
Appeal Decision

Site visit made on 9 January 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 27 January 2017

Appeal Ref: APP/H5390/W/16/3160276

Hazel, Myrtle, Holme, Holkham, Burnham, Royston, Suffolk and Norfolk Houses, Sulgrave Road, London W6 7QF

- 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 Pineapple Corporation against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2015/05734/FUL, dated 7 December 2015, was refused by notice dated 27 July 2016.
 - The development proposed is the construction of a single one-person flat at roof level on each of the properties.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are;
 - The effects of the proposal on the character and appearance of the Conservation Area
 - The effects of the density of the scheme
 - Whether adequate refuse/recycling and cycle storage would be provided
 - The effects of the new stairs on existing residents
 - The effects of the proposed external terraces on neighbouring residents
 - Whether the proposal would unacceptably affect waste water infrastructure.

Reasons

Conservation Area

4. The appeal relates to 8 adjacent properties which form part of a larger terrace of 3 storeys, which is located within the Melrose Conservation Area. The properties are an attractive component within the conservation area, having a traditional form with red brick elevations and tiled roofs. There is a strong

sense of uniformity within the group. In relation to development in conservation areas, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “...*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*” The National Planning policy Framework states that “*great weight*” should be given to the conservation of a designated heritage asset (in this appeal this relates to the Conservation Areas).

5. The proposal would involve the construction of a sizeable rear roof extension to all of the 8 properties. The extension would take the form of a mansard which would cover the entire width of each property. The highest part of the mansard roof would be above the existing ridge of the properties, said to be 0.6m and set back from the ridge by 0.7m. Taken individually and as a whole, I consider that the combination of the width and, in particular, the height of the proposal would have a dramatic effect on the appearance of these properties and the terrace as a whole. The Councils policies and guidance refer to seeking to ensure that extensions are appropriate in terms of scale, mass, proportion, vertical and horizontal emphasis and relationship to the existing building. In my judgement the proposal would not meet these aims and would appear out of proportion and scale, having a top-heavy appearance and being visually awkward where it is seen with the existing roof lines of the terrace.
6. There is much discussion within the representation about where the proposal would be seen from and so, where any impact of the extensions may be felt. I have carefully assessed this matter and visited the surrounding streets at my site visit. Within the public domain, the extensions would not be seen from directly in front of the properties when on Sulgrave Road; however, a view would be possible at a particular section further up the road where the step in the roof line would be apparent, also from the pedestrian route running to the north. Some views of the rear are also possible within the streets to the west where the upper parts of the building can be seen above the railway viaduct. Within these views from public places, I consider that the appearance of the extensions would be harmful and would fail to preserve or enhance the character or appearance of the conservation area.
7. The Council have also raised the fact that clearer views would be possible from within properties on the opposite side of Sulgrave Road and within the properties to the rear. Although I did not enter these properties, it is abundantly clear that the proposed extensions would be readily visible from them. However, the appellant considers that this argument amounts to the protection of a view and states that private views are not a material planning consideration; the appellant submits a DCLG/Planning Aid document which seeks to clarify what is and is not a material planning consideration and includes “loss of view” in a list of non-material planning considerations. There is a, perhaps subtle but important, distinction to be made between a “loss of view” and the unacceptable visual effects of a proposal; if the appellant’s argument is taken to the extreme, any visual effects could be categorised as “loss of view”. In my judgement and experience there is a perfectly legitimate consideration of the effects of a proposal on the character and appearance of a conservation area, where those effects may be felt from within private land or buildings. Just as the positive aspects of the area’s character and appearance may be experienced from these areas, so any ill-effects could be felt also. This amounts to something different to the loss of a view and, in this particular case it is not the loss of a view but the alteration of a visual experience; the “view”

will still be of the buildings, but those buildings will have been altered. The visual effects of the proposal, felt by numerous individuals when within private land/properties is a material planning consideration. Having now set out that position, I agree with the Council's expression that these effects may not be as important as ones which may be felt from within the public realm, but are nonetheless matters which weigh against the proposal.

8. Therefore, in respect of this issue, the proposal would fail to either preserve or enhance the character or appearance of the Melrose Conservation Area. Therefore, the proposal is contrary to Policies DM G3 and DM G7 of the Development Management Local Plan (DMLP).

Density

9. The Council and the appellant refer to the proposal as increasing the density of the site from 700.5 habitable rooms per hectare (hrph) to 719 hrph. Reference is made to the Density Matrix produced by within the London Plan which indicates a range of 200 to 700 hrph for such a location. Having taken account of the representations and the wider advice within the London Plan relating to the application of density considerations, I consider that the breach of an upper limit by a small margin such as this is not sufficient reason in itself to dismiss a proposal. The acceptability of such a scheme will rely on other detailed matters and not on a mechanical application of the numerical range.

Refuse/recycling and cycle storage

10. The proposal includes the provision for additional cycle storage in the under-stairs area and 2 additional bins within the frontage for refuse/recycling. It should be born in mind that the proposal should only be required to make provision for the proposed new units and it would not be justifiable to seek to rectify any existing deficiencies that may exist.
11. It is clear that the frontage areas of the appeal properties are used to place bins and, from my observations, there appears to be sufficient space to accommodate 2 additional bins, as proposed for each property.
12. The proposed cycle storage is within the under-stairs area. There appears to be no objection from the Council in relation to the numerical provision or the suitability of the cycle storage area, save for the fact that it is stated by some residents that the area is used for refuse/recycling storage. However, the appellant points out that any refuse/recycling storage undertaken in this area is without permission and is prohibited on safety grounds. In this context, if permission were to have been given, I am satisfied that suitable conditions could have ensured the provision of additional bins and for the under-stairs area to be used solely for cycle storage. It would be unjustified for this proposal to seek to provide for any deficiencies in the existing provision for waste storage, if such exists.

The effects of the stairs

13. The new stairs to give access to the proposed flats would be taken from the top landing of each of the individual properties. Those landings currently give access to 2 flats and each of the new stairs would give access to one flat.
14. Having viewed the top floor landing, the access to the existing flats and envisaged the location of the new stairs, I can see no reason to conclude that

the physical access to the existing flats would in any way be compromised. It would closely replicate the situation on lower floors where the existing stairs rise from a landing area. The proximity of the proposed stairs to the entrance to the existing flats would not be oppressive in my judgement nor would it lessen peoples' enjoyment of their own home, as is suggested by the Council. Therefore, in relation to this issue I find no conflict with Policies DM A9 and DM G3 of the DMLP.

External terraces

15. The Council fears that the use of the external terraces would give rise to noise that would unacceptably disturb neighbouring residents. They point out that the existing flats do not benefit from double glazing and were constructed at a time when concerns regarding noise were less prominent.
16. The terraces would be modest in size and set in from the edges of the building, screened to help prevent overlooking. In my judgement, the size of the proposed terrace would prevent its use by significant numbers of people; taking this and the fact that they would be set away from the buildings edges leads me to conclude that it is unlikely that the use of the terraces would give rise to unacceptable noise or disturbance. Therefore, there is no conflict with Policies DM A9, DM G3 and DM H9 of the DMLP.

Water Infrastructure

17. The Council considers that the creation of a new flat at each property would generate additional water entering the sewer system which would negatively contribute to sewer flooding in the area. I note that Thames Water did not object to the scheme and, in relation to wastewater infrastructure, indicated that a suitable condition requiring on or off-site works would address their concerns. Therefore, I see little weight behind the Council's concerns that works may not be possible within the restricted appeal site, as Thames Water clearly envisage that off-site works could address these matters.
18. In the light of the evidence before me, I see no reason why suitable conditions attached to a planning permission would not ensure that suitable provisions are made in order that water infrastructure is provided to meet the demands placed on it by the new flats. Therefore, there is no conflict with Policy DM H3 of the DMLP.

Conclusions

19. I have identified that the proposal would have an unacceptable impact on the Melrose Conservation Area. In relation to the contents of the National planning Policy framework, I consider that the harm is 'less than substantial harm'. The Framework sets out that such harm should be balanced against any public benefits that would arise from the scheme. The appeal proposal would bring about the provision of additional homes in a sustainable location and I attach some weight to this. However, taking account of this and all other matters, I consider that the harm would not be outweighed by these other matters. As a consequence, the appeal is dismissed.

S T Wood

INSPECTOR