
Appeal Decision

Site visit made on 27 January 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2020

Appeal Ref: APP/H5390/W/19/3241237
82 Old Oak Common Lane, London W3 7DA

- 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 Richard Elms (R. G. Elms and Sons Ltd) against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2018/03588/FUL, dated 1 November 2018, was refused by notice dated 11 July 2019.
 - The development proposed is the demolition of the existing building apart from the ground floor level facade, currently in use as a betting shop and ancillary accommodation (Sui Generis); erection of a three storey building incorporating the retained facade with 2.3M increase in building height for use as a betting shop (Sui Generis) on the ground floor and two residential units at first and second floor levels (Class C3) with metal staircase to the rear and obscure glass screens to the northern boundary.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Richard Elms (R. G. Elms and Sons Ltd) against Council of the London Borough of Hammersmith & Fulham. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development used in the banner heading above is taken from the decision notice and the appeal form as this gives a more accurate description of the totality of the works proposed than the description given on the application form.
4. The appellant has raised concerns regarding the Council's handling of the case, and in particular, the lack of communication whilst determining the application and length of time it took to be determined. These are matters that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

Main Issues

5. The main issues in the appeal are whether or not the proposal would:
 - preserve or enhance the character or appearance of Old Oak and Wormholt Conservation Area; and

- provide adequate living conditions for future occupiers with particular regard to noise and disturbance.

Reasons

Character and Appearance

6. The appeal site lies in Old Oak and Wormholt Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a conservation area. The conservation area covers housing estates built around 100 years ago as part of the wholesale development of the area with the appeal property forming part of a parade of shops built to serve this housing. The design of the estates and the buildings reflect garden suburb principles. The high standard of the street scape and consistency in design and materials gives a strong sense of unity to the area. The links to the garden city movement gives historic as well as architectural significance to the conservation area.
7. To Old Oak Common Lane the appeal property appears single storey but later additions to the rear are 2 storey. Like its neighbour, No 80, and many other buildings in the conservation area, the appeal property has a distinctive roof. In addition, the front elevation of the building has a half-timbered gable façade, and a traditional stone shop front. The significant difference in height between this building and its neighbours, makes the building stand out in the area. As such, although not locally listed, it is an attractive and unusual building, that adds interest, and makes a positive contribution, to the street scene and the character and appearance of the wider conservation area.
8. Although I understand the building was originally a bank, the ground floor is currently a betting shop with ancillary, unused, space above. It lies close to the busy junction of Old Oak Common Lane and Westway, in an area that has predominantly ground floor commercial uses with residential above. Despite its commercial nature, the majority of buildings in the vicinity are of a domestic scale, generally being 2 or 3 storeys in height.
9. It is proposed to demolish part of the rear of the building and construct a new two storey rear extension as well as raising the roof at the front by around 2.3m. This would enable the creation of 2 residential units on the upper floors. As the elements that would be demolished are extensions to the original building and are located at the rear with no visibility from either of the main roads, their loss would not have a detrimental impact on the character and appearance of the area.
10. However, although the proposal would not alter the existing shop front, in order to accommodate the two floors of residential accommodation above, it would be necessary to lower the ceiling height of the existing ground floor. The plans indicate that the new floor level would intersect with the upper and lower level of the windows in the shop front and would be wider than the stone surround. Given this, it would have a detrimental impact on the appearance of the shop front and the contribution it makes to the conservation area.

11. I accept that the roof would retain its size and shape and that the front elevation would incorporate a half-timbered gable façade. Nevertheless, the original proportions of the front elevation would be significantly altered by the proposal. Whilst the building would still be slightly lower than the adjacent building that forms part of the curved terrace at the road junction, the degree of subservience would be much more subtle. Furthermore, even though the height of the resulting building may be similar to others in the area, the interest and variety that is currently added to the street scene by the much more limited height of the existing building would be lost.
12. The proposal would introduce a number of windows within the half-timbered element of the gable. These have been designed so that they would be located between the vertical timber elements. However, the fenestration at first floor level would lack the vertical emphasis that is a feature of both the existing shop front and other upper floor windows in the vicinity. As a result, they would appear an incongruous and unsympathetic addition to the building which would harm the character and appearance of the area.
13. The appellant has argued that the existing roof is in need of repair, but I am not persuaded that the appeal scheme is necessary to enable essential maintenance to take place. Moreover, whilst the appeal scheme may result in the building having a more uniform roof line, given the limited visibility of the rear elements of the building, the various different roofs do not currently detract from the character and appearance of the area.
14. Consequently, I consider that the proposal would fail to preserve, and would unacceptably harm, the character and appearance of Old Oak and Wormholt Conservation Area. Therefore, it would conflict with Policies 7.4 and 7.6 of the *London Plan (March 2016)* (LP) and Policies DC1, DC4 and DC8 of the *Hammersmith and Fulham Local Plan (adopted February 2018)* (HFLP) which require developments to have a high standard of design that respects the local character, reflects characteristics of existing buildings and conserves the significance of the historic environment.
15. Having regard to paragraph 196 of the *National Planning Policy Framework*, the harm caused to the conservation area would be less than substantial, and therefore needs to be weighed against the public benefits of the proposal. In the scheme's favour it would create 2 residential units in an accessible location, and it would bring currently unused areas of the building back into active use. Construction would also provide some temporary work for local contractors and spending by future occupiers would benefit the local economy. The desirability of preserving or enhancing the character or appearance of a conservation area is a matter of considerable importance and weight. In this case, I consider that the public benefits of the scheme would be insufficient to outweigh the less than substantial harm.

Living Conditions

16. The proposal would retain the commercial use of the ground floor and create two flats on the upper floors. This would be a similar arrangement to that found in the majority of surrounding buildings. The Council have not provided any evidence to show that such an arrangement currently causes issues of noise and disturbance for nearby residents. Given that the provision of

adequate soundproofing can be controlled by condition, I see no reason why the same would not be the case in the appeal scheme.

17. In addition, the council have also raised concerns regarding the “non-uniform stacking of the flats” but have not provided any further evidence as to the exact nature of this concern. Each flat would have the main kitchen/living area, a bedroom and bathroom on the first floor and a bedroom on the second floor. For one of the flats the second floor bedroom would be located at the front of the building and would extend over the living area of the other flat, whilst for the other it would be over the entrance hallways of the flats. However, with adequate acoustic insulation I am satisfied that adequate living conditions could be ensured.
18. Therefore, I consider that the proposed development would provide adequate living conditions for future occupiers, with particular regard to noise and disturbance. Thus, it would accord with Policy 3.5 of the LP and Policies HO11, CC11 and CC13 of the HFLP which require that developments have a high standard of design that meet the needs of future occupiers and ensures adequate protection for new and existing occupiers from all forms of pollution.

Conclusion

19. Although I have found that the proposal would provide satisfactory living conditions for future occupiers, it would unacceptably harm the character and appearance of the conservation area. For this reason, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR