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# Appeal Decision

Site visit made on 26 June 2017

**by Andy Harwood CMS MSc MRTPI**

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

**Decision date: 26 July 2017**

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**Appeal Ref: APP/H5390/W/17/3171431**

**The William Morris, 2-4 King Street, London W6 0QA**

- 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 Chris Betts of Romulus Construction against the decision of the Council of the London Borough of Hammersmith & Fulham.
  - The application Ref 2016/03250/FUL, dated 15 July 2016, was refused by notice dated 12 September 2016.
  - The development proposed is described as: "Change of use of the second floor from Class B1office/Class D1 educational use to Class C3 residential use comprising 8 units; erection of two additional storeys to No 4 King Street following removal of the existing roof; erection of three storey rear extension to No 2 King Street fronting Beadon Road following partial demolition of existing back addition; cladding of the upper floors of the King Street frontage to No 4 King Street with glazed tiles; alterations to ground floor front elevation of Beadon Road building. The fourth floor extension front elevations are to be in dark anodised metal finishes to match those 3 storeys elevation below, fronting Beadon Road. The extension flank elevations are to be light coloured anodised metal finishes".
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## Decision

1. The appeal is allowed and planning permission is granted for: the change of use of the second floor from Class B1office/Class D1 educational use to Class C3 residential use comprising 8 units; erection of two additional storeys to No 4 King Street following removal of the existing roof; erection of three storey rear extension to No 2 King Street fronting Beadon Road following partial demolition of existing back addition; cladding of the upper floors of the King Street frontage to No 4 King Street with glazed tiles; alterations to ground floor front elevation of Beadon Road building. The fourth floor extension front elevations are to be in dark anodised metal finishes to match those 3 storeys elevation below, fronting Beadon Road. The extension flank elevations are to be light coloured anodised metal finishes; at The William Morris, 2-4 King Street, London W6 0QA in accordance with the terms of the application, Ref 2016/03250/FUL, dated 15 July 2016, subject to the conditions set out in the attached schedule.

## Main Issues

2. Whether the proposed building would preserve or enhance the character or appearance of the Hammersmith Broadway Conservation Area (CA) and whether the setting of nearby listed buildings would be preserved. The second main issue is whether the occupants of some of the proposed flats would have satisfactory living conditions in terms of the size of those units.

## Reasons

### *Conservation area*

3. The appeal site consists of 3 buildings linked internally which face onto 2 road frontages, Beadon Road to the north and King Street to the south. These buildings are above the ground floor premises which include the William Morris public house. This is a densely developed urban area with a range of buildings types and styles. This is a very busy area which is between the 2 nearby transport interchanges as well as being heavily used by traffic.
4. The Beadon Road frontage includes the single storey building with a distinctive 'Dutch' gable sandwiched between much taller buildings. To the west is a very modern multi-storey building at No 1 which dwarfs the building seen from this direction.
5. On the eastern side is the Swan Public House which is a large 4 storey building (along with a roof top level) taking up a corner position at the junction between Beadon Road and King Street as well as Hammersmith Broadway. The Swan is a distinctive grade II Listed Building (LB) constructed of red brick with a slate roof with some ornate detailing. The chimneys and other details at roof level are part of the building's distinctive qualities which play a very significant part in this part of the CA. The appeal site on the Beadon Road frontage adjoins a significantly plainer part of the building which is less distinctive and has an unusual narrow angular section adjoining the site.
6. The Swan wraps around into King Street where it joins the lower, narrow building at No 2 which has a distinctive single gable proving a transition to the even lower building at No 4. There is a step up to the building at No 6 which is of an individual style but with distinctive detailing and use of red brick with long windows providing a strong vertical rhythm. The Beadon Road frontage at the appeal site as well as the distinctive traditional buildings at No 2, 4 and 6 King Street contribute positively to the character and appearance of the CA.
7. The proposal would include a 2 storey extension above the existing buildings which would have a very similar appearance to previous recent planning permissions on the site but would also include an additional high level element. Planning permission was granted on 18 November 2014 (ref 2014/04206/FUL). That would involve a "change of use of the first and second floors from Class B1 office/Class D1 educational use to Class C3 residential use comprising 9 units". That permission is still capable of being implemented although a subsequent amendment to that scheme allowing an increase in height, was approved on 10 March 2016 (2016/00080/VAR). The alternative schemes remain capable of implementation. The Council has not disputed the appellant's position that the 2016 approval in particular forms a valid fallback that would be implemented even if the current appeal were to be dismissed. The current proposal is an adaptation of the 2016 scheme to include an extension at fourth floor level and the retention of the offices on the first floor. The fallback schemes can be given substantial weight in this appeal.
8. The proposal would involve a substantial increase in height of the building which would be particularly noticeable from the Beadon Road frontage as it would be in stark contrast to the gap between The Swan and No 1. However, the lightweight glazed structure would be sat behind the distinctive Dutch gable in contrast to it. This would provide a transition between the traditional

building at The Swan and No 1 Beadon Road. The additional level now proposed would be set back even further from the road. This would rise up even further but from street-level the additional height would be extremely difficult to see. From positions within Beadon Road including the entrance to the Hammersmith Station as well from the Broadway to the east the additional level would be barely noticeable and would not interfere with the points of interest on The Swan such as the chimneys and gables.

9. The elevation onto King Street would involve the increase in height of the front elevation of No 4 as previously approved. The additional part of the building now proposed would be behind the existing gable at the front of No 2 and would be screened by that as well as the elements that have previously been approved.
10. I have not been asked by the Council to view the site from other buildings. The additional roof extension would be visible from the higher parts of neighbouring buildings such as No 1 Beadon Road. Such views would be over a roofscape of functional areas which are not suggested as being of any significance. The additional structure would not interfere with important views of rooftop features of The Swan or other unlisted but important buildings. There would be some minor change to the setting of The Swan but this would not be harmful.
11. The proposal would not be excessive in height, scale and mass and would not have a harmful impact upon nearby buildings of merit. In relation to the main issue, the proposal would preserve the character and the appearance of the CA and also the setting of nearby listed buildings. This would comply with Policies DM G3 and DM G7 of the Development Management Local Plan<sup>1</sup> (DMLP) and Policy BE1 of the Core Strategy<sup>2</sup> (CS). Although the proposal would be a high density development, in relation to this issue the proposal would respect the local setting and would at least in part comply with CS Policy H3. In these respects, the proposal would constitute a good design, as required by paragraph 56 of the National Planning Policy Framework (Framework).

#### *Living conditions*

12. The London Plan (LP) at table 3.3 sets out minimum Gross Internal Area (GIA) that is expected in new residential development. The Housing Supplementary Planning Guidance (SPG) expands upon and helps the interpretation of the LP. Paragraph 2.1.18 of the SPD states that failure to meet 1 standard would not necessarily lead to an issue of compliance with the LP but a combination of failures would cause concern.
13. In this case, the concern of the Council relates to the 1 bedroom units proposed for the third floor, 1 of the 1 bedroom units proposed for the fourth floor as well as the 3 bedroom unit proposed for the third floor. In each of these cases, the dispute between the Council and the appellant can be narrowed even further to an assessment of how many people the units are designed for. All of the disputed 1 bedroom units would adhere to the LP standards if they were designed for 1 person. The Council would accept the 3

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<sup>1</sup> London Borough of Hammersmith and Fulham, Development Management Local Plan, adopted July 2013

<sup>2</sup> London Borough of Hammersmith and Fulham, Local Development Framework, Core Strategy, adopted October 2011

bedroom unit if it was designed for 4 people but not if it is, as they suggest, suitable for 5 people.

14. The space provided within each of the units would generally be light and airy. All living rooms and bedrooms would have good access to natural light and in my view this will help to ameliorate for the marginal floor area deficiencies. It is also difficult to know for sure how many people will actually occupy the units as this is a matter of choice. The 1 bedroom units would be to an adequate space standard if occupied by a single person and I do not consider that they would be inadequate if there was an additional occupant. For the 3 bedroom unit, whether 4 or 5 people occupy the unit is unlikely to make a substantial difference to the sense of enjoyment of the space for those occupiers.
15. The degree of non-compliance with the density requirements set out in table 3.2 of the LP also depends upon the consideration of whether the site is in an "urban" or "central" location. The existing 2014 planning permission exceeds the urban maximum density but is below the maximum density for a central area. The current proposal would just exceed the maximum of 1100 hr/ha in the LP given the Council's figure of 1187.5 hr/ha.
16. The appeal site is very accessible to 2 main underground stations a bus station and also to a very broad range of facilities within shops and commercial buildings nearby. The prospective residents would be very well served by facilities, services and infrastructure and this is reflected in the table from the LP which defines Hammersmith as a major centre. This is a location where a higher density of development appears to be acceptable and there would only be a small breach of the guideline density which is not set as an absolute requirement within the LP.
17. The deficiencies when set against these guidelines for development is an indication that the proposal is at or close to the limit of what the site can accommodate. However the design has been carefully considered and in relation to this main issue, the proposed flats would have satisfactory living conditions for the prospective occupants. This would comply with CS Policy H3 and DMLP Policy DM A2 and LP Policies 3.4 and 3.5. The requirement in paragraph 17 of the Framework to secure a good standard of amenity for all existing and future occupants of land and buildings would be achieved.

## **Other Matters**

18. The current proposal would allow for the retention of office premises as well as only 1 less dwelling than the previous approvals on this site. This is an advantage of this scheme over and above the previous proposal.

## **Conditions**

19. I have imposed a condition specifying the relevant drawings as this provides certainty that the development will be implemented as proposed.
20. Other conditions have been suggested by the Council. I have imposed most of those for the stated reasons but with some simplification in order that they comply with the tests for conditions set out in the Framework. Many of these are required due to the sensitive nature of the historic environment in this area and the appellant agrees to their imposition.

21. I have no evidence regarding car parking stress in the area or whether the conditions would make any difference to such concerns particularly in an accessible urban area where residents would not rely upon private vehicle ownership. I have not included the 3 suggested conditions relating to that matter. It is also not clear through the submission of any evidence by the Council, why a condition regarding sound insulation above that required by the Building Regulations is necessary or reasonable. I have imposed 1 condition regarding further details of plant and machinery but have not including sound pressure values as I have no evidence on that matter. The condition regarding water efficient appliances is vague and imprecise and is not included.

### **Conclusion**

22. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*A Harwood*

INSPECTOR

### **Schedule of 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 (all with prefix 1301\_PL): 111, 112, 113, 114, 115, 116, 210, 211, 310, 311 and 312.
- 3) The development hereby permitted shall not commence until particulars and samples of materials (including the size, colour and pointing style of the glazed tiles, and the translucent glass) to be used in all external faces of the building have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 4) No development shall commence until detailed drawings of a typical bay on the King Street and Beadon Road elevations of the building in plan, section and elevation at a scale of no less than 1:20 including the arrangement of the glazed tiles are submitted to and approved in writing by the Council. The development shall be built in accordance with the approved drawings, and retained as such thereafter.
- 5) No development shall commence until details of fenestration, including opening style, are submitted to and approved in writing by the Council. The development shall be built in accordance with the approved drawings, and retained as such thereafter.
- 6) The development shall not commence until detailed drawings in plan, section and elevation at a scale of 1:20 of the junctions with Nos. 2 and 6 King Street have been submitted to and approved in writing by the Council. The development shall be built in accordance with the approved drawings, and retained as such thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or

- related telecommunications equipment shall be erected on any part of the development hereby permitted.
- 8) No alterations shall be carried out to the external appearance of the development, including the installation of air-conditioning units, ventilation fans, water tanks or extraction equipment not shown on the approved drawings. Any such changes shall be carried out in accordance with the approved details, and retained as such thereafter.
  - 9) No plumbing, extract flues or pipes, other than rainwater pipes, shall be fixed on the street elevations of the development.
  - 10) The development shall not commence until a statement of security measures has been submitted to and approved in writing by the Council. The approved details shall be carried out prior to occupation of any of the development hereby approved and permanently maintained thereafter.
  - 11) No part of the roof of the main building or the extensions hereby permitted shall be used as a terrace, balcony or amenity space, other than those areas shown on the approved plans explicitly intended for those purposes.
  - 12) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council of waste and recycling facilities for the new residential units. The details as approved shall be implemented prior to use of any of the units and thereafter shall be permanently retained.
  - 13) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council of 9 cycle parking spaces for future occupiers of the residential units. The details, as approved, shall be implemented prior to the occupation of the residential units and thereafter be permanently retained.
  - 14) Prior to commencement of the development, details shall be submitted to for approval in writing by the Council, of the external plant/machinery/ equipment as well as noise levels emitted from them and mitigation measures as appropriate. The details as approved shall be implemented and retained thereafter.
  - 15) Development shall not commence until a drainage strategy detailing all drainage works, has been submitted to and approved by, the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
  - 16) Prior to installation further details of the proposed energy/combustion plant, shall be submitted for agreement by the Local Planning Authority. Only the energy/combustion plant as approved shall be installed and retained thereafter.
  - 17) The sedum roof at fourth floor and roof level shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.
  - 18) The development hereby permitted shall not commence until a Construction Management plan has been submitted to and approved in writing by the Council. The details shall include any external illumination of the site during construction, contractors' method statements, waste classification and disposal procedures and locations, suitable site hoarding/enclosure, dust and noise monitoring and control, provisions within the site to ensure that all vehicles

associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, the numbers, size and routing of construction vehicles and other matters relating to traffic management to be agreed. All works shall be carried out in accordance with the approved plan. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.

- 19) The development hereby permitted shall be carried out in accordance with the construction management plan submitted with this application, contained within the design and access statement.