
Appeal Decision

Site visit made on 18 January 2022

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/H5390/W/21/3280024

2½ Bradbourne Street, London SW6 3TE

- 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 Thompson against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2021/00816/FUL, dated 11 March 2021, was refused by notice dated 21 May 2021.
 - The development proposed is demolition of existing single storey lean-to attached to ground floor maisonette flat and erection of a replacement single storey extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the host building, the wider terrace and the Studdridge Street Conservation Area;
 - the effect on the living conditions of the occupiers of 211 New King's Road with regard to outlook, daylight and sunlight; and
 - the effect of the proposed development on highway safety.

Reasons

Character and appearance

3. As the site is located within the Studdridge Street Conservation Area (CA), a designated heritage asset, there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Having regard to the Council's 2004 Studdridge Street Character Profile, as well as observations made at the site visit, the significance of the CA primarily derives from the quality and harmony of the largely late 19th and early 20th century development found therein, which mostly consists of residential terraces.
4. The appeal site comprises the previously extended ground floor and the surrounding open area of the subservient three storey rear wing to 209 New King's Road. No 209 is an end of terrace building which occupies a corner plot position alongside the junction of Bradbourne Street with New King's Road. Like the rest of the residential terrace, its front elevation faces New King's Road and

it is set back from the pavement. Such a set back continues around the street corner, becoming shallower in response to a projecting three storey bay before deepening alongside the flank of the rear wing. A similar set back is found to the front of the properties which form a long terrace beyond the appeal site, on the western side of Bradbourne Street.

5. A distinctive and important part of the character and appearance of the locality is therefore the openness that the set backs create around the buildings, and in turn the sense of spaciousness they bring to the street scene. Although a large part of the open frontage at the appeal site is screened by a brick wall and metal gates, these are a typical rear residential boundary height of around 1.8m to 2m, and there is an open walkway gap in the northern return section of the wall. As such, the openness located behind the boundary treatment remains clearly perceptible within the street.
6. The set back at the appeal site also creates the sense that No 209's rear wing forms an aligned continuation of the strong building line adopted by the front of the properties within the neighbouring long terrace. Furthermore, at a finer level of detail, the traditional sash windows are an important characteristic feature of the building, while the ball topped finials to the brick boundary piers, of which there is one which is currently visible at the appeal site, are notable features of the terrace.
7. In the proposed scheme, the existing single storey extension located at the end of the rear wing would be demolished. Its replacement would be set further away from the boundary with 211 New King's Road, thereby creating a new small rear courtyard. However, save for a second small courtyard at the northern end of the frontage and a recessed doorway, the extension would infill the remainder of the existing open area, with the outer wall forming the boundary with the street. Consequently, it would significantly erode the openness of the existing set back to the building, and the related sense of spaciousness within the street scene.
8. While the appellant asserts the street facing elevation would be slightly higher than the existing brick wall, its height of over 3m would be a substantive increase, and it would fundamentally change the wall's rear residential boundary character. Moreover, the sizeable bulk and mass of the development, which would project in front of the building line of the neighbouring terrace and No 209's rear wing, would render it unduly prominent and incongruous in the street scene.
9. The proposed front high level slot window and porthole window, as well as the galvanised steel perforated sheet doors to the bin store, would also stand out as unsympathetic design features to the traditional character of the host building and the wider street scene, while the characteristic ball topped finial would be removed. When considered as a whole, the development would result in the ground floor flat inappropriately asserting itself as an excessive and unduly prominent part of the host building and the street scene, while its external appearance, beyond the use of red bricks, would have little regard to the traditional design of the existing building and its surroundings.
10. In light of the above, and notwithstanding the poor quality of the existing extension, the proposed development would have a significant adverse impact on the character and appearance of the host building and the wider terrace, and it would fail to preserve or enhance the character or appearance of the CA.

11. Given the limited scale of the proposal in the context of the CA as a whole, the arising harm to the significance of the CA would be less than substantial. The 2021 National Planning Policy Framework (the Framework), sets out that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. It also sets out that great weight should be given to the conservation of designated heritage assets, irrespective of whether any potential harm is less than substantial.
12. The proposal would add to the flat's accommodation while also enabling an improvement to its existing internal layout. That may be considered a modest public benefit in terms of securing the long term optimum residential use of the property as part of the CA. Nevertheless, it would primarily be a private benefit for existing and future occupiers, and there is no evidence that its continued residential use would be unviable without the proposed scheme. The public benefits are therefore afforded limited weight.
13. With the above in mind, the public benefits would fail to attract sufficient weight to outweigh the harm to the CA. Consequently, the proposal would conflict with Policies DC1, DC4 and DC8 of the Council's 2018 adopted Local Plan (LP). Amongst other things, these policies seek to ensure development creates a high quality urban environment that respects and enhances its townscape context and heritage assets. It would also conflict with Key Principles CAG3 and HS4 of the Council's 2018 Planning Guidance Supplementary Planning Document (SPD), which set out that extensions should be sympathetic to the architectural character of the built context and should not have a harmful impact on the character and appearance of the CA, and also seek to ensure the sense of openness at the rear of properties is not adversely affected to a degree that would be harmful to the character of the area.

Living conditions

14. The Council's reason for refusal refers to an increased sense of enclosure in respect of the rear amenity space at No 211. However, given the proposed new rear courtyard, the development would be positioned further away from the boundary with No 211 than the existing rear extension. Furthermore, only the section positioned alongside the Bradbourne Street frontage would be higher than the existing extension. As such, any increased sense of enclosure and reduction in daylight and sunlight levels experienced at No 211 would be nominal.
15. Accordingly, the proposal would not have an unacceptably harmful effect on the living conditions of the occupiers of No 211 with regard to outlook, daylight and sunlight. It would therefore not conflict with Policies DC4 and HO11 of the LP. Amongst other things, these policies seek to protect the existing residential amenities of neighbouring occupiers. It would similarly not conflict with Key Principles HS4 and HS6 of the SPD, which seek to avoid unneighbourly extensions.

Highway safety

16. As the proposed bin store would have doors which open out onto the pavement, it would cause an obstruction and encourage pedestrians to walk in the road. However, had the scheme otherwise been acceptable, this matter could be addressed by a condition which required the submission and approval

of further details in relation to the bin store. Therefore, subject to such a condition, the proposal would not have an adverse impact on highway safety and it would not conflict with Policy T3 of the LP which promotes safe pedestrian routes.

Other Matters

17. The appellant has drawn attention to the built and permitted form of development at the rear of several other corner plot buildings in the CA. However, it must be appreciated there is considerable variation in how the buildings and their perimeter boundaries address the streets. For example, some of the terraces which front New King's Road have commercial units on the ground floor and they do not have distinctive set backs at the front which continue around the street corner. Consequently, building up to the back edge of the pavement at the rear of the buildings can have different impacts relative to the respective street scenes. Therefore, the other developments do not justify the harm that would arise from the appeal proposal which has been considered on its own merits and with regard to its particular location and circumstances.
18. There would be private benefits derived from the additional accommodation and the improved internal layout of the flat. The appellant is also of the opinion that the changes to the external layout would be an improvement, even though the amount of outdoor space would be considerably reduced. Nevertheless, these considerations do not outweigh the great weight that the Framework specifies should be given to the conservation of designated heritage assets.

Conclusion

19. Notwithstanding the findings on living conditions and highway safety, the identified harm to the character and appearance of the host building, the terrace and the CA are overriding considerations. The proposal would conflict with the development plan as a whole and there are no material considerations, including relevant parts of the Framework, which indicate that the decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

C J Ford

INSPECTOR