The Planning Inspectorate

Appeal Decision

Site visit made on 15 July 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2019

Appeal Ref: APP/H5390/W/19/3228935
2C, D, E Macfarlane Road, Shepherds Bush, London W12 7JZ

- 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 Ms J Stadlen, (Kinckerbockerglory Ltd) against the decision of the Council of the London Borough of Hammersmith & Fulham.
- The application Ref 2019/00643/FUL, dated 1 March 2019, was refused by notice dated 29 April 2019.
- The development proposed is installation of air conditioning condenser unit to external wall fronting Macfarlane Road.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms J Stadlen, (Knickerbockerglory Ltd) against the Council of the London Borough of Hammersmith & Fulham. This application is the subject of a separate Decision.

Procedural Matter

3. The appellant company name in the banner heading is as it appears on the application and appeal forms.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal property is one of a number of commercial units occupying a brick building, which backs onto Macfarlane Road at its southern end. Macrfarlane Road is otherwise predominantly an attractive residential street, characterised by period terraced houses, which are set a short distance back from the road behind walls with either short railings or hedges above.

6. The proposed air conditioning unit would be mounted on the wall next to the rear door of Unit 2E. The area outside the doorway is enclosed by black metal railings and gates, which also extend across the area to the front of Unit 2B. Visually, this area, including the railings, is prominent and does not make a positive contribution to the otherwise attractive street scene of Macfarlane Road within which it is closely viewed.

7. From my observations, the proposed air conditioning unit would not be screened by the open railings. As a result, it would be highly visible in this location and incongruous. The effect would be to further reinforce the negative character of the area at the rear of the building to the detriment of the street scene as a whole.

8. It has been put to me by the appellant that a condition could be imposed requiring a screen to be fitted to the railings before the air conditioning unit is installed, and that the Council could have done the same in order to enable the planning application to be approved. However, to leave such a matter to a condition would leave serious doubts over the appearance and effectiveness of the screening, as sufficient details are not before me. It could also potentially substantially alter the nature of the development proposed. Moreover, even if I were minded to amend the suggested condition to allow details of the screening to be submitted to the Council for its approval, there is no assurance that an acceptable form of screening would be approved by the Council, effectively nullifying the planning permission. I am therefore not persuaded that it would be reasonable to apply such a condition.

9. I have also had regard to the appellant's suggestion that the railings could be altered or replaced with something more solid under 'permitted development', but there is no certainty that such works would take place and then be retained for the lifetime of the development. Consequently, I have considered the appeal on the basis of the information that is before me.

10. I therefore conclude that the proposal would have an unacceptable effect on the character and appearance of the area. In this regard, the proposal is contrary to LP Policies DC1 and DC4, which together, seek good design that contributes to a high quality urban environment and respects and enhances its townscape context.

Other Matters

11. Whilst the proposal would not impact on designated heritage assets, there is still a need to consider the effect on local character under development plan policy, and I have found harm for the reasons that have been set out above.

12. I acknowledge that generally air conditioning units can be found on commercial buildings, but not each context is the same and I must consider this proposal on its own merits. I also acknowledge that the proposed air conditioning unit would have some benefits to the working environment for people within the building, but this does not outweigh the harm that I have identified.

13. The Council's delegated report made reference to the absence of measures to reduce noise and vibration arising from the proposed air conditioning unit. As it did not feature in the refusal reason and the appeal is being dismissed for other reasons, I have not considered this matter further.

Conclusion

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

Adrian Caines

INSPECTOR