
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: 15 March 2022

Appeal Ref: APP/H5390/W/21/3280571

220B Munster Road, Fulham, London SW6 6AY

- 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 Miss Eleanor Pike against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2021/00722/FUL, dated 4 March 2021, was refused by notice dated 17 May 2021.
 - The development proposed is described on the application form as "Use of existing roof as a terrace".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building, the wider terrace and the Central Fulham Conservation Area.

Reasons

3. As the site is located within the Central Fulham 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. The significance of the CA primarily derives from the quality and harmony of the largely nineteenth century development found therein, which mostly comprises of residential terraces within a grid street pattern.
4. 216, 218 and 220 Munster Road form a short terrace which have lower ground, upper ground, and first floor levels. Uniquely, No 218 also has a mansard roof extension. From the south side of Kilmaine Road, there is a public view across the rear elevation of the terrace which takes in the upper ground level and above, while the lower ground level is screened by No 216's garden boundary wall. Although the appellant's submitted Heritage Statement describes this view as tangential, where only a glimpse of the less formal rear elevation can be gained, the availability of such views, and the appreciation they afford of the rear elevations, are valuable elements of the character and appearance of the CA.
5. In the respective public view, it is clearly apparent that the upper ground and first floor levels within the host terrace have not been extended. The preserved harmonious nature of this part of the rear elevation, and the retained openness of the adjacent space, are therefore distinctive and important elements of the

character and appearance of the terrace, and they make a positive contribution to the character and appearance of the CA.

6. No 220 has a full width lower ground rear extension which has a flat roof with a perimeter parapet. While the appellant describes the flat roof space as an "eyesore", it is an unused area and the apparently offending grey asphalt is only visible from vantage points above the parapet. The proposed scheme seeks to erect an opaque glass privacy screen above the parapet, to enable the use of the flat roof as a terrace, and the top of the screen would be 1.8m above the roof deck level.
7. Notwithstanding the glass screen having a fairly lightweight appearance, it would visually add a considerable degree of bulk to the rear elevation of the host property at the upper ground level. In doing so, it would significantly disrupt the harmonious nature of this part of the terrace's rear elevation, and the openness of the adjacent space.
8. The development's harm in these regards would also be emphasised by the opaque glass appearing as a bright and overtly modern material, which would be out of place amongst the terrace's palette of more subdued and traditional external materials. As such, its adverse impacts would be discernible in the public view from Kilmaine Road. Moreover, its incongruous relationship with the terrace would also be apparent in private views from many of the surrounding properties, which amounts to a legitimate matter of public interest.
9. In light of the above, 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.
10. Given the limited scale of the proposed development 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.
11. The construction phase of the terrace would have an economic benefit while the appellant suggests there would also be the opportunity for enhancing biodiversity through growing plants on the terrace. However, given the small scale of the scheme, the economic and environmental benefits would be nominal. The public benefits are therefore afforded very little weight.
12. With the above in mind, the public benefits would not attract sufficient weight to outweigh the harm to the CA. Consequently, the proposed development would conflict with Policies DC1, DC4 and DC8 of the Council's 2018 adopted Local Plan. Amongst other things, these policies seek to ensure development creates a high quality urban environment that respects its townscape context and heritage assets. It would also conflict with Key Principles CAG2 and CAG3 of the Council's 2018 Planning Guidance Supplementary Planning Document, which set out that new development should contribute positively to the townscape and visual quality of the area, 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.

Other Matters

13. The appellant has drawn attention to other roof terraces found within the CA, some of which have opaque glass privacy screens. However, as the full background to those examples have not been provided, it is unclear whether they were assessed against extant planning policy and the statutory test for CAs, as must be considered in this case. Notwithstanding their existence, they 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.
14. The proposed scheme would afford the appellant and future occupiers of flat 220B the private benefits of an outdoor amenity space. The glass screen would also improve privacy at the rear of the flat and in turn the privacy for surrounding residential occupiers. However, these considerations do not outweigh the great weight that the Framework specifies should be given to the conservation of designated heritage assets.
15. In order to alleviate a freehold concern, it is noted the appellant has offered an alternative design through 3D imagery whereby the glass screen would begin from the roof deck level. While that would result in a slight reduction in the visual bulk of the scheme, it would have no tangible effect on the harms identified above.

Conclusion

16. 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