



Appeal Decision

Site visit made on 7 June 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2022

Appeal Ref: APP/H5390/W/21/3282887
260-262 North End Road, London SW6 1NJ

- 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 Shloime Rand of Woodbourne Commerce Ltd against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2018/02953/FUL, dated 5 September 2018, was refused by notice dated 22 March 2021.
 - The development proposed is demolition of existing buildings at 260-262 North End Road; erection of a part three storey, part four storey building comprising of two retail units, office space and nine residential units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were provided with the appeal which shows added private amenity space for flats 4, 5, 7 and 8. Interested parties have not had the opportunity to comment on this change. However, as this is a minor alteration which has little effect on the appearance of the development or its relationship with neighbouring residents, I have accepted the plans and I do not consider any interested party would be prejudiced by this.

Main Issues

3. The main issues are:
 - i) whether the development would provide satisfactory living conditions for its future occupiers with respect to their outdoor amenity space and the safety of the residential entrance;
 - ii) the effect of the proposal on the character and appearance of the area; and
 - iii) whether the proposal maximises the housing capacity for the site.

Reasons

Living conditions

4. The access to the residential flats would be through a set of double doors towards the back of the south elevation. The plans indicate that the area immediately in front the doors would be used as a loading bay, as it is at present. Indeed the residential access would be between the loading bay and the goods entrance for the proposed shops. This arrangement could lead to a

conflict between residents wishing to access/egress their entrance and, at the same time, loading/unloading taking place for the shops below.

5. In addition, this loading bay is part of a larger servicing area which serves the goods delivery point for the co-op supermarket, which is behind the site, and also appears to be used for staff parking. The pedestrian route from Coomer Place to the residential entrance would involve residents walking through this service yard. As this area would be busy with, possibly large, vehicles manoeuvring and loading/unloading goods for three commercial units, including a supermarket, there is a high likelihood of pedestrian vehicle conflict.
6. Moreover, this area to the rear of the buildings facing North End Road, is dominated by the service yard and has a functional character. It is overlooked by the rear windows of the dwellings above the shops on North End Road, at a distance by the flats to the rear, and would be overlooked by a few of the windows and balconies in the proposal itself. Nonetheless, compared to the vibrancy of North End Road, it feels neglected and unsafe. Very few pedestrians would pass this way, with those using the small car park most likely to access North End Road via Coomer Place so would walk away from the appeal site. The suggestions of the Metropolitan Police regarding the doors are noted. Nonetheless, none of these factors would satisfactorily address the intrinsically unsafe environment here, particularly in respect of the conflict between pedestrians and goods vehicles. I can give very little weight to any future redevelopment of the car park as there is no evidence of any plans.
7. The other pedestrian route which would not involve going through the service yard, is through the alley which runs between the site and No.264. The entrance to the alley currently appears as a small gap in the façade with ceramic tiles above it. The increased height of the entrance and the proposed colonnade on this corner would make the entrance to the alley more open and welcoming. However the greater bulk of the front part of the development compared to the existing, particularly its greater forward projection above ground floor level, would make the remainder of the alley dark and oppressive. A significant stretch of the alley would be between the 3 storey brick wall of No. 264 and the 3 and 4 storey flank of the development which, due to the very narrow width of the alley, would feel intimidating. Even further back where the development would be marginally shorter than the existing building and the rear outrigger of No.264 is lower than the main part of the building, an uncomfortable sense of enclosure would prevail when in the alley. I acknowledge the alley is already used by the occupiers of the flat at No. 264A, and possibly by the occupiers of some of the other flats. However poor access to a few properties should not justify providing poor access to a further nine.
8. Turning to the amenity space, the amended plans submitted with the appeal show 5m² balconies serving flats 4, 5, 7 and 8 which would meet the requirement in London Plan policy D6. Recessed balconies would also be provided for flats 1, 3, 6 and 9, to which the Council raise no objection, and flat 2 would be provided with a long outdoor area alongside a landscaped strip. Therefore, in terms of outdoor amenity space, the future occupiers of the development would be adequately provided for.
9. As such, although the amount of private amenity space to serve the flats would be sufficient, the access to the residential part of the proposal would be poor and unsafe. Consequently, the development would fail to accord with policies

D3, D5 and D6 of the London Plan (2021) and policy DC2 of the Hammersmith & Fulham Local Plan (2018) which together seek to ensure development provides safe and secure environments with convenient and welcoming access for all users.

Character and appearance

10. North End Road is a busy commercial street with many shops lining its length both north and south of the site. The retail units are mainly limited to the ground floor of the buildings, with the upper floors being in residential or other non-retail uses. The existing units at the site reflect this with there being two shops at ground floor level with ancillary office space above. This first floor element is set back from the frontage of the site, which reflects the style of the neighbouring terrace of shops to its south. To its north there is a gym above the retail unit. This building appears to be newer than its neighbours with both the ground and first floors meeting the front of the site.
11. The first and second floor of the development would be set further forward than at present and would align with the first floor of the adjoining unit to the north. Consequently, although the development, above ground floor level, would be set significantly further forward than that at the terrace to the south, this relationship would be comparable to that which currently exists between the building at the appeal site and the neighbouring unit to the north. Indeed, the flank wall that would be visible as a result of this step forward would have more interest, due to a mix of materials, than the rather bland flank wall presently at the side of No. 258.
12. The proposal would include a small recessed entrance for shop 1. Though this would contrast with the entrance to shop 2 and the other retail units to either side, it is only a small feature and would not unacceptably detract from the development as a whole. Indeed, due to its small scale it would not appear dissimilar to the recessed porch at one of the existing retail units at the appeal site, or at the co-op to the north. Overall the design of the development, when seen from the front, would reflect its commercial surroundings.
13. The north elevation would primarily be a large blank wall illustrating the scale of the development. However views of this from North End Road, or Sedlescombe Road opposite, which is within the Sedlescombe Road Conservation Area, would be limited. This is because most of this wall would be set back away from North End Road and would be screened by the adjacent building to the north. Furthermore, views from Sedlescombe Road would be partly blocked by the building on the south corner of Sedlescombe Road and North End Road. In any case the commercial setting of this end of the conservation area would not be materially altered by the proposal.
14. From the rear, the development would be seen in the context of a large functional warehouse style building which wraps around the site and which has little design quality, as well as the service yard for the shops that front North End Road. Although the development would be taller and of greater bulk than the immediately surrounding development, and the west elevation would be blank, it would not appear incongruous in this context.
15. In summary, the development would not unacceptably harm the character and appearance of the area. In this respect therefore, it would accord with London Plan policies D3, which seeks to ensure development responds to local

character, and SD6 which supports the varied role of high streets. It would also accord with Local Plan policies DC1 and DC2 which require development to respect its townscape and local design context, and DC5 which encourages high quality shopfronts.

Housing capacity

16. Local Plan policy HO3 states that affordable housing would be required on developments of 11 dwellings or more, or on sites with the capacity for 11 or more dwellings. The explanatory text adds that this means schemes of less than 11 dwellings but with a maximum combined gross floorspace of more than 1,000m². The Council state the floor area of the proposal, including the office floorspace but excluding the retained ground floor retail use, would be 1160m² which is not disputed. Both policy HO3 and London Plan policy H4 identify the demand for affordable housing as a key issue, and the explanatory text to policy HO3 identifies that there are nearly 2,000 applicants on the housing register and nearly 1,400 households in temporary accommodation.
17. The appellant draws my attention to Local Plan policy E1 which supports proposals for mixed use schemes for new employment uses, and the retention, enhancement and intensification of existing employment uses. Reference is also made to an Employment Study which I understand stated that there was no supply of office floorspace in West Brompton in 2015 despite a need for over 18,000m² per year across the borough. In addition, the explanatory text to the policy states that there is a demand for small and medium business sites with a high demand for units between 93m² and 465m². The amount of office space proposed would fit within this range.
18. Though the development plan as a whole would support both residential and office use above the retail use, it has not been satisfactorily demonstrated why one should be preferred over the other. The appellant has opted for office floor space, which is reasonable and accords with policy. Were the residential floorspace designed inefficiently, or part of the site left undeveloped, that could justify a request for additional units to be provided and the need for affordable housing to be triggered. But that is not the case here where the site would be fully developed and the dwellings are not excessively large. Therefore there is no reason to consider additional housing should be preferred. My approach is consistent with that taken in a previous appeal¹ referred to by the appellant.
19. Consequently the proposal does appropriately maximise the housing capacity for the site and there is no need to provide affordable housing. It therefore would accord with London Plan policy H2 which supports housing on small sites, and Local Plan policy HO3 as set out above. It would also not conflict with London Plan policy H4 which refers to affordable housing.

Conclusion

20. Though the proposal would not harm the character and appearance of the area and would reasonably maximise the housing capacity for the site, it would fail to provide acceptable living conditions for its occupiers with respect to the safety of the pedestrian entrance, to which I give significant weight.

¹ Ref APP/H5390/W/16/3157196

21. As such, the development fails to accord with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan.
22. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

Andrew Owen

INSPECTOR