



Appeal Decision

Site visit made on 20 June 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 07 July 2017

Appeal Ref: APP/H5390/W/17/3170873
688 Fulham Road, London SW6 5SA

- 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 P S Phillips against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/04690/FUL, dated 25 October 2016, was refused by notice dated 21 December 2016.
 - The development proposed is the formation of a flat roof area and roof terrace at second floor roof level to back addition with erection of glazed perimeter screens.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a flat roof area and roof terrace at second floor roof level to back addition with erection of glazed perimeter screens at 688 Fulham Road, London SW6 5SA in accordance with the terms of the application, Ref 2016/04690/FUL, dated 25 October 2016 subject to the following conditions:
 - 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: Ordnance Survey Extract Plan; Second and Third Floor Plan: Proposed Roof Terrace 764-225; Proposed Roof Terrace: Rear Elevation 764-226; Proposed Roof Terrace: Proposed Side Elevation: North East 764-227; Proposed Roof Terrace: Proposed Side Elevation: South West 764-228.
 - 3) The obscured glass screen of the development hereby permitted shall be constructed in the materials shown on plan no. 764-225.

Procedural Matter

2. No reason for refusal was given on the Decision Notice in respect of the planning application that led to this appeal. However, the relevant Officer Report makes it clear that the Council considered the proposed development's effects on the character and appearance of the Central Fulham Conservation Area to be the decisive issue in its determination of the application. Accordingly, this has formed the basis of the main issue in this appeal.

Main Issue

3. I consider the main issue in this appeal to be whether the proposed development preserves or enhances the character or appearance of the Central Fulham Conservation Area.

Reasons

4. The appeal building is situated within a long terrace of substantial two and a half storey properties with predominantly commercial uses at ground floor and residential occupation in their upper parts. The fronts of the properties have a strong building line, repeated oriel windows and gables at roof level that offer a sense of rhythm to the streetscene and taken together with the similarly scaled properties across the road impart a sense of enclosure, which add considerably to the character, appearance and significance of the Conservation Area. The rear of the terrace is a marked contrast to the orderly composition and architectural detailing of its frontage, with a plethora of extensions and rear alterations inter-visible with, and indeed present on, the appeal property.
5. The appeal proposal seeks to replace the bulk of the pitched roof of No 688's rear outrigger with a flat roof, which would have glazed screens to a height of 1.7m around its perimeter to facilitate its use as a roof terrace. A window on the existing extension at the property would be replaced with a door to facilitate access to the roof terrace.
6. The proposed development would be of a very limited scale and its balustrades would be lightweight in appearance. Moreover, the eaves line of the outrigger and the prominent party wall would be retained and would allow the proportions and form of these elements to be read. As a consequence, whilst the proposed development would increase the depth of roof alterations at the site it would do so in a way that would not appear dominant to its host building or read as over-development at the site.
7. In arriving at this view, I have been cognisant of the roof terraces and balconies of varying scales, and at differing floor levels in the immediate surroundings of the appeal building, which provide a context for the proposed development, and within which it would not appear as an incongruous addition. Moreover, the proposed development would be largely invisible in public views of the site, or in the majority of private views. I note from the Officer Report that only two of the balconies in the appeal property's surroundings benefit from certificates of lawful use; however, I have been provided with no substantive evidence to suggest that other similar structures in the surroundings are unlawful in planning terms.
8. Thus taken together, and mindful of my duty arising from section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 these aspects of the proposed development and its surroundings lead me to the conclusion that the character and appearance of the Conservation Area would be preserved.
9. For these reasons also the proposed development would not cause harm to the significance of the Conservation Area, and would not conflict with Policy BE1 of the Hammersmith and Fulham Core Strategy (adopted October 2011); or Policies DMG3 and DMG7 of the Hammersmith and Fulham Development Management Local Plan (adopted July 2013); or the National Planning Policy Framework; or design policies 31 and 34 of Hammersmith and Fulham's

Planning Guidance Supplementary Planning Document (adopted July 2013). Taken together, and amongst other matters, these policies seek to ensure that alterations to existing buildings avoid significant effects to the character of conservation areas, respect their local context, and protect the quality character and appearance of their host building and surroundings.

Other Matters

10. The proposed roof terrace would be of a very limited size, used in connection with a residential property, in an immediate area which has similar uses and developments. As a result of these matters, I consider that the proposed development would not be a source of noise of a level that would cause material harm to the living conditions of the occupants of adjacent properties.
11. Obscure-glazed screening of a height of 1.7m would be employed around the perimeter of the proposed roof terrace. This would effectively screen views from the roof terrace to habitable room windows and amenity spaces of adjacent properties, and limit any oblique views available from the rear glazed door at third floor level that would access the proposed terrace. I thus consider that the proposed development would cause no harmful effects to the privacy of the occupants of adjacent dwellings.
12. Whilst I note comments regarding party wall and structural matters, and issues relating to the health and safety and other arrangements of previous construction activity at the appeal property, these matters are subject to legislation outside the Planning Acts and thus have not been instrumental in my assessment of the planning merits of the appeal. Whilst I have been cognisant of allegations of breach of planning conditions in respect of previous schemes, it is not clear how this touches on the planning merits of the current case, and what is more, I have been supplied with no substantive evidence in these regards.
13. I note that an earlier permission¹ concerning the site included a condition restricting the use of the roof as a terrace. However, for the reasons given above, I consider that the proposed development would cause harm neither to the character and appearance of its surroundings nor the living conditions of the occupants of adjoining properties, and as a result the condition on the previous permission does not weigh heavily against the proposed development in the overall planning balance. Moreover, as I have found no harmful effects in these regards, the proposed development would not create a precedent for developments that would cause demonstrable harm in these or other respects.
14. Whilst I am mindful of comments regarding the proposed development's potential adverse impacts on property values within its surroundings, this is a matter that the UK Courts have consistently held is incapable of being instrumental in a planning decision of this nature. As a result this matter does not weigh against the proposed development to any degree.

Conditions

15. I have been supplied with no list of suggested conditions by the Council in respect of this scheme. However, I have attached the standard implementation condition to comply with the requirements of the Town and Country Planning Act 1990 (as amended). In the interests of certainty, and in

¹ Council reference 2016/02556/FUL

line with the advice of the Government's Planning Practice Guidance, I have attached a condition which specifies the approved plans. In order that the proposed development is sensitive to the character and appearance of its host dwelling and the wider Conservation Area, I have attached a condition in respect of the material to be used in its screening.

Conclusion

16. The proposed development would not conflict with the development plan insofar as the policies that have been drawn to my attention are concerned. Therefore, for the reasons set out above, and having taken into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR