



Appeal Decision

Site visit made on 22 February 2021

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021.

Appeal Ref: APP/H5390/W/20/3258025

41 St Stephen's Avenue, London W12 8JB

- 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 St Stephen's Avenue Ltd against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2020/00497/FUL, dated 15 January 2020, was refused by notice dated 22 May 2020.
 - The development proposed is a two storey extension to the side of the main building at 1st and 2nd floor levels, to create a one bedroom self-contained residential unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:-
 - whether the proposed development would preserve or enhance the character or appearance of the Coningham and Lime Grove Conservation Area; and
 - whether the proposed residential unit would provide acceptable living conditions for future occupiers, with particular regard to the overall size of the unit.

Procedural Matter

3. The London Plan 2021 was adopted on 2 March 2021. Neither party referred me to any of its policies as an emerging plan, although policies from the previous version of the London Plan from 2016 were cited in the reasons for refusal and referred to by both parties. The London Plan 2021 repeats the housing standards that were in the 2016 Plan, and I have referred to this in my decision. Policies 7.4 and 7.8 of that Plan are not critical to my decision, and I have not referred to them further.

Reasons

Conservation Area

4. The appeal site is within the Coningham and Lime Grove Conservation Area. The Conservation Area (CA) consists of a grid pattern of streets of mid to late

- 19th Century houses. Its significance stems in large part from its sense of place and its streets, including the residential properties that line them, from the cohesiveness of many of these blocks of dwellings, and their relationship with each other.
5. The appeal site is at the end of a terrace of four large Victorian properties with a distinctive appearance, with gables facing the street and four floors of accommodation (including the basement and the top floor partly within the roofspace), and shallow rectangular bays at ground and basement level. Another terrace of four houses with the same design faces the appeal site on the opposite side of the street. To the north of the appeal site, a gap between Nos 41 and 43 has been partially filled by a two storey extension to No 41, at basement and ground floor level, with a flat roof and set flush with the front of the appeal property.
 6. On the northern side of this extension is another terrace, with a distinctive appearance, but quite different from that including the appeal site. This terrace comprises five large Victorian houses, with the two at the ends being set slightly forward of the three in the centre. These properties are also of four storeys (including the basement), but with the top floor topped by a parapet wall, so that from street level it appears to be flat-roofed. They also feature bay windows, although in this case these rise to three storeys in height to include the first floor, and are of canted design.
 7. The distinctive designs of the different terraces, and the juxtaposition of these, is a significant positive element in the character and appearance of this CA. This includes the relationship between the appeal site and its neighbour at No 43.
 8. The appeal proposal would involve constructing an additional extension of two storeys (one within the roofspace) on top of the existing flat-roofed extension. The Council considers that the loss of the existing open character between the two terraces outlined above would be harmful to the character and appearance of the CA, whilst the appellant argues that it would hardly be visible, due to the existence of a large horse chestnut tree in the front garden of the appeal site.
 9. The gap between Nos 41 and 43 is part of an area on both sides of St Stephens Avenue that is not built up in the same way as the rest of the street. On the western side of the street, this area is marked by the Godolphin Road Community Gardens. Because of the orientation of the path running through these gardens, the appeal site, and in particular the gap at first floor level and above, is prominent in views looking east through these gardens.
 10. This is true despite the presence of the large horse chestnut tree. At the time of my site visit, it was not in leaf and had evidently been pruned. The appeal site was clearly visible from St Stephens Avenue and the Community Gardens, in views both round to the side of, and through the branches of, the tree. In any event, trees, whilst long-lived, do not last forever and should not be relied upon to screen otherwise unacceptable development from view.
 11. The significance of the gap between Nos 41 and 43 above ground floor level is primarily that, at least above ground floor level, it allows an appreciation of the different architecture and character of the two terraces on either side. Although the proposal involves a setback from the front elevation, its presence

would detract from the current relationship between Nos 41 and 43, when seen from both St Stephens Avenue and from the Community Gardens.

12. The harm to this element of the character and appearance of the CA would be exacerbated by the proposed design. The roof to the front of the part of the proposal at second floor level would be at very steep pitch, whilst the sides of the pitched roof, although at a shallower pitch than the front, would still slope at a noticeably steeper pitch than the main gable end of No 41. This, combined, with an awkward flat roofed section connecting the extension to the main roof of No 41, would harm the appearance of the terrace of which No 41 forms part, and harm the relationship of that terrace to that comprising Nos 43-51.
13. I consider that the proposed two storey extension, for the reasons set out above, would cause less than substantial harm to the significance of the CA. Paragraph 193 of the National Planning Policy Framework (the Framework) says 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"* and that *"this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."* The Framework goes on to say in paragraph 196 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"*.
14. The proposal involves the provision of an additional dwelling in a sustainable location, which constitutes a public benefit of the proposal, although the weight to be attached to this is reduced by my findings on the other main issue below.
15. I consider that the harm that would be caused to the significance of the CA outweighs the public benefits included in the scheme. I therefore conclude that the proposal neither preserves nor enhances the character or appearance of the Coningham and Lime Grove Conservation Area, contrary to Policies DC1, DC4 and DC8 of the Hammersmith & Fulham Local Plan (2018) (the LP). These policies seek, amongst other things, development that respects and enhances its townscape context and heritage assets, and extensions that are compatible with the scale and character of existing development, are subservient to the parent building, and that conserve the significance of the heritage asset.

Living Conditions

16. Minimum dwelling sizes are contained in the *"Technical housing standards – nationally described space standard"* (HS) published by the Department for Communities and Local Government in March 2015. The Mayor of London subsequently adopted this national standard by making minor alterations to the London Plan (Housing Standards Minor Alterations to the London Plan 2016). Policy 3.5 of the London Plan (2016) included a table that duplicates that in the HS and brought these standards into the development plan. The same standards are now also included in Table 3.1, attached to Policy D6 of the London Plan 2021, and in key principle HS2 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2018) (SPD). These all include a minimum size of 58 square metres gross internal floor area (GIA) for a one bedroom, two person, two storey dwelling.

17. The Council has calculated that the GIA of the proposed 3 bedroom house in the original property is approximately 52 square metres, whilst the appellant states that it is over 58 square metres. My assessment of the size of the unit, based on the submitted plans, and confirmed on my site visit, is that the GIA of the proposed unit is certainly no more than the 52 square metres measured by the Council. As a result, it is below the minimum size recommended in the London Plan, meaning it is also contrary to Policy HO11 of the LP, which requires new dwellings to meet the HS.
18. I therefore conclude on this main issue that the proposed residential unit would not, by reason of its overall size, provide acceptable living conditions for future occupiers, contrary to Policy D6 of the London Plan 2021, Policy HO11 of the LP and advice in the SPD.

Other matters

19. The appellant has referred me to three examples of permissions granted for extensions on St Stephens Avenue, which they argue are material considerations in this case. However, two of these relate to the same site (16 St Stephens Avenue) and appear to be alternative proposals for the same development. Both this and the example at No 3 are for two storey side extensions at basement and ground floor level, similar to the existing two storey side extension at the appeal site. They are very different from the appeal proposal, which is for an additional two storeys on top.
20. The appellant has also referred me to changes to permitted development rights from the summer of 2020. However, they do not seek to argue that the appeal proposal would benefit from these rights, and I accordingly give this reference very little weight.

Conclusions

21. For the reasons set out above, I conclude that the appeal should be dismissed.

Michael J Muston

INSPECTOR