

Appeal Decisions

Site visit made on 29 November 2016

by David Walker MA MRTPI

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

Decision date: 21st December 2016

Appeal A Ref: APP/H5390/W/16/3156148
73 Brook Green, London W6 7BE

- 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 Mrs Karen Negrit against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/02209/FUL, dated 13 May 2016, was refused by notice dated 11 July 2016.
 - The development proposed is retention of the works to the front garden comprising the provision of a front boundary dwarf wall with black metal railings on top, pedestrian gate and entrance piers and the replacement of the front paving and entrance steps and associated coping stones to the walls either side of the steps to the front door.
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Appeal B Ref: APP/H5390/W/16/3156150
73 Brook Green, London W6 7BE

- 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 Mrs Karen Negrit against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/02211/FUL, dated 13 May 2016, was refused by notice dated 11 July 2016.
 - The development proposed is provision of a front boundary dwarf wall with box hedge behind, pedestrian gate and entrance piers and retention of the front paving and entrance steps and associated coping stones to the walls either side of the steps to the front door.
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Decisions

1. Appeal A is dismissed and Appeal B is dismissed.

Main Issue

2. The main issue in both Appeal A and Appeal B is the effect of the proposal on the character and appearance of the Brook Green Conservation Area.

Reasons

3. No 73 falls within a terrace of similar properties and is situated opposite the Brook Green public open space. It is located centrally within the conservation area where I have a duty to give special regard to the desirability of preserving or enhancing the character or appearance of the designated area.
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4. A character appraisal¹ (the appraisal) provided to me explains that the core of the conservation area centres on the Green and the buildings fronting onto it. Small and well maintained gardens behind walls or railings are important to the leafy character at this part of the designated area and heritage asset. Within the appraisal the similarly detailed terraces around the Green are notable for their vertical rhythm, fenestration and materials. Such elements reinforce the cohesive nature of the group of buildings.
5. Both appeal proposals involve the provision of a rendered wall with railings atop and masonry piers. In Appeal A the piers would extend to approximately 2 m in height and incorporate a tall and largely impermeable gate. The works have already been installed. Appeal B is presented as an alternative scheme with a reduction in height of the piers to approximately 1.4 m and a reduced height dwarf wall and metal gate. There would be no railings in Appeal B with a box hedge providing enclosure and privacy. Both appeals include new entrance steps to the front door with side walls and coping stones.
6. I acknowledge that the Green and surrounding trees are the dominant element of the conservation area. However, the appraisal points also to the character of the heritage asset being derived from the terraces and their uniform appearance. Moreover, while there is variation in design along the street the terrace containing the appeal property is identified in the appraisal for the value of its small front gardens with cast iron railings.
7. The appraisal further cautions against alterations that would have a significant visual effect. In this regard I am mindful that not all of the frontage enclosures of the terrace are identical. No 72 has a painted white fence. And the garden of the appeal property was until recently unenclosed. However, the walls of Appeal A and Appeal B would be the only frontage walls of the terrace.
8. The tall gate of Appeal A is largely solid in construction and compounds the dominant form and enclosure of Appeal A. I acknowledge such form of an enclosure would serve to hide bin clutter in the streetscene. In Appeal B the reduced height wall and metal gate would facilitate views into the front garden with an improved contribution toward the leafy character of the existing frontages. However, the overbuilt form of the proposed entrance steps would be revealed as an incongruous feature in the context of the smaller scale of the original steps and metal handrails of the terrace.
9. Therefore, while the walls proposed in both Appeal A and Appeal B may be typical of Victorian streets elsewhere they would be an alien characteristic at the host property within its immediate context. The reduction in height proposed by Appeal B and the provision of a box hedge would not reduce to an acceptable degree the harmful effect of a discordant wall within this prominent terrace.
10. Such harm would fail to preserve or enhance the character or appearance of the conservation area. With regard to paragraph 134 of the National Planning Policy Framework, while the harm I have identified to the heritage asset would be less than significant harm it would not be outweighed by public benefits.
11. I conclude therefore that the proposals in both Appeal A and Appeal B would have a harmful effect on the character and appearance of the Brook Green

¹ LB Hammersmith and Fulham Conservation Area No 3: Brook Green Character Profile 2004 (as updated)

Conservation Area. As a result they would conflict with the requirements of Policy BE1 of the Hammersmith and Fulham Core Strategy 2011 to respect local context and character, and to protect and enhance the character, appearance and setting of conservation areas, and associated guidance². They would also conflict with the requirements to achieve a high standard of design and protect, restore or enhance the quality, character, appearance and setting of conservation areas set out at Policies DM G3 and DM G7 of the Hammersmith and Fulham Development Management Local Plan 2013.

Conclusion

12. For the reasons given above, and with regard to the support for the proposals offered by interested parties, I conclude that Appeal A should be dismissed and Appeal B should be dismissed.

David Walker

INSPECTOR

² Hammersmith and Fulham Planning Guidance Supplementary Planning Document 2013