

Appeal Decision

Site visit made on 3 April 2017

by Kenneth Stone BSc Hons DipTP MRTPI

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

Decision date: 28 April 2017

Appeal Ref: APP/H5390/W/17/3166947

Fulham Park House, 1a Chesilton Road, London SW6 5AA

- 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 Lambert Pressland Ltd against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/03805/FUL, dated 22 August 2016, was refused by notice dated 1 November 2016.
 - The development proposed is described as the 'Erection of a single storey extension at first floor level for use as additional office space on the Fulham Road elevation; installation of new sliding doors to replace existing windows and erection of obscured glass on the Fulham Road elevation at second floor level for use as roof terraces in conjunction with four existing residential units; various alterations to the ground floor elevations along Chesilton and Fulham Roads'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of the proposal from the Council's decision notice and which is repeated in the appeal forms. The description was amended from that original provided on the application form but amended by the Council on validation and accepted by the applicant and has been used by the appellant in their appeal documents. It provides a more detailed description of the proposal and I have considered the appeal on this basis.

Main Issues

3. The main issues are, the effect of the proposals on:
 - Firstly, the character and appearance of the existing building and the surrounding area; and
 - Secondly, the living conditions of the occupants of the surrounding properties, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal relates to a four storey building located at the junction of Fulham Road and Chesilton Road at a point where Fulham Road also bends. It is a building of relatively modern appearance with three storey brick flat facades
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containing regularly spaced metal windows and a fourth storey in a setback mansard roof form. The building also accommodates a more recent single storey front extension with concrete framing supporting full glass shop fronts. The building is at odds with the general character of the main street frontages of the surrounding buildings which are three storey Victorian facades with a fine grain detail, canted bays and a strong vertical emphasis.

5. The proposed first floor addition would be primarily glass and for all intent and purposes cover the full width and depth of the existing single storey extension. The proposed extension would by virtue of its materials and form appear a very modern addition to the street and accentuate the bulk, scale and mass of the existing projection forward of the main façade of the original building. The forward projection of this element would sit significantly in advance of the adjoining Victorian terrace and would be particularly visible in the street scene. The juxtaposition of the architectural styles would jar and the forward position would further heighten the intrusive and uncharacteristic appearance of the extended building. Given the fine grain and detailing of the adjacent buildings the sleeker lines and lack of fine detail would add to the alien appearance of the proposal.
6. When viewed in longer distances from the east the extension would be viewed against the facades of the properties beyond the Chesilton Road junction which have similarly fine grain and detailed architectural treatment, albeit with slight variations in form. Again the modernist approach within the existing attractive street scene, which is reasonably coherent, with the exception of the building to be extended, would result in a discordant and isolated feature.
7. I do not view the proposal as a successful way in which to mediate between the different positions of the surrounding terraces as contended by the appellant. In this particular street, given its very different architectural expression, I consider the proposal would be particularly intrusive in an existing well-mannered and traditional Victorian suburban high street frontage.
8. In the context of the existing building and in isolation the extension would not harm the appearance of that building but my concern relates to the surrounding area and street scene and this is not offset by the relationship of the extension to the existing building. I also note that the area is not a conservation area however that does not preclude consideration of the effect of the development on the existing character and appearance of the area.
9. For the reasons given above I conclude that the proposal would result in material harm to the character and appearance of the surrounding area. Consequently it would conflict with policy BE 1 of the Hammersmith and Fulham Core Strategy, 2011 (CS) and policy DM G3 of the Hammersmith and Fulham Development Management Local Plan, 2013 (DMLP). Collectively these seek to ensure high quality development that has regard to the character and appearance of the area into which it is to be inserted. These are consistent with the National Planning Policy Framework (the Framework) and in particular its advice to ensure high quality development and to promote or reinforce local distinctiveness noted at paragraphs 17, 56 and 60.

Living conditions

10. Policy DM A9, in the DMLP, requires proposals for extensions to demonstrate that there is no detrimental impact on, amongst other matters, the privacy enjoyed by neighbours. The policy refers to housing applications but as part of

these proposals refer to extensions to residential units, in the form of terraces for the residential units, I am satisfied it is a relevant policy. Policy DM G3, in the DMLP, is a general policy relating to all alterations and extensions and it requires, amongst other matters, account to be taken of good neighbourliness. The Council's Planning Guidance Supplementary Planning Document (SPD) provides further advice and Housing Policy 8 provides advice on the protection of the amenities of surrounding properties.

11. The proposed extension would move the useable floor space of the first floor out towards Fulham Road, and thereby reduce the distance between the properties on this side of the road and those opposite. The upper floors of the properties opposite are in residential use and contain bedroom windows facing onto Fulham Road. The distance between the properties would reduce below the Council's guidance in the SPD which normally requires 18m between any residential windows. The parties accept that the proposals would result in separation distances between 14m and 17m. The dimension is a general guideline for all circumstances. In this case the proposals relate to facing facades across a principal A road in an area of mixed commercial and residential use. The nature of the view directly across a road of this nature is somewhat different from immediately facing residential properties in residential areas and is between different uses. The separation between the buildings on Fulham Road varies along its length where instances where the separation is less than that proposed in this case. In these circumstances I am satisfied that whilst there would be a reduction in the distance the consequent reduction in privacy would not be so material as to justify dismissing the appeal.
12. The proposed terraces would also afford additional overlooking from the second floor flats. However given that the balconies are set back I agree with the Council that the impact is such that would not justify withholding permission.
13. In terms of 656 Fulham Road there are already a number of windows in the existing office building facing the flank wall of this building. The increased incidence of overlooking resultant from the proposals would be little greater than what already exists and would not result in a material change in the privacy enjoyed by the occupants of the properties in that building.
14. For the reasons given above I conclude that the proposals would not result in material harm to the living conditions of the occupants of surrounding properties, with particular regard to privacy. Consequently it would not conflict with policies DM A9 or DM G3 of the DMLP or the aims of the SPD. Collectively these seek to ensure a good quality of environment for occupiers of surrounding properties which is consistent with the Framework.

Other matters

15. Concerns were expressed by occupiers of surrounding properties regarding the potential noise and disturbance associated with the use of the terrace. I agree with the Council that given the separation nature of the existing environment and likely use of those terraces for residential purposes that any associated noise associated with their use would not result in material harm for the occupants of surrounding properties.
16. I note that the proposal would increase the level of office floor space and which would have an economic benefit however this would not outweigh the harm that I have identified.

17. I agree with the Council's assessment that the other elements of the development related to the other alterations to the building including on Chesilton Road and Fulham Road at ground floor would not give rise to harm and could be appropriately addressed by condition where I find the development acceptable in all other regards.

Overall conclusions

18. The proposed development would result in material harm to the character and appearance of the surrounding area. There are no significant benefits of the scheme such that would outweigh that harm the proposal conflicts with the development plan insofar as its impact on the character of the area and the proposal would not therefore fulfil the environmental or social roles required to ensure it was sustainable development
19. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR