



Appeal Decision

Site visit made on 24 September 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2019

Appeal Ref: APP/H5390/W/19/3232410

Flat A, 32 Vereker Road, London W14 9JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Joseph Asombang against the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2019/01256/FUL, is dated 22 April 2019.
 - The development proposed is 'Replacement of existing roof with new raised mansard roof, including rooflights at northern side, eastern side and southern side of the property. Excavation of the basement to provide accommodation at lower ground floor in connection with the existing residential unit. Repairs to the brickwork, parapet and doorway portico. Replacement of existing front window with new replicated double glazed window'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council have indicated that they have not given publicity, as required, for the site being within a conservation area. However, given that the appeal is dismissed no party will have been prejudiced.
3. Although the Council has failed to give notice within the prescribed period of a decision on the application for planning permission, a reason has been provided detailing the grounds on which the Council would have refused the application. They are concerned that the proposal would adversely affect the appearance of the property and would fail to preserve or enhance the character and appearance of the conservation area. These concerns have informed the main issue below.

Main Issue

4. The main issue is the effect of the rooflights on the character and appearance of the appeal property and the Barons Court Conservation Area.

Reasons

5. The Barons Court Conservation Area (the conservation area) was largely developed as a Victorian suburb between 1865 and 1895 and much of its significance derives from it being a relatively well-preserved section of Victorian urban development.

6. The 'northern lights' are a notable physical feature on the appeal property. The property did not form part of the original architectural composition of the terrace within which it sits, but despite this it is well-integrated and long-established, formed in materials broadly matching those nearby and including some attractive brick detailing. It is contemporary with the Victorian growth of the area.
7. Policies DC1, DC4, and DC8 of the Hammersmith and Fulham Local Plan (2018) (HFLP) seek high quality design which would protect and enhance heritage assets. Policy DC6 is most directly relevant and relates to replacement windows. It states that these should respect the architectural character of the building and its surroundings. It also states that they should match the original windows as closely as possible in terms of type and size and method of opening, amongst other requirements. Key Principle CAG3 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document (SPD) (2018) relates to alterations within conservation areas and further advises that where renewal of such features is unavoidable reinstatement with exact replicas is encouraged.
8. While the 'northern lights' currently take on a greater degree of prominence through an apparent reduction in the height of the original parapet walls, they have traditionally been a low-key feature of the building and were partly set behind the parapets either side of the street facing window. They are simple non opening rooflights which are reflective of the original use of the building.
9. The height of the roof would be increased as a result of the proposal meaning that the new rooflights would terminate at a higher level. They would also be larger than those which they would replace. While sympathetic materials would be used in timber and lead finishing, they would be openable and this would differentiate them significantly from those existing.
10. The rooflights to the front elevation of the property would serve two bedrooms which would be located partly within the roof space. In the summer time in particular, it would be likely that these rooms would become hot, meaning that they would require significant levels of ventilation, resulting in the rooflights being in an open position for long periods of time.
11. While the appeal scheme seeks to replicate the existing rooflights, it fails to do so. By reason of their size and height they are of a different design and would have significantly greater prominence which would adversely affect the appearance of the property which would only be greater when in an open position.
12. The appeal proposal would therefore detract from the appearance of the property. Consequently, it would detract from the heritage significance of the conservation area which is in part derived from it being a relatively well-preserved section of Victorian urban development.
13. 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.
14. The proposal carries some benefit and offers a restoration opportunity for the building. However, 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.

15. Whilst four opening windows would be provided to the large street facing window as opposed to the existing two, I do not find harm in this regard as such an increase would not significantly alter the character or appearance of the building, in the context of the existing opening windows.
16. Despite the lack of harm identified in relation to the above point, the development would fail to preserve the character and appearance of the conservation area contrary to Policies DC1, DC4, DC6 and DC8 of the HFLP as well as guidance within Key Principle CAG3 of the SPD which has similar aims.

Other Matters

17. The site has been the subject of previous planning applications and two recent planning appeals Ref: APP/H5390/W/18/3193560 and APP/H5390/W/18/3198570 which appear to relate to similar proposals and which were both dismissed. The appeal proposal appears to have been brought forward partly to address concerns of the previous inspector, particularly in relation to the rooflights previously proposed. However, I have not been provided with any drawings relating to previous schemes and consequently I cannot ascertain whether previous concerns in such respects have been overcome. However, in any case, each appeal should be determined on its own merits.
18. A number of other concerns have been raised locally regarding the potential effect of the appeal development. These include concerns in relation to living conditions of neighbouring occupiers, the provision of basement accommodation and issues relating to car parking, flooding and refuse and bin storage and noise during construction. However, the Council has not indicated that it would have sought to refuse the application based on these issues. From the information before me I have found no reason to disagree with this position.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

T J Burnham

INSPECTOR