



Appeal Decision

Site visit made on 20 July 2022

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2022

Appeal Ref: APP/H5390/D/22/3294024

22 Upper Mall, London W6 9TA

- 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 Dominic Warren against the decision of the London Borough of Hammersmith and Fulham.
 - The application Ref: 2020/02475/FUL, dated 28 September 2020, was refused by notice dated 8 December 2021.
 - The development proposed is the formation of an art studio and conservatory in land at rear of 22 Upper Mall.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The studio building with conservatory has been erected and therefore this is a retrospective proposal.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area having particular regard to heritage assets, The Mall Conservation Area and the setting of Listed Buildings and Buildings of Merit.

Reasons

4. The studio building is located to the rear of 22 Upper Mall (No.22), adjacent to the high boundary wall running along Great West Road (A4). It is set within a walled garden which is linked to the rest of the garden but was a separate parcel of land, which the appellant explains formed part of a garden to a house that was demolished to accommodate the A4. The arrangements of the properties and gardens are irregular, although this is not discernible in views from Great West Road.
5. The roof of the studio projects some distance above the wall. Whilst the neighbouring properties have a range of outbuildings these have an ancillary appearance and are primarily of a height below, or a limited projection above, the high wall. In contrast, the large studio roof is conspicuous and together with the ornate detailing and large extent of rooflights, which gives it a domestic appearance, adds to the dominance of the wall and draws attention away from the historic residential properties beyond.

6. The design and materials of the building are of a high quality, and I acknowledge that there is a varying age of properties and architectural design within the area. Nonetheless, in my view, the appearance of the building does not respond to its context, and the appellant explains that inspiration for the design form was from a property in Cornwall and C19th French architecture. My attention has also been drawn to examples of other developments in the wider area, however, these are not directly comparable to the appeal proposal and in any event each proposal is to be considered on its own merits.
7. I thereby find that the scale and form of the development conflicts with policies DC1 and DC4 of the Hammersmith & Fulham Local Plan (2018) (Local Plan) which require development to be compatible in scale and character, integrate with the architectural design and not dominate the existing building.

Heritage Assets

8. 22 Upper Mall is a Grade II listed building and lies within the Mall Conservation Area (MCA). In accordance with s66(1) and s72(1) of the Act I have a statutory duty to pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and, preserving or enhancing the character or appearance of a conservation area.
9. No.22 and the neighbouring properties appear to have a complex history with No.22 and No.24 originally forming a single property. The Council advise that more recently following a use as a hostel No.22 was subdivided in 2003 into three residential properties referred to as Nos.16, 18 and 22. The former are locally listed as Buildings of Merit and are sited in front of No.22. From the rear they are only glimpsed in the context of the group of buildings and therefore in my view the studio does not directly impact on the setting of these buildings. However, the chapel which now forms part of no.22 is referenced with these properties in the Council's Local Register of Buildings of Merit – "*Nos. 16 to 20 (even & including chapel at rear)*" and is a notable building in views of the rear.
10. Further listed buildings (Nos.12-14, and 26) are located either side of No.22, and together the row of buildings to the west of Furnivall Gardens facing towards the river create a strong and attractive group of historic properties. They also form part of the Mall Conservation Area which extends along the southern side of Great West Road to the River Thames. Its significance is principally derived from the historic built form and its relationship with the river. In that regard I agree with the appellant that the connection with the riverside is not appreciated from the rear, and that the studio building is not visible from Upper Mall. Nonetheless, the orientation of the properties, and the openness and separation to the defining barrier of the A4 is part of the setting of this group of buildings.
11. The area to the other side of Great West Road is in a period of transition. It is in relation to this new development that the appellant promotes the scheme, explaining it is to create a visual buffer to the new apartment blocks being constructed. Whilst I acknowledge these will have changed the view from No.22 and the neighbouring properties, the relationships would have been assessed as part of that proposal. The Conservation Area Character Profile (CACP) does reference the importance of the screening of Great West Road in views, however I cannot agree with the appellant that this, and the support for "*new planting to be used where appropriate*" infers that the rear of the

buildings in Upper Mall should be hidden or that a building, and in particular of the massing and form of the appeal scheme, would have a similar effect as the softening and filtering of views that would be created by trees.

12. I therefore also find that the proposal would be contrary to policy HC1 of the London Plan, Local Plan policy DC8 and Key Principles AH1, AH2 and CAG3 of the Planning Guidance Supplementary Planning Document which promote a presumption in favour of the conservation, restoration and enhancement of heritage assets including not having a harmful impact on the character and appearance of the conservation area.

Other Matters

13. The Council has also referred to Local Plan policy RTC3 in the reason for refusal. The appeal site does lie within The Thames Policy Area, but the proposal does not affect the relationship between No.22 or the neighbouring properties with the river. Thereby, in my view, there would be no direct conflict with this policy in terms of respecting the riverside, however this does not change my overall findings.

Planning Balance and Conclusion

14. Despite my concerns in respect of the scheme's height and form, due to its location I am satisfied that the harm to the significance of the conservation area as a whole, and the historic buildings would be less than substantial. In accordance with the National Planning Policy Framework (the Framework) this harm is to be weighed against the public benefits. Having regard to the benefits identified by the appellant the screening of views is a private matter and, given the historic and visual relationship between the appeal site and No.22, I do not find that the introduction of the studio building helps to further define or enhance the listed building.
15. Overall, in my opinion the development creates a prominent and incongruous feature to the rear of No.22 which is out of keeping with the prevailing form of development and would fail to preserve the setting of the group of historic buildings and the character and appearance of the MCA. Harm to a heritage asset is to be given considerable importance and weight and I do not find this would be outweighed by public benefits, including securing optimum viable use, in accordance with Paragraph 202 of the Framework.
16. Therefore, for the reasons set out, and having regard to all other matters raised, I dismiss the appeal.

G Ellis

INSPECTOR