



Appeal Decision

Site visit made on 13 July 2021 by Ms S Maur

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2022

Appeal Ref: APP/H5390/D/21/3273117

Site Address: 8 Hilary Road, London W12 0QB

- 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 Milic Bubulj against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2020/02847/FUL, dated 1 November 2020, was refused by notice dated 12 February 2021.
 - The development proposed is the construction of a detached, single storey residential gymnasium/fitness studio.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Old Oak & Wormholt Conservation Area.

Reasons for the Recommendation

4. The appeal site is located within the Old Oak and Wormholt Conservation Area. The property is a two storey dwelling which has been extended with a single storey wraparound side and rear extension. It is located at the end of a short terrace being one of a number of other short terraces in the immediate area. These have hipped roofs on each flank elevation and typically there is a gap in the built form at either end of each terrace. This has resulted in a degree of spaciousness which adds to the significance of this part of the Conservation Area. The proposal is for a detached studio/gym building to the side of the dwelling.
5. The building would be set back from the front of the dwelling and single storey. However, it would be located very close to the existing single storey side extension such that the eaves and guttering for both would almost be touching. This would result in an uncomfortably close relationship which is unlike the majority of other outbuildings in the immediate vicinity. The proposed building would largely eradicate the open space to the side of the terrace which would harm a key attribute of this part of the Conservation Area.

6. The other nearby examples of outbuildings are mostly set away from the flanks of the terraces by a greater degree than is proposed here. There are limited examples of buildings which are close to the dwelling and take up a good portion of the space to the side of the associated terrace. These are not so numerous that they undermine the spacious feel to the side of the terraces, which is still an overriding characteristic. The appeal building would result in harm to this sense of space.
7. The part of the garden where the building is proposed is hard surfaced, with vehicular access gates and used for parking. This being so, it seems unlikely that this area would be altered to provide soft landscaping in the near future. This, however, would not mitigate the harm that would derive from the loss of openness. The use of matching materials would not mitigate the harm. Although the amount of garden area that would remain undeveloped would be greater than the minimum specified in the Council's guidance, this has no direct correlation as to whether there would be a harmful impact on the character and appearance of the Conservation Area.
8. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation area. Due to the scale of the development, and that it would only be seen from a small part of the Conservation Area, the proposal would cause less than substantial harm. However, no substantive public benefits have been put forward to weigh against this harm. The appeal site and Wormholt Park (from which the name of the Conservation Area partly derives) do not have any intervisibility with each other. However, for the reasons set out above, this part of the Conservation Area is important to the significance of the area.
9. The National Planning Policy Framework requires that, irrespective of whether any harm would be less than substantial, great weight should be given to the conservation of a designated heritage asset. The benefits of the development would be personal to the appellant and would not outweigh the harm to the Conservation Area. The lack of objection from neighbouring residents is, in itself, a neutral matter.
10. For the reasons outlined above, the development would fail to preserve or enhance the character and appearance of the Conservation Area. It would not accord with Policies DC1, DC4 and DC8 of the Hammersmith & Fulham Local Plan (2018) which together seeks development that is of a high standard of design, compatible with the scale and character of existing development and ensures that the historic environment is either conserved or enhanced. The proposal would also not accord with Key Principle AH2 and CAG3 of the Hammersmith & Fulham Planning Guidance Supplementary Planning Document 2018 (SPD) which seeks for new development to be sympathetic to the architectural character of the area and to make a contribution to the significance of the area.
11. The Council has suggested that the proposal would be in conflict with Key Principle AH1 of the SPD. However, this merely seeks the provision of certain information for applications affecting heritage assets. A Heritage Impact Assessment has been submitted which appears to meet the minimum requirement of this principle. However, a lack of conflict with this key principle is a neutral matter in the overall consideration of this appeal and it does not positively weigh in favour of the development.

Conclusion and Recommendation

12. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Ms S Maur

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR