

Appeal Decision

Site visit made on 28 November 2016

by Mr J P Sargent BA(Hons) MA MRTPI

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

Decision date: 8 December 2016

Appeal Ref: APP/H5390/D/16/3160547
89 Erconwald Street, London W12 0BT

- 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 D Casey against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/01910/FUL, dated 26 April 2016, was refused by notice dated 25 July 2016.
 - The development proposed is a rear dormer to facilitate a loft conversion.
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Decision

1. The appeal is dismissed.

Main Issue

2. Having regard to section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and guidance in the *National Planning Policy Framework* (the Framework), the main issue in this case is whether the proposal would fail to preserve the character or appearance of the Old Oak and Wormholt Conservation Area and cause harm to the significance of that designated heritage asset, and if harm would be caused whether it would be outweighed by public benefits.

Reasons

3. The estate on which the appeal property stands dates from the early 20th Century, and the houses were built in a variety of designs that generally fall under what the Council fairly described as a 'cottage style'. They still maintain much of their original character because of their siting near to the back of the pavement, their simple forms and the detailing they display in their brickwork, their chunky windows, their recessed porches and so on.
 4. At roof level some houses have dormer windows breaking the eaves, others have dormer windows in the roof slope while many have tall distinctive steeply sloping roofs that are broken only by the hips over projecting elements. These roof types and the variety they provide emphasise the simple nature of the properties. Although the buildings across the conservation area tend to be close to the roads, views of rear elevations are a common occurrence at corner locations or when dwellings stand at right angles to the pavement, and this assists in creating to a sense of informality throughout the estate.
 5. Overall, these factors add to the character and appearance of the conservation area and contribute positively to its significance as a designated heritage asset.
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6. The Appellant's house is in a cranked terrace that runs around one quadrant of a square at the crossroads of Erconwald Street and Wolfstan Street. It has a tall roof that is plain at the front and at the back is broken only by a hip over the rear wing.
7. The proposed dormer window would sit on the main rear roof slope, and be set up from the eaves and slightly down from the ridge. Based on the submitted elevations it would not break into the rear-face of the hipped roof on the projecting wing. It would be hung with tiles that match those now on this terrace but apart from that I see nothing that leads me to find its design has been informed by the house or its surroundings. Rather, because of its scale, its form and its large window, it would appear to be much bigger than the dormer windows originally built with the estate, and it would be a sizeable, bulky, box-like addition that would sit uncomfortably on the existing plain roof form of No 89, making the house seem top-heavy. Moreover, given its dominance it would be notably at odds with the prevailing roofscape in the vicinity.
8. In assessing this impact I noted the dormer window on the back of the nearby property on Henschman Street, and I was also told that several other additions had been granted in the conservation area in the past. However, neither the Henschman Street dormer window nor the other extensions in the locality were sufficient to change my opinion about the contribution of the roofscape to the prevailing character of the conservation area or the impact of the proposal.
9. Although I appreciate it would be on the rear, this dormer window would nonetheless be clearly visible from Henschman Street over the back gardens of the intervening properties. I accept that road is some 33m from the Appellant's house but in my opinion that distance would do little to mitigate or soften the structure's impact. Similarly given its height it would not be screened to any material degree by the intervening planting. It would be apparent too from Wolfstan Street, breaking out of the distinctive profile of the roof, although I accept that the tree behind 91 Erconwald Street would reduce this impact to some degree. In any event, even if these views are deemed to be limited, the conservation area need not be protected solely from the public domain, and these works would be clearly visible from many gardens. As a result, to my mind they would be sufficiently prominent to erode the character and appearance of the locality.
10. Finally, the Framework says innovation should not be stifled and architectural styles should not be imposed. However I have nothing to show this addition would be particularly innovative or that its design could be defined as 'contemporary'. Moreover, the Framework adds that proposals should reinforce local distinctiveness while one of the core planning principles is the need to conserve heritage assets in a manner appropriate to their significance, and to my mind the scheme clearly would conflict with these points.
11. Accordingly despite the use of matching tiles I find that the proposal would fail to preserve the character and appearance of the conservation area, harming its significance. However, mindful of the role of the property in the conservation area this harm would be less than substantial.
12. Paragraph 132 of the Framework says great weight should be given to the conservation of a designated heritage asset, and any harm (presumably even if less than substantial) requires clear and convincing justification. As I have

found the works would cause less than substantial harm paragraph 133 of the Framework is not applicable. However, paragraph 134 goes on to say that where a proposal would lead to less than substantial harm to the significance of such an asset that harm should be weighed against the proposal's public benefits, including securing its optimum viable use.

13. In this case the Appellant has contended that the extension would allow his family to remain in the area. In contrast, to refuse planning permission for the works would mean the viability of the dwelling would be compromised as it would be unable to respond to the family's changing needs for more space.
14. I do not doubt that the family now needs the additional space that the extension would provide and that this space would also be enjoyed by future occupiers. However, based on the plan it is a 3-bedroomed house at present that appears to offer a reasonable floor area for residents, and I have nothing before me to show that it could not continue to function without the extra room created by this proposal. Whilst other dwellings in the Borough may well be larger, a variety of house sizes is an inevitable and healthy aspect of the housing market. Heritage implications can often affect how a site is developed and in my opinion any assessment of the potential of this property needs to take into account its location within a conservation area.
15. Overall I therefore consider it has not been shown that the public benefits from providing additional space outweigh the harm arising from the development.

Conclusions

16. Accordingly I conclude that the works would fail to preserve the character or appearance of the Old Oak and Wormholt Conservation Area causing less than substantial harm to the significance of this designated heritage asset. In the absence of any public benefits to outweigh this harm I conclude the works would conflict with Policies DM G3 and DM G7 of the Council's *Development Management Local Plan*, Policies 31 and 32 of the *Planning Guidance Supplementary Planning Document* and the Framework.

J P Sargent

INSPECTOR