

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: 05 May 2017

Appeal Ref: APP/H5390/W/16/3162025

162 Munster Road, London SW6 6AT

- 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 Amin Momen against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/02769/FUL, dated 14 June 2016, was refused by notice dated 11 August 2016.
 - The development proposed is described as the 'Demolition of the existing building comprising a ground floor Class A1 unit and one self-contained flat on upper floors, removal of rear car park area and redevelopment of the site comprising the erection of a part one, part two and part three storey plus basement building to provide 2 x 2 bed self-contained flats and 1 x 1 bed self-contained flat; formation of a roof terrace at second floor level.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I have taken the description of development from the Council's decision notice and which is repeated in the appeal form. The description of development was amended from that originally provided on the application form and has been used by the appellant in their appeal documents. It provides a more detailed and accurate description of the proposals and I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, including the Central Fulham Conservation Area (CFCA) and the setting of St John's Walham Green CE Primary School, a grade II listed building;
 - the living conditions of the occupants of 164 Munster Road, with particular regard to light and outlook; and
 - the living conditions of the future occupants of the proposed development, with particular regard to privacy.
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Reasons

Character and appearance

4. The appeal site comprises a two storey extended end of terrace property at the junction of Munster Road and Bishops Road, including an open hard surfaced area to the rear, fronting Bishops Road. The site is located within the CFCA and is opposite a Grade II listed primary school. The CFCA is characterised by a regular pattern of streets predominantly fronted by terraces of traditional appearance. The appeal site is located at the end of a terrace of properties, 162-180 Munster Road, with two storey bay fronts, with Dutch gables, with a common roofline and a ridge running parallel to the road. 164 differs from the rest of the terrace having a flat roofed bay projection and a parapet but retains a similar ridge line and has had an extension added to the rear roof. 162 continues the parapet feature from 164 but has a flat roof and a rear wing rising to three storeys.
5. I have statutory duties related to ensuring that development preserves or enhances the character or appearance of a conservation area and preserving the setting of a listed building. The existing building sits forward of the adjoining terrace, has a flat roof and pebble dashed finish. It does not in my view contribute to those aspects of the character and appearance of the conservation area that contribute to the significance of this heritage asset. The principal of the replacement of the existing building with a suitably designed development would not therefore necessarily detract from the character and appearance of the conservation as argued by the Council, and which could therefore be preserved. The loss of one building which does not contribute to the significance of the heritage asset would not therefore necessarily harm the significance of the heritage asset, which in this case would be derived from the whole of the wider conservation area.
6. The proposed design is an evolution from an earlier proposal which was the subject of a previous appeal, and I have had regard to the findings of the Inspector in that decision.
7. The proposed development would replace the existing building with a two storey building with rooms in the roof and a rear facing mansard addition. The front elevation, that facing Munster Road, would reflect the scale and rhythm of the frontage of the rest of the properties in the terrace. The arrangement of windows, ridge height, front roof slope, dormer windows reflect existing features on the rest of the terrace and provide a modern interpretation of many of the features on those properties and successfully integrates the proposed property with the adjoining terrace.
8. The flank and rear elevations of the proposed building would however be less successful. The proposed flank elevation would be fully visible in longer views on Munster Road across the school grounds and at closer quarters along Munster Road and Bishops Road. The elevation would rise to a full three storey height on the back edge of the pavement and dominate the junction and this section of the street scene. The regular window sizing and pattern and the full height brick façade would be an imposing and uncharacteristic feature in the street. This would be further accentuated by the modern aluminium windows, albeit at the higher levels. When added to the large and bulky rear addition with the variety of modern materials, including the stair case feature, the

building would lack coherence and appear as an overly complicated assemblage of materials and forms.

9. The proposed rear addition would increase the depth and dominance of the existing rear wing and would be located in a particularly prominent location. Whilst I note the reduction of the rear projection from the previous scheme, the proposed scheme would still reduce the openness in this section of the street. Given the prominence and views of the site across the grounds of the primary school opposite the development would intrude in views that would include the school buildings and therefore harm the setting of the listed building, as attention would be drawn to the more dominant and intrusive building, over what is there presently.
10. I note that the appellant has sought to remove the previous mansard feature and introduced a number of changes in an attempt to overcome the concerns expressed by the previous Inspector. However, I must judge the scheme before me and I find that the proposed scheme would not be acceptable for the reasons given above.
11. The Council have raised concerns regarding the large basement alterations and in particular highlight the expanse of the lightwell along Bishops Road. Whilst this would not be visible in longer views, the proposals provide for a low wall along this section of Bishops Road and the lightwell would be visible to passers-by. The lightwell would appear as a modern and inappropriate insertion in the street given its size and location. This would appear to conflict with the Council's guidelines and given its degree of visibility would add to the harm to the conservation area and the character of this section of the street. The other lightwells are more discreetly located and would not result in such harm.
12. For the reasons given above I conclude that the proposal would result in material harm to the character and appearance of the area, including the Central Fulham Conservation Area (CFCA) and the setting of St John's Walham Green CE Primary School, a grade II listed building. Consequently it would not preserve or enhance the character or appearance of the conservation area and would conflict with policies BE 1 of the Core Strategy, 2011 (CS) and policies DM A8, DM G1 and DM G7 of the Development Planning Document Local Plan, 2013 (Local Plan). Collectively these seek high quality development that complements the character and appearance of the locality and protect heritage assets.

Living conditions of the occupants of 164 Munster Road

13. The proposed rear addition in this scheme projects at second floor level and incorporates a raised balcony / terrace on top of the projecting first floor roof. The enclosed staircase element would be set off the boundary with 164 and the roof of the first floor rear element that projects beyond would be angled away from the boundary. The Council refer to Supplementary Planning Document (SPD) Policy 8 however this refers to an angle related to the rear boundary. The proposed extension is to the side of the potentially affected rear facing window of the adjoining property. The extension in plan would fall within the 60 degree arc, also referred to in that document; however with the pitched roof form this would reduce the impact on the window to an acceptable level. The appellant points to a Daylight and Sunlight assessment submitted with the application which confirms that all windows would receive appropriate light levels, and that other windows also served that room. The Council provided no

evidence to counter this, relying on assertion rather than specific evidence. On this basis I conclude that the impact on the daylight and sunlight presently experienced at this location would not be such as to warrant dismissal of this appeal.

14. The small rear amenity space for 164 is located at the rear of the property and the adjoining parts of the development would be below the height of the fence enclosing that space. There would be no significant reduction in the light levels in that amenity space.
15. Whilst the proposed additional bulk would enclose more space than the existing development closer to the boundary with 164 the setbacks and design of the extension are such that the effect on that property are to a great extent mitigated and I am satisfied would not be sufficient to warrant dismissal of the appeal.
16. For the reasons given above I conclude that the proposal would not result in material harm to the living conditions of the occupants of 164 Munster Road, with particular regard to light and outlook. Consequently it would not conflict with policies BE 1 of the CS or policies DM 9, DM G1 and DM G7 of the Local Plan which collectively seek to ensure high quality development that protects the amenity enjoyed by occupants of adjoining properties.

Living conditions of future occupants of the proposed development

17. The proposal includes a terrace at second floor level that on its outer and rear boundary is only enclosed by a low wall. The position of the terrace would enable users to have views down and across the rear of the development into the rear terrace of apartment two. This would reduce the privacy of that space by virtue of the elevated position and lack of intervening obstacles. To a lesser extent there may also be views to into the lightwell of the subterranean apartment.
18. The core planning principles at paragraph 17 of the National Planning Policy Framework (the Framework) include advice that planning should always seek high quality design and a good standard of amenity for all future occupiers of land and buildings. The lack of privacy afforded to the future residents of these parts of the development would reduce the quality of the only areas of private amenity space for those occupiers to an unacceptable level. This lack of privacy and opportunities for overlooking from the upper terrace would be contrary to the advice in the Council's SPD Policy 8.
19. For the reasons given above I conclude that the proposed development would result in material harm to the living conditions of the future occupants of the proposed development, with particular regard to privacy. Consequently it would conflict with policy DM G1 and DM A9 of the Local Plan which seek high quality development that provides a good standard of amenity for future occupiers which is consistent with the core planning principles in the Framework.

Other matters

20. The proposal would result in the provision of a net increase of two dwellings which would add to the housing stock. This is a small increase and adds only a minor positive weight in the balance of this decision.

Overall conclusions

21. The proposal would result in material harm to the character and appearance of the area, including heritage assets and would not provide acceptable living conditions for future occupiers of the development. The proposal would therefore conflict with the development plan and the minor positive contribution from the additional housing would not outweigh that harm. The proposal would therefore not meet the environmental or social roles required to make the proposal sustainable development.
22. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR