

Appeal Decision

Site visit made on 25 October 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th November 2022

Appeal Ref: APP/H5390/D/22/3296534

33 Bentworth Road, London W12 7AA

- 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 Chen Zhang against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2021/03868/FUL, dated 1 December 2021, was refused by notice dated 27 January 2022.
 - The development proposed is part single storey/double storey side extension & rear single storey extension.
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Decision

1. The appeal is dismissed insofar as it relates to the part single storey/double storey side extension, but is allowed insofar as it relates to the rear single storey extension. Accordingly, planning permission is granted for a rear single storey extension at 33 Bentworth Road, London W12 7AA. The permission is granted in accordance with the terms of the application, Ref 2021/03868/FUL, dated 1 December 2021, subject to the conditions included in the Schedule at Annex A.

Main Issue

2. The main issue is whether the proposed extensions would preserve or enhance the character or appearance of the Old Oak and Wormholt Conservation Area, in which the appeal property is located.

Reasons

3. The large conservation area is primarily an early 20th century residential area, covering the Old Oak and Wormholt Estates, and the Westway environs. This latter sub-area includes Bentworth Road, which comprises terraced two storey dwellings of stock brick with Roman tiled roofs. No 33 is positioned at the end of a short terrace of three dwellings on the corner of the northern side of the road, with a single storey detached garage in the space next to No 35.
 4. The appeal property shares a good degree of uniformity with the character and appearance of properties in the road, which remain largely unaltered. As such, it makes a positive contribution to the wider character and appearance of the conservation area.
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5. The rear extension would be of limited depth and its overall form would respect the proportions of the original dwelling. Moreover, its overall size and location would respect Key Principle HS4 of the Council's *Planning Guidance* Supplementary Planning Document (the SPD). In addition, it would not be uncharacteristic as there is a similar extension in place at the other end of the short terrace.
6. The short terrace which includes the appeal property is positioned at an angle to the principal building line of properties along the north side of Bentworth Road. Consequently, there is a good degree of openness between Nos 33 and 35, with views to the rear across the modest single storey garage. The proposed two storey extension would be subservient to the host dwelling in terms of its height and width. Similarly, the single storey element would on its own appear subservient, although it is marginally taller than the garage which it would replace. However, the combined effects of the two elements would add substantive bulk to the side of the dwelling, resulting in a built form that would materially and harmfully reduce the open aspect between the dwellings. As such, the side extension would appear as a form of overdevelopment that would be intrusive and incongruous, contrary to the original planned layout of the terraces.
7. Therefore, the part single storey/double storey side extension would fail to preserve the character and appearance of the conservation area. The single storey rear extension would, however, preserve its character and appearance. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation¹. Based on the above findings, I consider the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
8. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal². The appellant suggests that the principal benefit would be the removal of the existing garage. However, while this is closer to the shared boundary than the side extension would be it does not have a harmful effect on neighbouring occupiers in terms of outlook; and it is a modest structure that appears to be an original feature related to the host dwelling. As such and on balance, this matter does not outweigh the harm that would occur.
9. Accordingly, for the above reasons, I conclude that the part single storey/double storey side extension would not preserve the character and appearance of the Old Oak and Wormholt Conservation Area. Consequently, this element of the overall proposal is contrary to the following policies from the Hammersmith and Fulham Local Plan (2018): DC1, which requires all development to create a high quality urban environment, including respecting heritage assets; DC4, which requires a high standard of design in alterations and extensions; and DC8 concerning the effects of development on the historic environment, including conservation areas. It is also contrary to Key Principle CAG3 of the SPD concerning development in conservation areas. The single

¹ Paragraph 199.

² Paragraph 202.

storey rear extension would preserve the area's character and appearance and, therefore, there is no conflict with these development plan policies or the SPD.

10. In reaching this conclusion I am mindful of the statutory requirement that in exercising planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area³.

Other Matters

11. In addition to the main issue, the Council raises concerns about the effect of the extensions on the outlook of the occupiers of the neighbouring dwelling, No 35. However, due to their position the proposed extensions would not be visible from views out of the neighbouring dwelling. The side extension would be forward of the rear building line of No 35 and set away from the shared boundary, while the rear extension would be of limited height. Therefore, due to their layout, scale and the separation distances involved, neither extension would appear as a dominant feature seen from the neighbouring garden. As such, there is no conflict with Policy HO11 of the Local Plan, which includes the requirement for good neighbourliness in new development.

Conclusion and Conditions

12. As the single storey rear extension is independent of and physically separate from the side extension, it is possible in this case to make a split decision with regard to the different elements. Therefore, for the above reasons, the appeal succeeds in respect of the single storey rear extension, but fails in respect of the part single storey/double storey side extension.
13. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of the approved element, one requiring development to be carried out in accordance with the relevant parts of the approved plans. I agree also that a condition is necessary to ensure that the materials used for the approved extension should match those of the host dwelling, in the interests of the character and appearance of the conservation area.
14. Finally, I agree that conditions are necessary to prevent use of the roof of the approved extension for amenity or other purposes, in the interests of both the living conditions of neighbouring residents and the character and appearance of the conservation area.

J Bell-Williamson

INSPECTOR

³ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Annexe A

Schedule – conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Development shall be carried out in accordance with the following approved plans, so far as relevant to the rear single storey extension hereby permitted: 519/PL/01 Rev A (location plan), 519/PL/02 Rev A (site plan), 519/PL/05 Rev A (floor plans), 519/PL/06 Rev A (elevations) and 519/PL/07 Rev B (roof plan).
- 3) The materials to be used in the construction of the external surfaces of the rear extension hereby permitted shall match those used in the existing building.
- 4) No part of the roof of the single storey rear extension hereby approved shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roof. No railings or other means of enclosure shall be erected on the roof, and no alterations shall be carried out to the property to form access onto the roof.
- 5) No water tanks, water tank enclosures or other structures shall be erected upon the roof of the extension hereby permitted.

[End of Schedule]