
Appeal Decision

Site visit made on 5 November 2019

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/H5390/D/19/3236152
7 Fairholme Road, London W14 9JZ

- 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 A Mofeez against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2019/01035/FUL, dated 30 March 2019, was refused by notice dated 6 June 2019.
 - The development proposed is the construction of an additional floor at roof level.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposed development would effect the character and appearance of the host building, its surroundings, including whether it would preserve or enhance the character or appearance of the conservation area; and (ii) if the proposed development would effect the living conditions of neighbouring occupiers, in regard to outlook.

Reasons

Character and Appearance

3. The appeal site is located within the Barons Court Conservation Area (CA). The CA derives its essential characteristics from unified groups of residential development, largely laid out in tightly-knit grid patterns, together with Barons Court and West Kensington Underground Stations and the open space of Hammersmith Cemetery.
4. The appeal property is an ornately detailed Victorian mid-terrace and comprises of two flats on lower floors and a maisonette on the first and second floor. It forms part of a residential terrace of 22 properties to the south side of Fairholme Road. These terraced properties are of a uniform appearance, they maintain a distinct architectural rhythm and remain largely unimpaired by roof extensions. The terrace makes a significant contribution to the character and appearance of the street scene and the CA. The property is identified on the Council's Local Register of Buildings of Merit and is therefore a non-designated heritage asset.
5. The proposed development would create an additional floor at roof level to the maisonette which occupies the first and second floors. It would be set back

- behind the front parapet wall and have a mansard slope of slate cladding. The raised parapet walls to the flank would project above the roof. The rear mansard slope would project from the eaves line and include a rooflight and French doors with the final design of a guardrail to be agreed. The existing chimney stacks would be raised to accommodate the new floor.
6. Although the proposed mansard roof extension would be higher than the parapet it would be slightly set back, which would limit views of the structure from street level. I also acknowledge that materials and some detailing may reflect that of the existing building. Nevertheless, the upper part including the tall build-up of flank wall would be visible from along Challoner Road between Perham Road and Fairholme Road, particularly as the property is towards the end of the terrace. Moreover, it would be visible from the opposite upper floor properties along Perham Road. From these vantage points the extension would be perceived as a random, discordant and unsympathetic addition which breaches the roofline resulting in a top-heavy and excessive built form. Therefore, it would compromise the architectural integrity of the building, the terrace and the wider street scene of the CA.
 7. In support of the appeal, my attention was drawn to the previous decision for planning permission at the appeal site, granted in 2007¹ for similar proposals. Some 13 years has now passed, and the Development Plan and National Planning Policy has changed. Moreover, this permission has now lapsed and there is no theoretical possibility that development could even take place and therefore cannot be considered to be a genuine 'fallback'. From the evidence before me, any such development would likely to be a concern for the Council. Consequently, this matter does not outweigh my findings.
 8. I saw on my site visit, other properties in the vicinity of the site had roof extensions. However, these were varied and although there were some similarities to the scheme before me, the original roof form of the terrace is largely uninterrupted. Furthermore, the Council confirm that the additional floors to properties were given consent some years ago and have since refused the erection of additional floors to a number of properties within the vicinity of the appeal site. In any case, most do not constitute examples of sympathetic development in a CA, and do not therefore justify the appeal proposal. In any event, the appeal is necessarily determined on its individual merits on the basis of the evidence before me
 9. I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Paragraph 197 of the National Planning Policy Framework (the Framework) requires the consideration of the effect on a non-designated heritage asset, having regard to the scale of any harm or loss and the significance of the heritage asset. For the reasons given, the proposed development would harm the character and appearance of the building and area and fails to preserve that of the CA. Whilst the harm would be less than substantial, I must nonetheless give this considerable importance and weight in the context of a duty to favour preservation or enhancement.

¹ 2007/02283/FUL

10. Paragraph 196 of the Framework states 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, where appropriate, securing its optimum viable use. The appellant has put forward that the proposal would increase internal space and improve the property for current and future occupants. As such in my view this would only benefit occupiers of the proposal and there would be little public benefit to outweigh the harm found to the significance of the CA.
11. I conclude that the proposed development would harm the character and appearance of the host building, surrounding area and fails to preserve or enhance the Barons Court CA. It would be contrary to Policies DC1, DC4 and DC8 of the Hammersmith & Fulham Local Plan, 2018, (LP) which taken together seek developments to create high quality urban environments, good design, respects, enhances and protects its heritage assets.
12. It would also be in conflict with the guidance and Key Principle in the Council's Planning Guidance Supplementary Planning Document (SPD) at BM2 relating to proposals affecting buildings of merit, in which it would result in a harmful alteration to the building.
13. I also find that the proposed development would not conserve the heritage asset in a manner appropriate to its significance, or positively contribute to local character or distinctiveness in line with the aims of the Framework, Section 16 Conserving and enhancing the historic environment.

Living Conditions

14. Policy HO11 of the LP details residential standards and that the consideration of protection of existing residential amenities will be taken into account including where it can be demonstrated that there is no detrimental impact on outlook from windows in adjoining properties. The Council's SPD, Key Principle HS6 sets out that any proposed development and/or extensions to existing buildings should as a general rule, not result in an infringing angle of more than 45 degrees. Key Principle HS7 advises that any proposed rear extension should not worsen the outlook from any rear habitable room.
15. The Council's evidence advises that the proposal would comply with the principles of good neighbourliness and the protection of existing residential amenities. However, it also sets out that the existing property already significantly infringes the 45-degree rule and is at odds with the guidance in the SPD. Despite this, and although the proposed additional floor would increase the height of the building, as I observed the rear distance between the two terraces have a high degree of intervisibility, including that of No.8 Perham Road. Existing outlook is poor due to the close proximity between the terraces, existing openings and alterations in existence along rear elevations.
16. Accordingly, I do not consider that the proposed development would exacerbate this situation in regard to outlook and it would not be worsened. Neither would it create any further sense of enclosure from which is already afforded between the terraces and/or gardens, particularly that of No.8.
17. Therefore, in this regard, the development would accord with Policy DC4 and HO11 of the LP which requires good neighbourliness in development, and the advice in the SPD which states that if any part of the proposed building extends

beyond these lines then on-site judgement will be a determining factor in assessing the impact the extension will have; and should not worsen the outlook from any rear habitable room.

Other Matters

18. The appellant refers to the Framework and achieving sustainable development in terms of decision making, achieving well-designed places; help raise the standard of design more generally in an area. Whilst this may be the case, it is not without caveats, including that developments are sympathetic to local character and are visually attractive.
19. Although the proposed development would not cause any harm to the living conditions of neighbouring properties including outlook, and I note the comments in support of the application and the lack of objections from neighbours, these considerations do not outweigh the harm I have found caused by the development to the heritage assets and the conflict with policies of the development plan.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR