



Appeal Decision

Site visit made on 9 March 2020

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 07 April 2020

Appeal Ref: APP/H5390/C/19/3240979
145 Stevenage Road, London SW6 6PB

- 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 appeal is made by Mr Kastrior Zefi against an enforcement notice issued by the Council of the London Borough of Hammersmith & Fulham.
 - The enforcement notice was issued on 1 October 2019.
 - The breach of planning control as alleged in the notice is *Without planning permission, installation of two cabrio rooflights in the front roofslope.*
 - The requirements of the notice are to remove from the front roofslope the two cabrio rooflights and make good the front roofslope using matching materials.
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Summary Decision

1. The appeal is dismissed and the enforcement notice is upheld with variations.

The appeal on ground (a)

2. The Council's reasons for issuing the notice refer to the relationship of the rooflights with the front elevations along the street, and to their impact on the character or appearance of the Fulham Reach Conservation Area. The main issues in the appeal on ground (a) are therefore the effect of the rooflights on the character and appearance of the host property and the area, and whether they preserve or enhance the character or appearance of the Fulham Reach Conservation Area.

Reasons

3. The appeal property lies to the northern end of a small terrace of dwellings, situated close to the River Thames between Hammersmith and Putney Bridges and close to Craven Cottage. The terrace is of relatively modern yellow-bricked construction, in a mostly residential area consisting mainly of Victorian terraced streets lying away to the east of the appeal site, but with more modern properties mainly to the west of Stevenage Road. The appeal property lies adjacent to Rowberry Close, leading to a small cul-de-sac of similarly constructed properties.
4. The appeal property shows signs of having been extended in the past, with a flat roof with skylights and rear French windows to the second floor. The eastern front roofslope has retained its original form, save for the insertion of

two large rooflights taking up much of the roof slope. These are of a 'cabrio' design that each convert to railed balconies when open. As a result there is a distinct projection above the roof slope of the sliding rails/bars whilst the rooflights are in a closed position.

5. Although the appellant has drawn my attention to other examples of similar rooflights in the local area, in the immediate vicinity of the appeal site the roof styles of similar properties generally contain small Velux lights where rooflights are found. The cabrio rooflights at the appeal property dominate the front roofslope and, in so doing, are a distinct departure from the more modest and discreet roof treatments of these other properties and unbalance the appearance of the terrace as a whole.
6. Policies of the Hammersmith and Fulham Local Plan of 2018 seek to create a high quality urban environment and for the design of building alterations to be subservient to the parent building and create an appropriate relationship with existing buildings. I find that the rooflights do not achieve these objectives and therefore that the development is contrary to Local Plan policies DC1 and DC4.
7. Policy DC8 is concerned with heritage and conservation, setting out that building alterations will only be permitted if the significance of the heritage asset is conserved or enhanced. This policy is supported by a Supplementary Planning Document and in particular by Key Principle CAG3 requiring sympathetic alterations. The appeal site lies within the linear Fulham Reach Conservation Area covering an area within and close to the river approximately between Craven Cottage and Hammersmith Bridge.
8. Although the appeal property makes only a modest contribution to the character and appearance of the Conservation Area, the dominance of the rooflights in the roof form is harmful to the building and does not preserve or enhance the character or appearance of the Conservation Area. Consequently, in the language of the National Planning Policy Framework, I find that 'less than substantial' harm arises to the significance of the heritage asset.
9. The appellant contends that any heritage harm is outweighed by the public benefits of the development, amounting to climate change benefits from the additional natural light that will be received by the room, rather than the artificial lighting that would otherwise be required.
10. Plans of the internal configuration of the upper floor have not been provided to me, but from my site visit I saw that there exist skylights, a window in the flank elevation, and French doors to the western rear of the upper floor, thus giving ample scope to receive natural light into the premises. The asserted climate change benefit has not been quantified, and in the circumstances I do not consider it sufficient to outweigh the harm to the heritage asset that I have identified.
11. I have considered whether any planning conditions could overcome the harm identified in order to make the development acceptable but conclude that they could not. The appellant proposes a condition requiring the rooflights to be fixed shut. This would limit their impacts, but would not address the harm arising from the form and scale of the lights even when they are in a closed position.

12. Therefore, as I find that the development conflicts with the development plan for the area and there are no material considerations of sufficient weight to overcome that conflict, the appeal on ground (a) fails and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (f)

13. In order to succeed on this ground, the appellant must demonstrate that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control constituted by the matters alleged in the notice. In this case the steps required by the notice equate to requiring the restoration of the roofslope to its condition before the breach took place. It is clear from the Council's case that permission for a front rooflight, or rooflights, has been granted in the past. However, it is not contended that the breach could be remedied by complying with the terms of that permission, the detailed plans for which are not available to me.
14. I have discussed above whether a condition requiring the rooflights to be kept fixed shut would overcome the planning harm and concluded that it would not. Nor would this remedy the breach of planning control alleged by the notice. The appellant suggests that a revised planning application for rooflights of a reduced size could resolve the harm. This may be so, but it is not suggested that this would remedy the breach of planning control, and in any event no detailed plans of any alternative proposal are before me for consideration.
15. Therefore the appeal on ground (f) fails.

The appeal on ground (g)

16. The appellant submits that the 4 month compliance period stipulated by the notice is wholly inadequate and that at least 9 months would be required to source a reputable builder to undertake the physical alterations, which may also involve the appellant making arrangements for temporary alternative accommodation. Given the current public health measures I concur that 4 months is an unreasonably short period for compliance and I therefore extend the period for compliance to the 9 months sought by the appellant. I shall vary the enforcement notice accordingly, prior to upholding it. The appeal on ground (g) succeeds to that extent.

Formal Decision

17. It is directed that the enforcement notice be varied by the deletion of "four (4) months" from paragraph 5 and its substitution by "nine (9) months". Subject to that variation the appeal is dismissed and the enforcement notice is upheld.

Laura Renaudon

INSPECTOR