



Appeal Decision

Site visit made on 13 January 2020

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2020

Appeal Ref: APP/H5390/W/19/3239115

3A Margravine Gardens, London W6 8RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Antonia Fernandez against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2019/01497/VAR, dated 14 May 2019, was refused by notice dated 10 July 2019.
 - The application sought planning permission for *'Alterations to the existing shopfront, including replacement and repositioning of existing shop entrance door and installation of a new entrance door to the existing self-contained flat'* without complying with a condition attached to planning permission Ref 2018/01810/FUL, dated 26 July 2018.
 - The condition in dispute is No 2 which states that: *The development shall not be erected otherwise than in accordance with the detailed drawings which have been approved.*
 - The reason given for the condition is: *In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans in accordance with Policy DC1, DC4, DC5, and DC8 of the Local Plan 2018.*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission Ref 2018/01810/FUL was granted in 2018 for a replacement timber shopfront.
3. The appeal follows the refusal of planning application Ref 2019/01497/VAR, which sought to vary Condition 2 of planning permission Ref 2018/01810/FUL relating to the approved plans, specifically the shopfront materials stated on the plans. The change being sought is from painted timber to powder coated aluminium.
4. I consider that condition 2 is both reasonable, necessary and satisfies the tests set out in the Planning Policy Guidance. Therefore, the **main issue** is whether the proposal would preserve or enhance the character or appearance of the Barons Court Conservation Area (BCA), within which the appeal site lies.

Reasons

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the BCA.

6. The appeal site is a ground floor retail premises located at the end of a distinctive crescent terrace with other commercial uses at the same level, forming a parade. The terraced building occupies a prominent position, turning the corner of Margravine Gardens and Palliser Road and is identified on the Council's Local Register of Buildings of Merit. It is surrounded by other characterful buildings including the Barons Court Station, a building of high architectural quality. The Hammersmith Cemetery lies immediately to the west, whilst to the east and south, the area is characterised by the uniform appearance of the different terraces and the retention of their original detailing, including timber windows and doors. The groups of buildings combine into cohesive frontages to define streets, spaces and views, and in combination with the distinctive qualities of architectural features and original building materials, contribute to the essential character and significance of the BCA.
7. There is a traditional wooden-framed shopfront at the appeal site, which through its design, detailing and materials, demonstrates the above characteristics. Policy DC5 of the Hammersmith and Fulham Local Plan (2018) (HFLP) requires that where a traditional shopfront remains, it should be retained and restored.
8. Whilst the replacement shopfront would be the same design that was approved by the Council under Ref 2018/01810/FUL, incorporating traditional components such as panelled detailing to the stall riser and doors, the use of powder coated aluminium frames would not accord with the retention and restoration aims of HSLP Policy DC5 through loss of traditional timber. Moreover, the aluminium frames would have a smooth and artificial finish, which would be markedly different to painted timber, and on the evidence before me, I am not persuaded that the proposed panelled detailing could be successfully replicated. As such, I consider that the use of the proposed modern materials would be indecorous with the scheme's traditional design and detailing, and would not complement the existing building or its surroundings.
9. I recognise that there are five other shopfronts in the parade, which do not conform to traditional styles and materials. However, from the evidence, only one of them benefits from a recent planning permission, which the Council states was granted on the basis that it was an enhancement to what existed before. For the reasons above, I find that the proposal would not be an enhancement in comparison to the existing timber shopfront, but instead would result in the loss of an important element of the building's contribution to the BCA. Therefore, I do not consider that any desirable precedent has been set to replace a traditional timber shopfront with aluminium. In any event, the inadequacies of the other shopfronts, which do not contribute positively to the street scene and to the character and appearance of the BCA, are not good examples to follow. I have considered the appeal scheme on its individual merits in relation to its own impact on the essential character and significance of the BCA.
10. For all these reasons, I conclude that the proposal would fail to preserve or enhance the character or appearance of the BCA, thereby causing harm to its significance as a designated heritage asset. It follows, that the development would be contrary to Policies 7.4 and 7.6 of the London Plan (2016), HFLP Policies DC1, DC4, DC5 and DC8, and Key Principles SD1, BM2, CAG3 of the Council's Planning Guidance Supplementary Planning Document (2018) (SPD). Amongst other things, they seek to ensure that development respects and

enhances its townscape context and heritage assets, and that shopfronts improve the appearance of the borough's streets through design, detailing and materials which respect the age and style of the building concerned. The Council also references conflict with Key Principles CAG1 (land use in CAs) and SD2 (shop front access) of the SPD in the reason for refusal, but I consider that they have little relevance to my consideration of the appeal and I do not find any conflict in those respects.

11. In reasoning the above conclusion, I consider that the harm caused to the designated heritage asset is 'less than substantial' in the parlance of the National Planning Policy Framework (the Framework). However, any harm requires clear and convincing justification. I note the appellant's points that the proposal does not change the use, site boundary, siting, scale and that neighbouring properties would not be impacted. Nevertheless, these are neutral matters and there are no public benefits which would convincingly outweigh the harm that would be caused to the designated heritage asset.

Conclusion

12. For the reasons above, I conclude that the proposal would be contrary to the relevant identified policies of the development plan, and the Framework, and therefore the appeal should be dismissed.

Adrian Caines

INSPECTOR