



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/20/3258544

399A & 407-411 Goldhawk Road, London W6 0SA

- 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 KAZ Hotels Ltd against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2020/000650/FUL, dated 4 March 2020, was refused by notice dated 30 April 2020.
 - The development proposed is the partial demolition of rear façade of hotel to accommodate 2 storey rear extension and improve internal layout of existing building, plus demolition of structures located within builder's yard (Class Sui Generis) and change of use of land to hotel (Class C1) to accommodate 1-storey plus basement L-shaped rear extension with ancillary refuse and recycling store, cycle parking, plant and servicing arrangements.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:-
 - the impact of the proposed development on the significance of designated heritage assets, including whether the development would preserve or enhances the character or appearance of the Westcroft Square Conservation Area, and whether it would preserve the setting of the Grade II listed buildings at 397-399 Goldhawk Road and of the Building of Merit at 407-411 Goldhawk Road; and
 - the effect of the proposed development on the living conditions of occupiers of adjacent residential properties, with particular regard to overbearing impact, sense of enclosure and noise and disturbance.

Procedural Matter

3. The London Plan 2021 was adopted on 2 March 2021. The appellant referred to some of its policies as an emerging plan in their appeal statement, whilst policies from the previous version of the London Plan from 2016 were cited in the reasons for refusal, and referred to by both parties. None of the policies in either London Plan are critical to my decision, and there have been no significant changes in relation to the issues in this appeal, from the 2016 Plan

to the 2021 Plan. For the avoidance of doubt, I have not relied on policies in either version of the London Plan in reaching a decision on this appeal.

Reasons

Heritage Assets – Conservation Area

4. The appeal site is within the Westcroft Square Conservation Area. The Conservation Area (CA) covers a part of the commercial frontage on King Street to the south, and a residential area, predominantly dating from the mid 19th to early 20th century, behind. The Council's Conservation Area Character Profile for the CA says that "*with respect to the residential area, the principal elements are the buildings and the setting of Westcroft Square and the mansion blocks of Hamlet Gardens*". I agree with the appellant that much of the significance of the CA is derived from the quality, character and coherence of the historic buildings that make up the townscape, many of which are designated as Buildings of Merit (BoM).
5. Nos 407-411 are one of these BoM and directly front onto Goldhawk Road. A significant part of the appeal site's contribution to the significance of the CA derives from that frontage, its architectural and historic interest, and its relationship with the road and other nearby historic buildings. The area to the rear of the site where much of the proposed development would sit appears to have been historically associated with the frontage buildings on King Street, before being sub-divided off into its own use. The evidence before me suggests it was used as a builders yard from at least the mid 20th century until recently.
6. This part of the appeal site is part of a backland area largely hidden from public view, containing low key buildings and extensions to larger buildings on relatively small plots. The contribution of this backland area, including the majority of the appeal site, to the character and appearance of the CA comes not from its use or the quality of the buildings upon it, but rather from being of small scale. This is both in terms of the size of the plots, but also in respect of the buildings on those plots and their subservient relationship to the larger buildings surrounding the backland area, which front Goldhawk Road, King Street and Westcroft Gardens.
7. The appeal proposal would include the removal of the two utilitarian buildings to the rear of Nos 401 and 407 and the loss of the builders yard. This in itself would represent an enhancement of the character and appearance of the CA. So too would be the removal of the prominent sign on Goldhawk Road announcing the presence of the builders yard.
8. However, the appeal proposal would involve the erection of an L shaped building to the rear of the main hotel building which, although no more than one storey above ground level, would nevertheless be of significant length and cover the whole of this part of the appeal site. This building would be flat-roofed and include a mansard roof and green roof, the latter of which would minimise its visual impact in its surroundings. It would however be a large scale, monolithic structure with almost no detailing to break up its massing.
9. The L shaped building would only be visible in public views from the entrance to the former builders yard in Goldhawk Road. However, a large number of buildings back onto the appeal site and the proposed L shaped building would

be prominent in views from a considerable number of windows overlooking this part of the site. From these surrounding buildings, the proposed L shaped building would appear incongruous and completely out of keeping with this part of the CA.

10. The appeal proposal would not adversely impact on public views within the CA (and would to an extent benefit public views from Goldhawk Road), nor harm those elements that most define the significance of the CA. However, it would cause significant harm to the character and appearance of this part of the CA, and hence also harm its significance as a heritage asset.

Heritage Assets – Listed Buildings

11. Nos 397-399 Goldhawk Road are Grade II listed. They are a semi-detached pair of houses fronting Goldhawk Road. No 399, on its southern side, adjoins the access to the builders yard and the existing two storey building on the north-eastern corner of the appeal site.
12. The northern end of the proposed L shaped building would be close to the boundary with No 399 and be visible from its upper floor windows at the rear. The monolithic nature of that block would be less apparent from No 399 than from other nearby buildings. The harm arising from that relationship would be balanced by the benefit to the setting of No 399 by the removal of the builders yard sign and metal gates from the Goldhawk Road frontage. Overall, the setting of the listed buildings would be preserved.

Heritage Assets – Building of Merit

13. Nos 407-411 Goldhawk Road comprise a designated BoM. I agree with the appellant that the interest of the building lies primarily in its frontage onto Goldhawk Road, as part of a mixed, but mainly traditional townscape, within the CA, on the eastern side of the road. The front elevation of the BoM would not be affected by the appeal proposal. The rear elevation is of much less merit and is already affected by extensions. I do not consider that the appeal proposal would cause any material harm to the BoM or its setting.

Heritage assets – conclusion

14. I consider that the proposed L shaped block, 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*”.
15. The proposal involves the removal of the sign to the builders yard on Goldhawk Road, new paving, a new gate, and the removal of the builders yard itself. All of these constitute a public benefit of the proposal, for the reasons set out above. I have also found that the proposal would not harm the setting of the nearby listed buildings or BoM at No 407-411. However this lack of harm, is a neutral factor, weighing neither for nor against the proposal.

16. Other public benefits cited by the appellant include the regeneration of an under-utilised brownfield site, the provision of additional visitor accommodation in an area with good access to facilities and public transport, the creation of new construction and longer term employment opportunities and bringing additional spending into the local area. I have given all of these benefits weight, but consider that they are outweighed by the great weight that the Framework says that I should give to the conservation of the heritage asset, in this case the CA.
17. I consider that the harm that would be caused to the character and appearance 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 Westcroft Square Conservation Area, contrary to Policies DC1, DC4, DC8 and E3 of the Hammersmith & Fulham Local Plan (2018) (LP). These policies and guidance 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, as well as visitor accommodation that does not have a detrimental impact on the local area.

Living Conditions

18. Nos 401-405 Goldhawk Road have small rear gardens that back onto the proposed L shaped block. Nos 401 and the flats occupying the southern half of No 405 both back onto the existing buildings on the appeal site associated with the builders yard use. The proposed block would be slightly lower than either of these two buildings and would therefore represent a slight improvement in respect of the sense of enclosure that already exists for occupiers of those properties when using their rear-facing rooms and/or small rear gardens.
19. However, Nos 403 and the flats occupying the northern half of No 405 currently face a brick wall, which is significantly lower than the proposed block. The gardens at the rear of these properties are shallow and the increase in height proposed in this location would represent an unacceptable increase in the sense of enclosure experienced by occupants of these properties when using their rear facing rooms and rear gardens.
20. The Council and local residents have also raised concerns regarding noise and disturbance arising from such areas as noise emanating from open rooflights, noise from staff on breaks outside the building, noise through inadequately soundproofed walls and noise from the proposed plant room and mechanical ventilation systems. I understand and sympathise with these concerns. However, as long as the building is constructed and used in line with appropriate regulations, there is no reason raised in the evidence before me to show that an unacceptable level of noise or disturbance would result from the appeal proposal.
21. I conclude that the proposal would have an unacceptably adverse effect on the living conditions of occupiers of some adjacent residential properties, as set out above, by reason of an unacceptable increase in a sense of enclosure. This outweighs the lack of other harm relating to this main issue. The proposal would therefore be contrary to Policies DC4 and HO11 of the LP, which seek, amongst other things, good neighbourliness in relation to the amenities of neighbouring properties.

Other matters

22. The Council also refused the application on the grounds that insufficient wheelchair accessible bedrooms are provided in the appeal proposal. The appellant has explained that they had interpreted Policy 4.5 of the 2016 London Plan as meaning that 10% of new bedrooms should be wheelchair accessible, whereas the Council point out that Policy E3 of the LP requires 10% of all hotel bedrooms to be wheelchair accessible. The appellant has submitted amended plans showing a higher number of accessible bedrooms and the Council, in its officer report says that "*if the development was found to be acceptable in other respects, a condition requiring an updated Access Strategy would be required by condition.*" I agree that, were I otherwise minded to allow the appeal, this matter could be dealt with by the imposition of a condition.

Conclusion

23. I have considered the benefits of the scheme, as set out above, and as outlined in the appellant's statement of case. However, these are outweighed by the harms to the CA and the living conditions of occupiers of adjacent properties that I have identified. For the reasons set out above, I conclude that the appeal should be dismissed.

Michael J Muston

INSPECTOR