
Appeal Decision

Site visit made on 28 July 2021

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 7th September 2021

Appeal Ref: APP/H5390/W/21/3269139

112-114 North End Road & 4 Challoner Crescent, West Kensington, London W14 9PP / 9LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr H Amin against the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2020/02350/FUL, is dated 11 September 2020.
 - The development proposed is demolition of existing buildings and erection of a replacement part one, part four storey building including a basement level with lightwells fronting Challoner Crescent, to provide a 43 bedroom hotel and associated works.
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1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The Council have indicated that, had they made a formal decision on the proposal, it would have been to refuse planning permission. They have set out concerns relating to the effect on the character and appearance of the surroundings, the conservation area, and the living conditions of those living nearby. These are areas of disagreement between the Council and the Appellant that therefore form the main issues of this decision, although in reaching a final conclusion I have paid regard to the proposal as a whole.
3. The Appellant submitted additional drawings at the final comments stage of the appeal. Given the stage at which they were submitted and lack of opportunity for wider comment on them, in the interests of fairness, it is not possible to take them into account as part of the decision.
4. A Unilateral Undertaking was submitted under section 106 of the Town and Country Planning Act 1990 (s106). The s106 includes financial contributions relating to carbon offsetting and economic development and provisions aimed at addressing highways issues. The s106 is in draft form and is not signed. As such, it cannot be taken into account as part of my decision. However, this has not affected my conclusions in relation to the main issues or the outcome of the appeal as a whole.

5. The appeal site is located within the Barons Court Conservation Area (Conservation Area). In deciding this appeal I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area¹.

Main Issues

6. The main issues in the appeal are:
- The effect on the character and appearance of the surroundings, including the Conservation Area.
 - The effect on the living conditions of those living nearby.

Reasons

Character and appearance

7. The Conservation Area is characterised in the Council's supplementary guidance as comprising a variety of historic residential developments, arranged around streets which are generally each centred on the focal points of Hammersmith Cemetery and the Barons Court and West Kensington underground stations.
8. The appeal site addresses both North End Road and Challoner Crescent, which each have distinct characteristics. North End Road provides a busy gateway leading towards West Kensington station, with ground floor commercial units typical of the area. The scale and age of buildings fronting North End Road are variable and include a number of historic buildings interspersed with lower quality 20th century development.
9. Challoner Crescent is a short cul-de-sac, leading from Perham Road and Challoner Street. The character of this area is more obviously residential and intimate than North End Road. There is also greater consistency in the age, scale and appearance of buildings and modern infill is less of a feature. The consistency of historic structures is reflected in the greater volume of locally listed buildings (or Buildings of Merit as they are referred to).
10. I have considered the evidence on heritage, including the Appellant's Heritage Statement which includes an assessment of significance. From this and my own visit I conclude that the Challoner Crescent surroundings have a higher degree of significance to the Conservation Area as a whole than the North End Road surroundings. This area also has greater sensitivity in terms of the potential for smaller changes to the surroundings to have a greater effect on heritage assets.
11. The heavily altered 1920s building that currently occupies the site is of low architectural and historic interest. However, on the Challoner Crescent side in particular, its scale and unassuming appearance is such that it blends into the background and is not seen to compete with structures that contribute more positively to the character of the area.
12. In relation to the effects on the Challoner Crescent surroundings, the appeal site is prominently located within the cul-de-sac. There is also a notable contrast between the buildings that stand either side of the site.

¹ S72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

13. On one side, 3 Challoner Crescent (No 3) is a distinctive 2 storey Building of Merit with an attached single storey studio that is immediately adjacent to the site. The façade of No 3 is distinctive in appearance due in part to its white painted brickwork, multipaned windows (in particular the 9 paned window within the façade of the studio) and decorative cornicing/balustrade. On the other side of the site, there is the more austere side elevation of Challoner Mansions which is plainer, most notably due to the large areas of exposed stock brick.
14. The proposed development aims to respond to both these contexts, which includes a step down in part of the building frontage adjacent to the studio of No 3. The step down would leave the rear section of the second floor and roof level elements exposed and therefore highly visible from Challoner Crescent and in long views from Perham Road.
15. The combination of the jutting nature of parts of the second floor and roof level elements of the proposed building, along with the proposed cladding materials for these elements would introduce an uncharacteristic form and appearance in a sensitive and prominent location within the surroundings of the site.
16. The effect would be to compete with, rather than complement, the historic buildings in the immediate surroundings. This is in contrast to the existing building which, although of comparatively low quality, does not compete for attention with historic structures.
17. This would particularly be the case in regard to the relationship that would be achieved with No 3, where the decorative detail and step down to the single storey studio of this distinctive building currently forms a focal point at the end of the long vista looking towards the site along Perham Road. In this view the second floor and roof elements of the proposed building would be seen to rise above the single storey studio element of No 3 and would provide a new focal point that would detract from the character and appearance of the area.
18. I accept that the proposed building would be lower in height than the main elements of the adjacent mansion blocks, Challoner Mansions in particular. As such, there would be an element of visual subservience with these buildings. However, this would not mitigate the effects described above for the reasons explained.
19. Due to the location at ground floor level and the position of the site along Challoner Crescent, the proposed colonnade that would partially enclose lightwells would be mainly evident in closer views. This design approach aims to replicate historic features in the surroundings, notably the porticos that are evident along Perham Road, although reimagined to fit a proposed building that would clearly be modern. On the basis of what can be seen in the surrounding context and its prominence, in itself this design response would not appear incongruous and would otherwise preserve the character and appearance of the area.
20. In relation to the effects on the North End Road surroundings, the main public views of the proposed building would be from a closer distance, with longer views more limited by the position of the site in relation to the road. In these views, the bulk of the proposal would not appear prominent due to its position at the rear of the retail units that would remain.

21. Its height would not be out of scale with the general surroundings, where I observed a good degree of variety. It would rise above one of the immediate neighbours, however this would not be particularly evident in public views due to the set back of the building and the degree of variety that is already evident along North End Road.
22. The forecourt that would serve the proposed development offers opportunities to create a more direct and positive relationship with North End Road at ground floor level. If unimaginatively designed this space has the potential to detract from the public realm and feel uninviting. This risk could be adequately managed using a planning condition to require approval of a detailed design for the forecourt, which could include exploring opportunities for urban greening as appropriate.
23. Overall, notwithstanding the lack of harmful effect on the North End Road frontage, the proposal would result in harm in relation to the effect on the Challoner Court side.
24. Applying the policy in Chapter 16 of the National Planning Policy Framework (the Framework) I would characterise the harm to the Conservation Area as less than substantial. Therefore, I have considered paragraph 202 of the Framework. The public benefits put forward by the Appellant, discussed in the conclusion of this decision, are not outweighed by the harmful effects on the Conservation Area.
25. In conclusion on this issue, the proposal would result in a harmful effect on the character and appearance of the surroundings, including the Conservation Area. Consequently, there is conflict with Policies DC1, DC2 and DC8 of the Hammersmith and Fulham Local Plan (Local Plan) and London Plan Policies HC1, D3, and D4. The proposal would also conflict with guidance set out in Planning Guidance: Supplementary Planning Document (SPD), in particular Key Principles CAG2 and CAG3. Collectively the policies and accompanying guidance seeks to achieve a high quality urban environment that respects the surrounding context and achieves a standard of design that conserves the significance of the borough's historic environment.

Living conditions

26. The Council have set out concerns relating to the effects on the living conditions of those occupying properties in the vicinity of the site, in particular at Lanfrey Place and Challoner Mansions which are immediately adjacent. The living conditions of these properties are already impacted to a degree due to the presence of the existing building at the site boundary and the relatively constrained nature of the surroundings.
27. I have reviewed the Appellant's technical evidence relating to daylight, sunlight, and overshadowing. This includes the report from Syntegra Consulting dated December 2020 (Light Report).
28. The Light Report assesses the impact on the light conditions of a range of surrounding buildings and their amenity spaces. In the absence of contradictory detailed technical evidence and from observing the surroundings at my site visit, I am satisfied that it represents an appropriate basis on which to judge the likely effects of the proposed development.

29. Taking the findings as a whole and paying regard to the urban nature of the area, the effects on daylight, sunlight, and overshadowing resulting from the proposal would be acceptable. The limited nature of the adverse impacts on sunlight conditions to some spaces that are identified in the evidence do not provide sufficient grounds to refuse planning permission.
30. Turning to the effects on outlook and sense of enclosure to properties in Lanfrey Place and Challoner Mansions. The stepping of the proposed development at the boundary with these properties would not materially compromise the 45 degree principle set out in Key Principle HS6 of the SPD as compared to the existing situation. There would be some impact resulting from the increased height of the proposed building, principally affecting upper floor windows in these properties. Notwithstanding this, taking account of the existing conditions, the urban nature of the area, the relative distances between the proposal and potentially affected spaces, and the mitigation offered by the setback of the proposed building at upper levels, the impacts in terms of outlook and sense of enclosure would be acceptable.
31. In conclusion on this issue, the proposed development would not have a harmful effect on the living conditions of those living nearby. Consequently, there is no conflict with Policies DC1, DC2 and HO11 of the Local Plan and Policy D3 of the London Plan. The proposal would also be consistent with guidance set out in the SPD, in particular Key Principle HS6. Taken together these policies aim to ensure that new development respects the principles of good neighbourliness, including protection of existing daylight, sunlight, and outlook conditions.

Other Matters

32. Comments from Other Interested Parties that have been made both in support and objection to the proposed development are noted and have been considered. Comments relating to the benefits of the proposal are addressed below.

Conclusions

33. The proposed development would have a harmful effect on the character and appearance of the surroundings, including the Conservation Area, with associated conflict with policies in the Local Plan and London Plan. These policies are consistent with the aims of the Framework in relation to fostering well designed, beautiful places, and protecting and enhancing the built and historic environment. Conserving the significance of heritage assets is also a matter that attracts great weight (relative to the significance of the asset) in accordance with paragraph 199 of the Framework.
34. I acknowledge the benefits that would flow from the proposal. It is common ground between the Council and the Appellant that it would contribute towards the Council's economic objectives for the area and that the hotel use is consistent with employment policy. Supporting economic growth and productivity is a matter which attracts significant weight, in line with policy in paragraph 81 of the Framework.

35. The evidence indicates that the land is currently underutilised and that there is, in general terms, the potential to make more efficient use of it. This would meet the aims of policy in paragraph 120 of the Framework in relation to supporting the development of underutilised land and buildings and actively encourage incremental densification in line with Policy D3C of the London Plan.
36. Weighing these matters, given the importance of the Conservation Area as a heritage asset and the value attributed to their protection nationally and locally, the benefits of the proposal do not constitute material considerations that outweigh the harm to the character and appearance of the Conservation Area. As such, for the above reasons and having regard to all other matters, I conclude that the appeal should be dismissed and that planning permission should be refused.

D.R. McCreery

INSPECTOR