



Appeal Decision

Site visit made on 7 September 2022

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/H5390/W/22/3294305

33 (Flat Ground and First Floors) Batoum Gardens, London, W6 7QB

- 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 Mrs Dana Marie Perkins against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2021/00852/FUL, dated 15 March 2021, was refused by notice dated 9 February 2022.
 - The development proposed is the addition of AC unit to the front of the property within enclosure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the application form.
3. As the proposal is in a conservation area, I have had regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Accordingly, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Melrose Conservation Area (the 'CA').

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the CA.

Reasons

5. The application site is a three-storey mid-terrace dwelling house located on Batoum Gardens, London. It is a good example of the typical type of residential property which may be found within the locality. Due to the design of these properties, many of them utilise external storage cupboards for bins or other household uses.
6. The CA covers an area which encompasses Batoum Gardens and several of the highways and properties around it. The significance of the CA is derived from the residential terraces which date from around 1880. These terraces share a

common Victorian frontage design, with detailed facades and embellishments. Although there is some variation, many of the properties in the area have iron wrought fence designs in the frontage, which gives the street a generally open and attractive appearance. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the proposed alteration to the uniform period appearance and rhythm of frontages within the CA. The application site contributes positively to the CA, notably preserving an iron wrought fence and with a detailed front façade.

7. The AC unit would be located at the front of the application site and would be screened within an enclosure, behind the iron wrought fence. Accordingly, the enclosure would be highly visible from the public domain, in combination with the existing refuse bins and the physical cables necessary to connect the outdoor AC unit with the indoor unit. This would give the frontage of the application site a cluttered appearance.
8. While the bulk of the AC unit may be similar to other structures in the CA which are visible from the public domain, the appearance of the external acoustic enclosure would differ from these structures. Such existing structures are predominantly opaque and of plastic, brick or metal construction. While the cedar enclosure may be of a high quality material, the mechanisms of the AC unit would be visible through the slats of the enclosure from the public realm. Accordingly, the urban and mechanical nature of the proposed development would be inconsistent with the Victorian qualities of this part of the CA. It would therefore be capable of harming the wider character and appearance of the CA as a whole, affecting the scale and rhythm of the properties in the area. Given the above, I find that the proposal would fail to preserve the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
9. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the appearance of the AC unit and enclosure, I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
10. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. There is insufficient information before me which outlines the public benefits of the proposal, accordingly these are no public benefits which are sufficient to outweigh the harm that I have identified.
11. I conclude that the proposal would fail to preserve the character or appearance of the Melrose Conservation Area, and would cause less than substantial harm to its significance as a designated asset. In the absence of any public benefits to outweigh this harm it would be in conflict with Policies DC1, DC4 and DC8 of the Local Plan (2018), specifically the need for development to enhance heritage assets and be compatible with the existing setting. Additionally, the visual impact of the proposed development would have a harmful effect on the

character and appearance of the CA, contrary to the Key Principle CAG3 and CAG5 of the Planning Guidance Supplementary Planning Document (2018).

Conclusion

12. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

S Lo

INSPECTOR