
Appeal Decisions

Site visit made on 21 February 2017

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 2 March 2017

Appeal A: APP/H5390/W/16/3163757 **62 Black Lion Lane, London W6 9BE**

- 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 Deshpal Panesar against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/02814/FUL, dated 17 June 2016, was refused by notice dated 30 August 2016.
 - The development proposed is side extension at first floor level, new window, associated demolition of walls and removal of one window.
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Appeal B: APP/H5390/Y/16/3163758 **62 Black Lion Lane, London W6 9BE**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Deshpal Panesar against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/02815/LBC, dated 17 June 2016, was refused by notice dated 30 August 2016
 - The works proposed are side extension at first floor level, new window, associated demolition of walls and removal of one window.
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Decision Appeal A

1. I allow the appeal and grant planning permission for extension at first floor level, new window, associated demolition of walls and removal of one window at 62 Black Lion Lane, London W6 9BE in accordance with the terms of the application, Ref 2016/02814/FUL, dated 17 June 2016, subject to conditions 1) to 8) on the attached schedule.

Decision Appeal B

2. I allow the appeal and grant listed building consent for extension at first floor level, new window, associated demolition of walls and removal of one window at 62 Black Lion Lane, London W6 9BE in accordance with the terms of the application Ref 2016/02815/LBC, dated 17 June 2016 and the plans submitted with it, subject to conditions 1) to 7) on the attached schedule.

Main Issue

3. This is the effect of the proposal on the architectural and historic significance of the listed building and its setting within the St Peter's Square Conservation Area.
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Reasons

Policy

4. The building is listed at Grade II and with reference to a group value along with its neighbours in the terrace. The buildings are situated within the St Peter's Square Conservation Area. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the buildings or their setting or any features of special architectural or historic interest which they possess. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
5. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
6. The various requirements in statute and central Government guidance are reflected in the stated Policies of the Development Plan as follows. Core Strategy Policy BE1 concerns the built environment and seeks a high standard of design that respects local context, protecting and enhancing conservation areas and listed buildings. Policy DM G3 of the Development Management Local Plan seeks a high standard of design in alterations and extensions taking account of scale, form, height and mass; proportion; vertical and horizontal emphasis; relationship of solid to void; materials; and the relationship to the existing building and spaces between buildings and gardens. Policy DM G7 sets out considerations to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings.
7. Supplementary Planning Document Design Policy 34 on extensions states that the design and materials of rear extensions should be in keeping with the architectural character of the existing property and conservation area and should integrate successfully with the building concerned. The text says that rear extensions should never dominate the main building and should meet the policies in the section of the Supplementary Planning Document on Housing Quality, which at Policy 8 contains requirements over the protection of amenities.
8. The design policies accord with the statement at paragraph 56 of the Framework that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Heritage

9. The proposal is to remove a length of the first floor side wall of the rear addition to form a jettied-out section to enlarge the room so that a bed may be placed across the increased width. A small section of the rear wall of the addition would be removed to allow a slot window to be placed lighting the same room. These are the two items referred to in the reasons for refusal;

"....the proposed first floor rear extension by reason of its contemporary design which extends and cantilevers out over the courtyard would not relate to or complement the listed building, would appear unharmoniously in context with the building. The new window in the existing rear wall would be modern without subdivision and its design would not successfully integrate with the existing character of the building....".

10. It is clear from the planning history that there are other works to the internal arrangement of the house that have been granted consent. The slot window objected to by the Council appears to have been deleted from drawing 1517/PA08c submitted under application 2016/02607/LBC, so that the proposal that received consent for works to form a bedroom in the present bathroom is drawing 1517/PA08d. That layout does not have the jettied-out section and shows that the room can accommodate a bed, but the arrangement would be cramped.
11. Of particular note are the extant permission and consent for works to the rear at ground floor level (2016/01534/FUL and 2016/01535/LBC) shown on the appellant's Appendix 16. Those works would remove the ground floor of the rear addition, and replace it with a full-width single-storey extension shown to be projecting to the line of the neighbouring extension at number 64. Above that the rear addition would be retained, although any support for that would appear to be hidden within the floor structure of the open-plan ground floor.
12. It is therefore the case, as shown in the appellant's Appendix 18, that were the ground floor works to go ahead as permitted, the additional floor space in the proposed new first floor bedroom would not be visibly cantilevered out, but would be constructed to sit on the structure below, similar to how, presumably, the rest of the upper floor addition would be supported. However, as pointed out by the Council, the proposals should be considered both with and without the ground floor works.
13. The significance of the listed building should be considered to be more in this case than those items referred to in the listing description, but to the rear the architectural significance is moderate, due to the inappropriate further addition at ground floor level, and the neighbouring works that are in place. There is modest historic significance through being apparently one of the last unaltered rear additions, but by far the most significant aspects are the front elevation, the group value of the terrace and the historical associations with the provision of artisan's housing in a planned estate.
14. Looking first at the slot window as a stand-alone intervention, there is real doubt over the extent to which this would be seen in public views from the conservation area, particularly with the changes permitted to a property at the rear on St Peter's Grove (2016/00559/FUL). What may be seen would amount to a limited glazed area among other previous interventions either side. The preservation of listed buildings does not rely on a public view, but the introduction of the slot window would be a clearly modern intervention, would not remove fabric of much historic interest, and would be appreciated as a clean, attractive addition to the blank façade.
15. There is an unattractive 'non-original felt projection for non-original heating system' near the position of the slot window which is shown to be removed on drawing 1517/PA02b to consent 2016/01535/LBC, and is not shown as remaining in the appeal proposals, but to be able to attach weight to this

enhancement, a condition would be required to ensure that it is carried out. On that basis, the presentation of the end wall would be preserved and the introduction of the slot window would not cause harm.

16. Turning then to the first floor projection, whilst the existing rear addition is due only moderate significance, its shape and form aids the understanding of the original layout of terraced houses and their operation, in allowing accommodation whilst lighting the rear rooms of the main part. That is something that has been lost elsewhere in the terrace and would be lost at ground floor level under the extant permission and consent. The proposed projection would not be confused with the original work and would allow ready understanding of the form of the rear addition.
17. However, the cantilevered form would appear unbalanced and disruptive on the side face of the rear addition and would not relate well to the form and layout of the building to which it would be an extension, contrary to Policy DM G3, and would not appear as the high standard of design sought in Policy BE1 and paragraph 56 of the Framework. As a result the addition would harm the listed building, failing to preserve its architectural or historic significance, contrary to the statutory tests as well as Policy DM G7, Supplementary Planning Documents and section 12 of the Framework.
18. The level of harm is 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The benefits are limited, the room would be capable of accommodating a bed without the addition, and hence the public benefits would not outweigh the harm.
19. Consequent to these findings, were the first floor projection to be built along with the ground floor extension, the balance changes as shown on the composite drawings 1517/PA26, 27 and 28 in the appellant's Appendix 18, there would be no cantilever to upset the composition, the unattractive further rear addition would be removed, whereas it would remain under the appeal proposal alone, and the overall composition would appear well-integrated, preserving the form of the rear addition whilst fitting the building for a new life. The total works would accord with Development Plan and local guidance, as well as national policies and the limited remaining harm would be outweighed by the public benefits of securing the up-keep of the building. The requirements of sections 16(2), 66(1) and 72(1) would be achieved.

Conditions

20. The Council suggested conditions on materials and finishes to match the existing, or as submitted as details or samples, to include window and door details and details of the junction of old and new works. Such conditions are necessary and reasonable to ensure the quality of the completed works and to safeguard the significance of the listed building. There would not however be a need to require items to be '*thereafter retained as such*' as consent would be required for any further changes.
21. A condition is required to be attached to the planning permission naming the drawings, because otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans as this provides certainty. Such a condition is not required in

the listed building consent as the provisions for greater flexibility in planning permissions do not apply.

22. The reasoning that leads to the grant of permission and consent for the side projection is based on the proposal only being acceptable as part of the ground floor extension works as explained previously. As a result it is necessary to attach a condition to ensure that this is how the works and development proceed. In addition, and again for the reasons set out previously, it is necessary to attach a condition to ensure the removal of the non-original felt projection for non-original heating system as shown on the drawings.

Conclusions

23. Whilst the slot window would be acceptable in any event, the side projection to the first floor bedroom is acceptable only as part of the ground floor extension previously permitted, due to the balance of harm to public benefits. The cantilever alone would be harmful with insufficient benefits weighing in its favour. Conditions can be employed to ensure that the development and works proceed as an acceptable whole. For the reasons given above it is concluded that both appeals should be allowed.

S J Papworth

INSPECTOR

Schedule of Conditions Appeal A Planning Permission

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1517/DM03, 1517/PA15, 16, 17, 18, 19, 26, 27 and 28 unless otherwise provided for in conditions attached to this permission.
- 3) The development of the bedroom side projection shall not be carried out other than as part of the ground floor works shown on drawings 1517/PA26, 27 and 28.
- 4) All new works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to materials, colour, texture and profile unless shown otherwise on the drawings or other documentation hereby approved or required by any conditions attached to this consent.
- 5) Prior to the commencement of the development hereby permitted details of external materials including window sample and details of all new external facades, including the timber cladding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

- 6) Prior to the commencement of the development hereby permitted details of new windows and doors at scale 1:20 in plan, section and elevation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.
- 7) Prior to the commencement of the development hereby permitted details of junctions between the addition and the original house at a scale 1:20 in plan, section and elevation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.
- 8) The new rear bedroom of the development hereby permitted shall not be occupied until the non-original felt projection for non-original heating system to the rear of the existing addition has been removed and the structure and finishes made good pursuant to Condition 3).

Schedule of Conditions Appeal B Listed Building Consent

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The works for the bedroom side projection shall not be carried out other than as part of the ground floor works shown on drawings 1517/PA26, 27 and 28.
- 3) All new works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to materials, colour, texture and profile unless shown otherwise on the drawings or other documentation hereby approved or required by any conditions attached to this consent.
- 4) Prior to the commencement of the works hereby permitted details of external materials including window sample and details of all new external facades, including the timber cladding shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out only in accordance with the approved details.
- 5) Prior to the commencement of the works hereby permitted details of new windows and doors (internal and external) at scale 1:20 in plan, section and elevation shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out only in accordance with the approved details.
- 6) Prior to the commencement of the works hereby permitted details of junctions between the addition and the original house at a scale 1:20 in plan, section and elevation shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out only in accordance with the approved details.
- 7) The new rear bedroom of the works hereby permitted shall not be occupied until the non-original felt projection for non-original heating system to the rear of the existing addition has been removed and the structure and finishes made good pursuant to Condition 3).