
Appeal Decisions

Site visit made on 5 November 2019

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2019

Appeal A Ref: APP/H5390/C/19/3229350

Appeal B Ref: APP/H5390/C/19/3229351

67 Addison Gardens, London W14 0DT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
- Appeal A is made by Mr Duncan Kegerreis and Appeal B is made by Mrs Sue Kegerreis against an enforcement notice issued by the Council of the London Borough of Hammersmith & Fulham.
- The enforcement notice was issued on 13 March 2019.
- The breach of planning control as alleged in the notice is without planning permission rendering and painting the brickwork on the front elevation of the property.
- The requirements of the notice are remove the paint and render from the brickwork on the front elevation and make good the brickwork by restoring it to its condition prior to the unauthorised works.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Appeals A and B are proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Appeal C Ref: APP/H5390/W/19/3224911

67 Addison Gardens, London W14 0DT

- 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 & Mrs Kegerreis against the decision of the Council of the London Borough of Hammersmith & Fulham.
- The application Ref 2018/04020/FUL, dated 12 December 2018, was refused by notice dated 20 February 2019.
- The development proposed was described as "retention of rendering to the front elevation".

Summary of Decisions: The appeals are dismissed and the enforcement notice is upheld with corrections in the terms set out below in the Formal Decision.

Preliminary Matters

1. 67 Addison Gardens is located within the Lakeside/Sinclair/Blythe Road Conservation Area. A section of Addison Gardens, including no. 67, is subject of an Article 4 Direction that restricts alterations to properties such that they require planning permission, including the painting of the exterior, except doors and window frames. The front elevation of the property has been subject of an elastometric render treatment, with an integral colour, that effectively renders

the exterior of the property. For that reason, planning permission is required for the work.

2. As the render treatment has an integral colour, it does not require painting. Consequently, the breach of planning control alleged, at paragraph 2, and the requirements of the notice, at paragraph 4, do not need to refer to painting. Therefore, I will correct the notice by removing reference to painting in paragraphs 2 and 4 of the notice using powers available to me under Section 176(1) of the Act.
3. Following a request from the Council, a planning application was submitted for the work that has been refused. The Council subsequently served an enforcement notice. Both are subject of these appeals. As there is only an appeal on the enforcement notice under ground (a), I have dealt with all the appeals together.

Main issue

4. Whether the rendering preserves or enhances the character or appearance of the Lakeside/Sinclair/Blythe Road Conservation Area.

Reasons

5. The Lakeside/Sinclair/Blythe Road Conservation Area comprises a network of streets that predominantly consist of terraces of Victorian houses. Those on the section of Addison Gardens of which no. 67 forms part were originally constructed in brick. However, a substantial proportion of houses in the street have now been painted in a variety of colours, either directly onto the brickwork or over a render. Two were granted planning permission in 2015, one of which used the same elastomeric render treatment as at no. 67. These terraces are typical of the wider conservation area in terms of character and appearance.
6. No. 67 is the end dwelling of the terrace adjacent to a substantial brick building on the junction with Richmond Way. Taking account of its proximity to the junction and orientation of the roads, it is relatively prominent. The next three houses in the terrace all have unpainted brick facades. The render has a smooth appearance that covers the original brick elevation, such that the bricks are not visible through it. Taking all of this into account, the render has changed the appearance of the dwelling in a way that has negatively affected the character and appearance of the street scene.
7. For these reasons, I conclude that the rendering does not preserve or enhance the character or appearance of the conservation area such that it harms the significance of the heritage asset. As such, it is contrary to Policies DC1, DC4 and DC8 of the Local Plan that take account of materials in seeking a high quality urban environment that conserves or enhances the significance of heritage assets. In addition, it would conflict with the Key Principles CAG2, CAG3 and AH2 of the Council's Planning Guidance that seek to preserve or enhance the character and appearance of the conservation area, including in relation to materials, and to preserve the significance of heritage assets.
8. The National Planning Policy Framework (the Framework) advises at Paragraph 193 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or

destruction of the heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 195 of the Framework, the harm to the conservation area is nevertheless a matter of considerable importance in this case.

9. Paragraph 196 of the Framework establishes that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. My attention has not been drawn to any public benefits from the rendering of the house. As such, no public benefit outweighs the identified harm to the conservation area.
10. I note that the appellant has received support from neighbouring occupiers. I understand that the front elevation of the building had become dilapidated such that it required significant repair. The appellant and contractor were not aware that planning permission was required for the work. However, I do not consider that these matters overcome the effect of the development on the character and appearance of the conservation area.
11. For the reasons given above, I conclude that the proposed development would not accord with the development plan. Thus, having had regard to all other matters raised the appeals should not succeed.

Formal Decisions

12. Appeals A and B: It is directed that the enforcement notice be corrected by:

- Substituting the description of the breach of planning control alleged at paragraph 2 with the following:

Without planning permission rendering the brickwork on the front elevation of the property.

- Substituting the requirements at paragraph 4 with the following:

Remove the render from the brickwork on the front elevation and make good the brickwork by restoring it to its condition prior to the unauthorised works.

Subject to the corrections, the appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

13. Appeal C: The appeal is dismissed.

AJ Steen

INSPECTOR