



Appeal Decision

Site visit made on 14 March 2022

Decision by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2022

Appeal Ref: APP/H5390/D/21/3285732

4 Aubury Place, London W12 9DF

- 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 Ms Jianlu Li against the decision of London Borough of Hammersmith & Fulham.
 - The application Ref 2021/00055/FUL, dated 8 January 2021, was refused by notice dated 9 August 2021.
 - The development proposed is Single storey side extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the proposal are:
 - Whether or not it would have a harmful effect upon protected trees;
 - The effect of the loss of landscaping on the character and appearance of the Ravenscourt and Starch Green Conservation area CA; and
 - Whether or not the proposal would result in a highway and pedestrian safety concern.

Reasons

3. The appeal property forms part of a modern and planned housing development located off Emlyn Road within the Ravenscourt and Starch Green Conservation Area (CA). It is significant for its history of road networks, fine examples of Victorian and Edwardian houses and landmarks of interest. At the core of the CA is the Ravenscourt Park, and recognised importance of protecting views into and out of it.

Protected trees

4. The dwelling is the end dwelling of a short row of houses. There is currently undeveloped space between the side of the dwelling and the perimeter boundary with Hartswood Road. It is this space that the appellant proposes to infill. The adjacent trees are protected as they are within the CA and some are formally protected through a group tree preservation order. These trees are within close quarters of the appeal site and contribute to the character of the CA as well as contributing towards biodiversity.

5. There are no precise details relating to an arboricultural implications assessment or tree protection measures submitted with the scheme. The appellant suggests root protection measures and a construction method statement could be secured by condition to mitigate any harm arising from the proposal.
6. I have considered this in light of paragraph 56 of the National Planning Policy Framework (the Framework). However, without initial details to establish the implications of the proposal on these trees, and given their important contribution to the character and appearance of the CA, I am not satisfied that a planning condition would meet the tests set out within the Framework in this regard.
7. On this basis, I can only come to the view that without information to mitigate any harm as a consequence of the proposal, it would therefore cause damage or lead to the loss of trees. As such, the proposal would not preserve or enhance the character or appearance of the conservation area, contrary to Policies DC8 and OS5 of the Local Plan 2013 in their aims to protect heritage assets and enhance biodiversity and green infrastructure.

Loss of landscaping

8. The area in question is a narrow strip of space. It may have been intended to be laid out for landscaping when the original scheme was designed. Nonetheless, the appellant can apply to the Council to build on this land.
9. I have considered the location of the proposal in this corner position and the high perimeter boundary wall with the houses along Hartwood Road. Any landscaping here would not be clearly visible from beyond the perimeter of the site. Also, the area is narrow and whilst I recognise the contribution landscaping makes to creating local distinctiveness, I am of the view that its contribution towards the character and appearance of the CA and biodiversity would be limited.
10. Therefore, I am not of the view that the loss of this landscaping space would lead to detrimental harm arising to the character and appearance of the CA or its contribution towards biodiversity. To conclude on this main issue, the erection of a side extension in this location would therefore broadly comply with Policy OS5 of the Local Plan 2018 and Key Principle CAG6 of the Planning Guidance Supplementary Planning Document 2018 in their general aims of greening the borough.

Highway and pedestrian safety

11. The housing development is accessed between dwellings on Emlyn Road with gates at the end of the private drive. The original development was approved with this arrangement deemed acceptable by the Council to support the scheme. I am mindful that the gates are only operable by residents.
12. The proposal is for a single storey side extension and would generate some construction traffic movements as a consequence. Given the restricted width of the access drive, operation of the gates, pedestrian and vehicular safety could be compromised by the movements of traffic associated with the proposed development.

13. However, given the small-scale nature of the proposal, and in light of the Framework paragraph 56, I am in agreement with the appellant that a suitably worded condition could be secured to ensure that a construction management scheme can avoid detrimental conflict between pedestrians and vehicles.
14. Therefore, to conclude on this main issue, given its small-scale nature, it would not result in additional construction movements to the detriment of pedestrian and vehicular safety. Therefore, with the use of a suitably worded condition, would adequately mitigate the effects of the development and accord with Policy T7 of the Local Plan 2018.

Balance and Conclusion

15. I have considered the objections raised to the proposal from local residents. My assessment of the proposal leads me to find that it would not result in harm arising as a consequence of the loss of landscaping to the site, or that highway and pedestrian safety would be detrimentally compromised.
16. However, the site is located close to protected trees that contribute to the character and appearance of the CA. It has not been demonstrated by the appellant that the proposal would not lead to detrimental harm arising to these landscaping features. The appeal must fail on this basis.
17. With reference to the Framework and proposals affecting heritage assets, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given that the impact of the proposal would be limited to the character and appearance of the CA, I find that the harm would be 'less than substantial' in this instance.
18. Under such circumstances, Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. There are no public benefits identified with the proposal.
19. In the light of my assessment of the main issues, I conclude that the appeal proposal conflicts with the development plan and the Framework when considered as a whole. There are no other material considerations that suggest the decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

Alison Scott

INSPECTOR