

Appeal Decision

Site visit made on 15 August 2017

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 30th August 2017

Appeal Ref: APP/H5390/D/17/3178056

14 Kenyon Street, London, SW6 6LD

- 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 Rishi Bhari against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/01196/FUL dated 22 March 2017 was refused by notice dated 22 May 2017.
 - The development proposed is the erection of a first floor terrace to the rear of the property.
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Application for Costs

1. An application for costs was made by Mr Rishi Bhari against the Council of the London Borough of Hammersmith & Fulham. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are the effect of the development on (1) the character and appearance of the host dwelling, the area and whether it would preserve or enhance the character or appearance of the Conservation Area, and (2) the living conditions of neighbouring occupiers by way of noise and disturbance.

Reasons

Character and Appearance

4. The appeal property is a mid-terrace property which is situated on the northern side of Kenyon Street. This terrace and other properties along the street are situated on consistent building lines and have regular features such as bay windows and detailing on the front elevation which gives the area a strong degree of uniformity. This is also evident to the rear where I was able to see that properties have projecting two storey rear wings, that are paired with an adjoining property. These characteristics combine to contribute to the special character of the Conservation Area.
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5. The proposal seeks permission for a rear first floor terrace above an existing single storey rear addition. This would be enclosed by obscure glazed panels. Reference has been made to a previous appeal dismissal¹ on this site, which sought permission for a first-floor extension. I recognise that the Appellant has sought to overcome the concerns set out in that decision and that the enclosure as part of this development would have a maximum height of 1.7m, a reduction in height from the extension previously considered at appeal. Whilst this would enable the original form of the rear wing to be recognised, the terrace would be the same width as the two-storey rear projection on the appeal property and also extend to cover the depth of the existing single storey rear extension.
6. Although the appeal property has been extended previously, including by a single storey ground floor extension, the symmetry between the two-storey rear wing on the appeal dwelling alongside that of the adjoining neighbour is still clearly evident at first floor level. The proposal, through the creation of an elevated structure would result in an imbalance with this neighbouring property, to the detriment of the historic form of the terrace and area.
7. The appellant makes reference to the glazing panels complementing the fenestration at ground floor level. I recognise that the use of glazing would have a lighter appearance than the extension previously sought. The existing extension on the ground floor however contains glazed doors only across part of the rear elevation unlike the first floor which would fully enclose the terrace, including on both sides. I do not therefore consider that this would complement the existing property and it would appear as a visually discordant feature.
8. For the reasons given above, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the host dwelling and the area. It would also fail to preserve or enhance the character and appearance of the Conservation Area. This would be contrary to Policy BE1 of the Council's Core Strategy (CS) and Policies DM G3 and DM G7 of the Council's Development Management Local Plan (DMLP), which seek, amongst other matters, the highest standards of design and development which protects and enhances the character and appearance of the borough's conservation areas. It would also be contrary to Section 12 of the National Planning Policy Framework (Framework), which seeks to conserve or enhance the historic environment and the Council's Planning Guidance Supplementary Planning Document (SPD), which requires extensions and alterations to be appropriate to the architectural character of the building and should not have a significant effect on the character of the conservation area.
9. In relation to designated heritage assets, paragraph 134 of the Framework indicates that where there would be harm that is less than substantial, as in this case, it must be weighed against the public benefits of the proposals. The proposal would bring economic benefits through supporting local building contractors. Whilst I recognise that these benefits would be proportion to the size of the project, I do not consider that this benefit would outweigh the harm I have identified to the Conservation Area.

¹ APP/H5390/D/16/3163982

Living Conditions

10. The Council have raised concerns in relation to the close proximity of the terrace to neighbouring residential properties having a harmful effect on those occupants. The large area of the terrace is also cited, and the potential for it to accommodate a large number of people. However, the terrace would be utilised in connection with the existing property, which in common with other dwellings, has an amenity space to the rear. Whilst I recognise that the terrace would be at an elevated level, I do not consider that this domestic use would be a source of undue noise and disturbance.
11. I therefore conclude that the proposal would not cause unacceptable harm to the living conditions of neighbouring residential properties occupiers by way of noise and disturbance. There would be no conflict with Policies DM A9, DM G3, DM H9 or DM H11 of the DMLP, which require, amongst other matters, for there to be no undue detriment to the general amenities enjoyed by existing surrounding occupiers of properties. There would also be no conflict with SPD Housing Policy 8 which seeks to protect the amenity of neighbouring occupiers.

Other Matters

12. Although reference has been made to other examples of terraced areas, some of which I was able to see at the time of my site visit, these are not enclosed by large area of glazing panels and I therefore attribute limited weight to these examples.
13. My attention has also been drawn to another appeal² within the same London Borough for a roof terrace. The appellant considers that the circumstances of that case are directly comparable to the appeal development. However, from the appeal decision itself, there is no reference to that site being within a Conservation Area. In any event, I am not aware of the full circumstances of that development and each case should be determined on its own merits.
14. I have also taken into account the proposal would provide the appellant with additional amenity space and would reduce overlooking from the current french windows at first floor level as well the economic benefits set out earlier. However, none of these matters outweigh my conclusion in relation to the first reason for refusal. It would therefore not be the form of sustainable development that the Framework sets out a presumption in favour of.

Conclusion

15. I have found in the appellant's favour in relation to the issue of living conditions. However, I conclude that the appeal proposal would be unacceptable in relation character and appearance.
16. For the reasons given above and having considered all other matters raised, the appeal should be dismissed.

F Rafiq

INSPECTOR

² APP/H5390/W/16/3165014