
Appeal Decision

Site visit made on 27 August 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2019

Appeal Ref: APP/H5390/D/19/3229313
530 Fulham Palace Road, London SW6 6JH

- 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 Dennis Salinas against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2019/00623/FUL, dated 26 February 2019, was refused by notice dated 26 April 2019.
 - The development proposed is erection of a glazed single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the side extension on the character and appearance of the Bishops Park Conservation Area.

Reasons

3. The property is situated in a prominent location on the corner of the busy Fulham Palace Road and Cloncurry Street.
4. The Hammersmith and Fulham *Planning Guidance Supplementary Planning Document* (PGSPD) (2018) states that rear and side gardens are an important element of most of the borough's conservation areas due to the positive role they play in providing relief in the streetscene.
5. Side gardens on end of terraced properties are a defining if not uniform feature of the character and appearance of the Bishops Park Conservation Area (the Conservation Area). The attractive detailing on the terraced properties, including bay windows are also a key component.
6. The appeal proposal would cover the majority of the side elevation of the property forward of the double storey bay window. It would extend across the full width of the side garden, with its elevation to Cloncurry Street to form part of the boundary treatment, directly adjoining the footway. The glazed roof and side elevation would be visible from both Fulham Palace Road and Cloncurry Street.
7. I accept that efforts have been made to minimise the impact of the extension through the frameless glass design and lowered floor level in an attempt to grant it subservience to the host dwelling.

8. However, due to its positioning forward of the bay window and as it would cover a large area of the side garden at full width and form part of the side boundary treatment, the relief that the existing undeveloped side garden provides to the street scene would be lost.
9. Subsequently, the extension would take on an unacceptable degree of prominence within the street scene, which would compete with and detract from views of the side bay window, a large proportion of which is visible from the adjoining streets and which provides attractive detailing to the dwelling.
10. The side extension would therefore detract from the appearance of the property. Subsequently, it would detract from the heritage significance of the Conservation Area which lies, in part, with the side gardens to end of terrace properties and the attractive detailing on the dwellings.
11. The harm to the significance of the Conservation Area would be less than substantial. Paragraph 196 of the National Planning Policy Framework requires such harm to be weighed against any public benefits of the proposal.
12. The benefits of this scheme would be limited to the provision of increased living space at the appeal property. However, any benefit of increased space would primarily be a personal one for the appellant. Given the degree of harm I have found that would arise from the appeal scheme, which would be visible to many people and the statutory protection afforded to conservation areas, such benefit would not be sufficient to outweigh this harm.
13. Consequently, the development would fail to preserve the character and appearance of the Conservation Area contrary to Policies DC1, DC4 and DC8 of the Hammersmith and Fulham Local Plan (2018) which seek high quality development appropriate to local character. It would also be contrary to guidance within key principles CAG2 and CAG3 of the PGSPD which require that development be appropriate to the character of conservation areas.

Other Matters

14. As noted above I accept that undeveloped side gardens are not a fully uniform characteristic of the Conservation Area. The appellant has submitted photographs, many of which show side extensions on end of terraced properties. However, very limited detail has been supplied in relation to these sites. None of the reported extensions or host properties are directly comparable to the appeal site and therefore share a different context as most of the side elevations shown are simpler and do not incorporate bay windows and many of the properties shown are set on quieter streets away from Fulham Palace Road. Further, I have not been made aware of any planning guidance that was in place at the time or of circumstances under which any extensions were found to be acceptable. I note that the planning guidance which seeks to protect side gardens is recent. Little detail has been supplied in relation to reported Council support for a glazed extension elsewhere. I cannot therefore afford these matters any significant weight. In any event, each case should be considered on its own merits.

15. The existing side extension at 1A Cloncurry Street is set back behind the bay window in a less prominent position. It does not therefore justify a permission for the appeal proposal and the permission pre-dates existing planning guidance.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR