Peter's Square Conservation Area Character Profile* attracts comparatively little weight because it predates current national planning and heritage policy and guidance. Even so, it does advise that rear building lines should respect and take into account the value of rear gardens in landscape terms, particularly in St Peter's Square.
15. In the terms of the Framework, the harm that the proposal would cause to the significance of the designated heritage asset, that is the Conservation Area, would amount to less than substantial harm. Even so, as almost no public benefits have been put to me, and great weight should be attached to the asset's conservation, they are insufficient to outweigh the less than substantial harm that I have found. Furthermore, insufficient clear and convincing justification has been put to me to show that the proposal would be necessary to conserve the Conservation Area in a manner appropriate to its significance as an important area of historic suburban townscape.
16. I consider that the proposal would fail to preserve or enhance the character or the appearance of the Conservation Area. It would be contrary to CS Policy BE1 which also seeks respect for the townscape context, LP Policy DM G3, and LP Policy DM G7 which also aims to protect the borough's conservation areas, and the Framework.

Outlook

17. The nearest part of the back wall of the adjoining dwelling at 4 St Peter's Close (the neighbouring dwelling) is set back from the back wall of the appeal dwelling, and it includes a lower ground floor study/bedroom, which is lit by a single window close to the common boundary.
18. The nearest part of the existing side boundary wall and the modest trellis above it between the gardens at 3 and 4 St Peter's Close would be replaced by the taller stucco-faced side wall of the proposed extension. Due to the depth of the extension and the depth of the set back at the neighbouring dwelling, the extension would project 3.5 m from the back of the neighbouring dwelling, and it would be much taller. Beyond this, the nearest part of the boundary wall would be increased in height and trellises that would be taller than those existing would be added, both above and beyond it. Due to the roughly 1½-storey plus parapet height of the extension, its depth and siting, and the tall boundary screen beyond it, the proposal would have a harmfully overbearing and oppressive impact on the occupiers of that room, especially so in the south east part of that room. Painting the side of the extension white would not overcome this harmful effect.
19. Whilst there is a similarly sited window at the appeal dwelling, the photographs in the representations show that the extension at 2 St Peter's Square replaced or incorporated an earlier structure. There are also 4 windows in that much larger double aspect room, so its circumstances differ significantly from the proposal before me. Although it is argued that the depth of the balcony is narrow and that its purpose is mainly to allow the French doors to be opened, it

is also large enough for the occupiers to sit or stand outside on it, so the proposed boundary screening would be needed to protect the neighbouring occupiers' privacy.

20. I consider that the proposal would harm the living conditions of the occupiers of 4 St Peter's Square with regard to outlook. It would be contrary to LP Policy DM G3 which also seeks good neighbourliness and LP Policy DM A9 which aims to protect the privacy enjoyed by neighbours and the outlook from windows in adjoining properties, as well as relevant guidance in the LB Hammersmith and Fulham *Planning Guidance Supplementary Planning Document* (SPD) including SPD Housing Policy 7 which advises on-site judgement. It would also be contrary to the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings. My findings on this issue amount to sufficient reason, on its own, to dismiss the appeal.

Other matters

21. I have had regard to my colleagues' appeal decisions for the previous proposals at the site, ref APP/H5390/D/14/2226014 and APP/H5390/D/15/3038210. However, I do not have all of the evidence for those appeals. So, I have dealt with the proposal before me on its merits and in accordance with its site specific circumstances, and relevant national and local policy and guidance.

Conclusion

22. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR