

Appeal Decision

Site visit made on 15 May 2017

by Richard McCoy BSc MSc DipTP MRTPI IHBC

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

Decision date: 02 June 2017

Appeal Ref: APP/H5390/D/17/3173016

Dorncliffe House, 2A Dorncliffe Road, London SW6 5LF

- 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 T Ainsleigh Jones against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/04522/FUL, dated 13 October 2016, was refused by notice dated 12 January 2017.
 - The development proposed is the erection of a part second floor extension.
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Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Central Fulham Conservation Area.

Reasons

3. The appeal site contains a two storey house with basement set in a small plot of around 185m². It is of a contemporary design that received planning permission (ref. 2012/02475/FUL) on 10 September 2012. It stands behind 748 Fulham Road, within the Central Fulham Conservation Area. I observed the Conservation Area to be urban in nature, made up of quiet residential streets with brick-built, terraced rows of dwellings, punctuated by gaps and laid to a regular pattern. Spaces between the terraces serve to define its character and the appeal site building contributes positively to this by politely nestling into its small plot whilst maintaining the gap between 2 Dorncliffe Road and no. 748.
 4. Proposed is the erection of an additional floor including the formation of a terrace at roof level. The additional floor would be formed above the existing wooden clad side element adjacent to no. 2. It would increase the height of this section of the host by around 2.9m. It is proposed to metal clad the exterior with fenestration to match the host building. The roof terrace, which would be surrounded by a glass balustrade, would provide around 4.55m² of external space.
 5. I note that the Council considers that the proposal would comply with the principles of good neighbourliness and the protection of existing residential amenities, and from my assessment I have no reason to disagree. However, in my judgement, the proposal would create a three storey building that would
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- erode the upper level gap between no. 2 and no. 748 that was respected, either by design or serendipity, in the original planning permission.
6. Consequently, the proposal would not make a positive contribution to local character and distinctiveness which would be apparent from the manner in which it would infill this gap. This would give what is now a modestly scaled, low rise building an excessive bulk to the detriment of the character and appearance of the Conservation Area. Notwithstanding the appellant's claim that visual impact would be limited by surrounding development, I consider that the proposal would fail to reflect the relevant defining characteristics of the Conservation Area, resulting in an adverse effect, thereby failing to preserve or enhance its character or appearance.
 7. Moreover, the proposed metal cladding would be an intrusive and discordant addition to the palette of materials to be found in the area. I note that the appellant is content to have materials agreed with the Council as a condition of any grant of planning permission but that would not enable me to fully assess the impact of this proposal on the Conservation Area.
 8. In my judgment, the proposal would cause less than substantial harm to the Central Fulham Conservation Area, a designated heritage asset, contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
 9. In which case, under paragraph 134 of the National Planning Policy Framework (NPPF) this harm should be weighed against any public benefits of the proposal, including securing the asset's optimum viable use. However, as a private dwelling any benefits would accrue, in the main, to the appellant rather than the public and the extension would not be necessary to secure the optimum viable use of the heritage asset. As such, I attribute little weight to the proposal under this consideration.
 10. In contrast, giving considerable weight to paying special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area means that despite finding the harm to be less than substantial, the presumption against granting planning permission remains strong. It can be outweighed by material considerations if powerful enough to do so but in this instance, none are sufficient to outweigh the less than substantial harm that I have identified.
 11. Accordingly, the proposal would conflict with NPPF paragraphs 131 and 134, Policy BE1 of the adopted Core Strategy, Policies DM G3 and DM G7 of the adopted Development Management Local Plan and Design Policy 31 of the Council's adopted *Planning Guidance* Supplementary Planning Document, which reflect the approach of Section 72 of the Act.

Conclusion

12. I conclude for the reasons given above that the appeal should be dismissed.

Richard McCoy

Inspector