
Appeal Decision

Site visit made on 13 December 2016

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 13th January 2017

Appeal Ref: APP/H5390/W/16/3157999
125 Moore Park Road, London SW6 4PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Theodoros Thysiades, Stephen Taylor Architects against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/01738/VAR, dated 18 April 2016, was refused by notice dated 15 June 2016.
 - The application sought planning permission for the demolition of the existing buildings and redevelopment of the site to provide 4 three storey dwellings (4x3 bedroom) with associated cycle parking, refuse/recycling storage and landscaping without complying with a condition attached to planning permission Ref 2015/00100/FUL (Appeal Ref APP/H5390/W/15/3023065), dated 7 October 2015.
 - The condition in dispute is No 2 which states that: *"The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Ref: 225 PL 000 - Location Plan; Drawing Ref: 225 PL03 099 Rev P1 - Proposed Lower Ground Floor Plan; Drawing Ref: 225 PL03 100 Rev P1 - Proposed Ground Floor Plan; Drawing Ref: 225 PL03 101 Rev P1 - Proposed First Floor Plan; Drawing Ref: 225 PL03 102 Rev P1 - Proposed Roof Plan; Drawing Ref: 225 PL03 200 Rev P1 - Proposed Sections AA/BB; Drawing Ref: 225 PL03 201 Rev P1 - Proposed Section CC; Drawing Ref: 225 PL03 300 Rev P1 - Proposed Elevations DD/EE; Drawing Ref: 225 PL03 301 Rev P1 - Proposed Elevations FF/GG; Drawing Ref: 225 PL03 301 Rev P1 - Proposed Elevations FF/GG"*.
 - The reasons given for the condition is: *"For the avoidance of doubt and to define the plans with which the scheme should accord."*
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing buildings and redevelopment of the site to provide 4 three storey dwellings (4x3 bedrooms) with associated cycle parking, refuse/recycling storage and landscaping at 125 Moore Park Road, London SW6 4PS in accordance with the application Ref 2016/01738/VAR dated 18 April 2016, without compliance with condition number 2 previously imposed on planning permission Ref 2015/00100/FUL (Appeal Ref APP/H5390/W/15/3023065), dated 7 October 2015, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing Ref 225 PL03 001 Rev P1 - Location Plan;
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Drawing Ref 225 PL03 099 Rev P1 - Proposed Lower Ground Floor Plan;
Drawing Ref 225 PL03 100 Rev P1 - Proposed Ground Floor Plan;
Drawing Ref 225 PL03 101 Rev P1 - Proposed First Floor Plan;
Drawing Ref 225 PL03 102 Rev P4 - Proposed Roof Plan;
Drawing Ref 225 PL03 200 Rev P1 - Proposed Sections AA/BB;
Drawing Ref: 225 PL03 201 Rev P1 - Proposed Section CC;
Drawing Ref: 225 PL03 300 Rev P4 - Proposed Elevations DD/EE;
Drawing Ref: 225 PL03 301 Rev P4 - Proposed Elevations FF/GG.

Preliminary Matter

2. Although not explicitly set out within the Schedule of Conditions of the appeal decision referred to above, the Inspector's reasons for the imposition of Condition 2 are set out in the main body of the decision letter. The wording in the heading above reflects my understanding of the Inspector's reasons for imposing the disputed condition.

Background and Main Issues

3. Planning permission for demolition of the existing building and redevelopment of the site to provide four dwellings was granted on appeal (Appeal Ref APP/H5390/W/15/3023065). Condition 2 requires that the development be carried out in accordance with the approved plans and documents.
4. The application subject to this appeal is made under S73 of the Act for minor material amendments¹. The amendments sought are the installation of four brick chimney stacks and four solar panels on the roofslopes of the dwellings. The appeal seeks removal of Condition 2 and replacement with a condition specifying the plans which reflect the proposed amendments.
5. The Council considers that the chimney stacks would harm the character and appearance of the Parsons Green Conservation Area and the amenities of neighbouring residential properties.
6. I therefore consider the main issues in this appeal are:
 - Whether the proposed amendments would preserve or enhance the character or appearance of the Parsons Green Conservation Area.
 - The effect of the proposed amendments on the living conditions of neighbouring residents with particular regard to outlook.

Reasons

Conservation Area

7. The Parsons Green Conservation Area (PGCA) is characterised by two significant open spaces (Parsons Green and Eel Brook Common) and the irregular grid street pattern of predominately residential development between the two. The area consists mainly of Victorian terraces which largely remain intact.
8. The appeal site lies to the north-east of Eel Brook Common where the street pattern provides a close grain of development with elegant terraces. Triangular in shape, the appeal site lies to the rear of the terraced streets of Moore Park

¹ Planning Practice Guidance – Paragraph 013 Reference ID; 17a-013-20140306

Road, Musgrave Crescent and Kempson Road. The majority of the site is occupied by a building comprising a series of workshops which have been extended and altered over time in a somewhat sporadic manner. The building is notably utilitarian in its appearance and as such, detracts from the aesthetic and historical qualities of the surrounding streets. Consequently, the appeal site currently makes a negative contribution to the significance of the PGCA.

9. Policy DM G7 of the Hammersmith and Fulham Development Management Local Plan 2013 (DMLP) states that the Council will aim to protect, restore or enhance the quality, character, appearance and setting of the Borough's conservation areas and its historic environment.
10. The proposal seeks to add chimney stacks to each of the four dwellings. I was able to see from my site visit that the rear of many of the properties on Moore Park Road, Musgrave Crescent and Kempson Road contain alterations and extensions to their roofs, including chimney stacks of various heights and width. Such additions add to the vertical emphasis and prominence of the terraced rows which encircle the appeal site.
11. It is the view of the Council that the proposed chimneys would be an over dominant feature that would be result in an incongruous vertical prominence, noting that the previous Inspector found the use of hipped roofs on the original scheme helped reduce the vertical prominence of the roof. However, the chimneys would be 600mm in width and would occupy only a small proportion of the roof. Moreover, whilst they would be 2.8m in height, they would project only 350mm above the ridge height of the properties. The proposed chimneys would be broadly consistent with the scale and design of neighbouring properties and would not substantially alter the massing and bulk of the approved dwellings. As a result, the chimneys would not introduce inappropriate, obtrusive or dominant additions that would significantly increase the vertical prominence of the properties.
12. The appeal site is relatively enclosed and vantage points within the public realm are significantly limited. Where such views are obtainable, the development would be read in the context of a roof scape which is characterised by chimneys and other alterations. As such, the appeal scheme would not appear unduly prominent or obtrusive from views within the PGCA.
13. The Council has raised no concerns with the proposed solar panels. Whilst I have considered the comments of neighbouring residents, the solar panels would be set back from the eaves of the properties and would be modest in scale. To that end, I am satisfied the panels would not be unduly out of keeping or detract from the surrounding area.
14. I conclude, therefore, that the proposed amendments would preserve the character or appearance of the Parsons Green Conservation Area. Consequently, the proposal would comply with Policy DM G7 of the DMLP. It would also accord with the design aims of Policy DM G3 of the DMLP and Policy BE1 of the Hammersmith and Fulham Core Strategy 2013 (CS) which states that development should respect and enhance heritage assets. It would also be in line with the guidance set out in Design Policy 31 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document 2013 (PGSPD) which states that extensions and alterations should not have a significant effect on the character of the conservation area.

Living Conditions

15. The appeal site lies to the rear of several properties on Moore Park Road, Musgrave Crescent and Kempson Road. The majority of those properties have windows in the rear which serve habitable rooms. The appeal site is visible in views from those windows.
16. The proposal would not accord with the guidance set out in Housing Policy 2 of the PGSPD which states new development should ensure that it would achieve a line produced at an angle of 45 degrees from a point 2m above the adjoining ground level of the boundaries of the site where it adjoins residential properties. However, Housing Policy 2 does set out that this is a general standard and that if these lines are breached, then on-site judgement will be a determining factor in assessing the effects.
17. I note that the proposed chimney stacks would be readily visible from and in close proximity to several neighbouring properties. However, they would be relatively narrow and would not cover a significant proportion of the approved roof slopes. Moreover, they would sit just 350mm above the ridge height of the properties. The proposal would therefore not significantly increase the overall bulk and massing of the properties. Indeed, the revised scheme would continue to be a significant reduction in the amount of built form which presently exists on the site. Furthermore, where views of the chimneys are visible from the neighbouring properties, they would be read in the context of a dense grain of tall buildings which are characterised by chimneys of a similar design, as well as other roof alterations. As a result, the proposed amendments would not result in an increased sense of enclosure for neighbouring residents and would not result in an inappropriate or unneighbourly form of development.
18. The Council has not raised any concerns in respect of the effect of the proposed solar panels on the living conditions of surrounding residents. On the evidence before me I have no reason to disagree. Whilst I have considered the comments of neighbours, there is no evidence before that the proposed amendments would deprive neighbouring properties of light.
19. I conclude, therefore, that the proposed amendments would not have a harmful effect on the living conditions of neighbouring residents with particular regard to outlook. The proposal would, consequently, comply with Policy DM A9 and DM G3 of the DMLP which state that developments should respect the principles of good neighbourliness. It would also accord with Housing Policy 31 of the PGSPD.

Conditions

20. For the reasons given above, the disputed condition is not necessary in its current form. Nevertheless, I consider it necessary to impose a revised condition relating to the approved plans to provide certainty over the extent of the development permitted.

Conclusion

21. For the reasons given above, and with regard to all other matters raised, I conclude that Condition No 2 imposed on planning permission Ref 2015/00100/FUL (Appeal Ref APP/H5390/W/15/3023065) is not necessary in its current form. Accordingly, the appeal should be allowed without compliance with the disputed condition, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the new conditions referred to above.

Jason Whitfield

INSPECTOR