



Appeal Decision

Site visit made on 6 September 2022

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2022

Appeal Ref: APP/H5390/C/22/3299068

Land at: 32 Crondace Road, London SW6 4BT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Ms Rosanna Holland-Hibbert against an enforcement notice issued by London Borough of Hammersmith and Fulham.
 - The notice, numbered 2022/00115/SATDSH, was issued on 20 April 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, the installation of a satellite dish to the chimney at roof level to the front elevation.
 - The requirements of the notice are to remove satellite dish from to the chimney at roof level to the front elevation.
 - The period for compliance with the requirement is four (4) weeks.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is corrected by: (a) the deletion of the words '*Gunter Estate*' from Section 4b and their replacement with '*Parsons Green*' and (b) the deletion of the words '*from to the chimney*' from Section 5a) and their replacement with '*from the chimney*'.
2. Subject to the corrections, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Notice

3. The enforcement notice refers incorrectly to the Gunters Estate Conservation Area, whereas the appeal property is in the Parsons Green Conservation Area. However, the Council's delegated report refers to the Parsons Green Conservation Area throughout and furthermore the error is identified and understood in the appellant's statement of case. I am therefore satisfied that the parties are aware of which designated area is relevant to the consideration of the appeal and that no prejudice to their interests would arise in correcting the notice in that respect.
4. There is a minor typographical error in the requirements section of the notice, which includes an additional 'to' in between the words 'from' and 'chimney'. There is also no prejudice to the interests of either party in correcting that error.

Reasons

Ground a)/the deemed application for planning permission

5. The main issue is the effect of the development on the character and appearance of the host dwelling and the Parsons Green Conservation Area (CA).
6. The appeal property is a dwellinghouse located in a prominent location in the CA, due to its positioning on the corner of Crondace Road and Irene Road and because it fronts onto an area of open space. It sits at the end of a short terrace of identically designed properties. The significance of the CA lies in the arrangement of period properties in perimeter block form, interspersed amongst large areas of public open space. The appeal dwelling contributes positively to the character and appearance of the CA, including in terms of having an appearance and design features that are characteristic of the designated area, and in its relationship to the public domain and to the open space opposite it.
7. The satellite dish has been erected on the front of the chimney stack facing towards Crondace Road. In such a location it is visible in views taken from this road, from the public open space opposite and from New King's Road beyond it. Whilst it is screened from some views by the gables of the host dwelling and the adjacent dwellings and by trees, nonetheless it is clearly visible from many public vantage points. By reason of its size and positioning it partially obscures the chimney stack, which is an attractive feature found on the host dwelling and is a feature common with other dwellings within the CA. It also appears in clear contrast to the brickwork of the chimney, due to the dark colouring of the dish. It has, as a result of these factors taken together, had an incongruous and visually harmful impact upon the character and appearance of the host dwelling and the CA.
8. Given the nature of the proposed development and that the harm is localised, I consider that less than substantial harm to the significance of the CA has been caused. Policy DC8 of the Hammersmith & Fulham Local Plan 2018 (LP) refers to what has now become Paragraph 202 of the National Planning Policy Framework (the Framework), in instances where such harm is identified. This requires the weighing of the public benefits of the development against the harm that would arise to the CA. However, there have not been any public benefits advanced in this case. Furthermore, I have a statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Accordingly, the harm that I have found would arise to the designated area is a matter which must carry considerable importance and weight.
9. My attention has been drawn to other examples of satellite dishes on front and side elevations and roofs of dwellings in the locality of the appeal site, but I do not have any information before me with regard to the planning history of those installations. But, in any event, even in their totality these do not represent a particular proliferation of such installations within the CA nor, in my view, could they be said to have preserved or enhanced the character or appearance of the designated area. Their presence does not therefore justify the harm that the appeal development has caused.

10. Correspondence has been provided stating that the satellite dish could not be installed at the back of the chimney as a strong enough signal could not be located there. However, this evidence is inconclusive as to whether there may be other less visually harmful locations at the appeal property where a dish could be installed. This therefore limits the weight that I give to this consideration and to the correspondence submitted, and it does not as a result justify the retention of the appeal development in the position it has been located.
11. For the reasons set out above, I conclude that the development has caused harm to the character and appearance of the host dwelling and to that of the CA. Consequently, it does not accord with Policies DC1, DC4 and DC8 of the LP, where they collectively seek to protect character and appearance and designated heritage assets. Furthermore, the development does not accord with the aims of Key Principle CAG5 of the Planning Guidance Supplementary Planning Document 2018, which requires the visual impact of such installations to be minimised. There is also a conflict with the Framework, where it seeks to achieve well-designed places and because the harm to the CA is not outweighed by public benefits. I therefore conclude that the appeal on ground a) should fail.

Ground g)

12. The appellant considers that the period of four weeks stated for the removal of the development is too short for the work to be carried out and to allow them to assess a suitable alternative. However, it is only the removal of the satellite dish that is required to remedy the breach of planning control and to meet the requirements of the notice. In the absence of any substantive evidence to suggest that this could not be achieved within such a timeframe, a period of four weeks is reasonable for that work to be undertaken. The appeal on ground g) therefore fails.

Conclusion

13. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Graham Wraight

INSPECTOR