



Appeal Decision

Site Visit made on 9 August 2021

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2021

Appeal Ref: APP/H5390/W/21/3274638

Second Floor, 41 Scrubs Lane, London NW10 6AA

- 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 Darwin Ramlal against the decision of London Borough of Hammersmith and Fulham.
 - The application Ref 2021/00057/FUL, dated 10 January 2021, was refused by notice dated 15 March 2021.
 - The development proposed is the erection of a rear roof extension including the formation of a hip to gable roof extension; installation of 2no rooflights in the front roofslope.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been given the opportunity to make any comments on the implications of the revised Framework to this appeal and I have taken the comments into account in my considerations.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, including the setting to St Mary's Conservation Area (CA).

Reasons

4. 41 Scrubs Lane is an end of terrace property, divided into flats, at the corner with Waldo Road. It forms a part of this attractive terrace of three storey buildings, which have a rhythmical arrangement of bay windows. This terrace contributes positively to the street scene and the side elevation of No 41 is one of the most apparent aspects of the terrace when approaching from the south over the railway bridge. The ground floor section of this end elevation is brick and projects out towards the side road, however, the top, painted section of this end wall, with the hipped roof above, is the most visually prominent element of this side of the building in these wider views.
5. The two end buildings of this terrace and the two end buildings of the central terrace all have hipped roofs. However, the terrace furthest to the north has the two end buildings with gable ends. The terrace dwellings in the streets behind the appeal property predominantly have hipped roofs to the end of the terrace buildings. Nevertheless, there are also buildings which have side gables

and this forms part of the variation of architectural detailing within the surroundings streets.

6. The proposal would add a large dormer across the rear of the roof slope and to facilitate this addition the hip of the roof would be altered to a gable. However, the gable addition would not be a traditionally shaped feature similar to most of the other gable end walls which form part of the local character of the area. The asymmetrical form of the gable would appear as a conspicuous and incongruous addition that would draw the eye, particularly when approaching over the bridge. It would be seen in some angled views with the frontage of the terrace and the unsympathetic gable addition would detract from the pleasant and fairly traditional appearance of No 41 and the terrace as a whole.
7. The addition of the two reasonably large rooflights to the front roof slope would also be a discordant element, especially as there are few others in this terrace, although they are more prevalent in adjoining streets. The size of these rooflights would add to the overall visual harm because they would be seen in some views from parts of Scrubs Lane in conjunction with the asymmetrical gable addition.
8. For these reasons, the scheme would not accord with the Framework policy approach that development should be visually attractive as a result of good architecture or be sympathetic to local character.
9. I have taken into account the more recent mansard roofed dwelling adjoining No 41, which fronts Waldo Road. The bulky roof of this dwelling influences the character of the adjoining area. Nevertheless, the presence of this building, and its related impact, is not of such planning weight that it would justify the approval of the appeal scheme. This is because of the extent of visual harm that would accrue from the appeal proposal to the host building and to the attached terrace in views from parts of Scrubs Lane.
10. The Council also consider that the development would harm the visual amenity of the CA, which is located to the broad south. The CA is predominantly an area that covers the cemeteries, with the St Mary's Roman Catholic Cemetery the nearest to the appeal site.
11. The boundary of the CA lies on the other side of the railway lines, but as these lines are sunken they are not visually prominent from within the Cemetery. The western most section of the St Mary's Roman Catholic Cemetery does allow views to the wider surroundings and this includes the buildings to the broadly north, including the side elevation of the appeal site. There are quite a mix of building styles and forms of buildings in these views. Some of the buildings are more contemporary in appearance and some, such as the commercial building broadly opposite the appeal site with its telecommunications antennas, which do not contribute positively to the area.
12. However, the hipped roof and upper section of the end wall of the appeal property, with its traditional outline and white painted finish, is a fairly apparent and pleasant feature in the broad surroundings which are experienced from within the end section of the Cemetery. As part of the side elevation of No 41 forms part of the surroundings in which this part of the CA is experienced it forms part of the setting to this designated heritage asset.

13. The significance of this part of the Cemetery includes its size, history and importance with the extent of graves and memorials stretching across a large area and which provide a fairly tranquil, open and green space framed within this urban setting.
14. The changes to the end elevation, with the replacement of the traditional appearance of the hipped roof with the asymmetrical gable, would detract in a small way from the surroundings in which the CA was experienced. While minor and in the broad sweep of the surroundings, this change would, nevertheless, detract from the setting to the heritage asset and thereby its significance.
15. The harm to the CA as a whole would be less than substantial within the meaning of paragraph 202 of the Framework. In accordance with the Framework, this harm should be weighed against the public benefits of the proposal. The benefits of the scheme would be the improvement in the extent and quality of the accommodation at the property, which is an upper floor flat. However, as this is largely a private benefit to the occupants, the public benefits would be minor and afford no more than of limited weight.
16. The Framework advises that any harm to the significance of a designated heritage asset, including development within its setting, should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the level of potential harm. The public benefits of the proposal afford limited weight and, therefore, would not outweigh the harm to the CA and its significance, which although minor, in accordance with the Framework, is required to be attributed great weight.
17. In the light of the above analysis, I conclude that the proposal would harm the character and appearance of the area, and detract from the setting of the CA. Accordingly, the scheme would conflict with Policies DC1, DC4 and DC8 of the Hammersmith and Fulham Local Plan (2018) and the Framework which require, amongst other things, a high standard of design in all alterations and extensions to existing buildings.

Conclusion

18. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR