



Appeal Decision

Site visit made on 10 January 2023

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2023

Appeal Ref: APP/H5390/D/22/3305528

17 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 Mr Belal Dobranja against the decision of the Council of the London Borough of Hammersmith & Fulham
 - The application Ref 2021/01997/FUL, dated 16 June 2021, was refused by notice dated 1 June 2022.
 - The development proposed is single storey side extension, loft conversion, addition of a new outbuilding, relocation of existing garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Old Oak and Wormholt Conservation Area (CA); and,
 - the effect of the proposed development upon highway and pedestrian safety.

Reasons

Character and appearance

3. The appeal site is an end of terrace house on the corner of a Y shaped junction where Hilary Road branches off at an angle on one side and Yew Tree Road joins it branching off on the other side. At the junction on either side of Hilary Road there are identical terraces comprising six houses. Part of the end properties, including the appeal property, are angled inwards creating a shallow crescent. Opposite these terraces, where Hilary Road meets Yew Tree Road, there is a smaller terrace of 4 houses similarly angled at the ends. Each of the three terraces at the junction sit behind approximately crescent shaped communal grassed areas with mature trees within them. The crescent shaped terraces, communal lawns, and trees create a pleasing symmetry and spacious green appearance which contributes to the character and appearance of the CA.
4. Approaching the junction along Yew Tree Road and from Old Oak Road along Hilary Road the end of terrace houses and their gardens, including the appeal property, form a gap between groups of houses which also contributes to the street scene. In the case of the appeal site that gap is partly filled at ground

floor level by the existing garage and fences that run along the side of the site up to the house.

5. The proposed development would be to the rear of the property but because of the site's corner location the garage, extension, and fence between them would run along the side of the site as it fronts onto Hilary Road. These elements of the scheme would be visible along Hilary Road, between the junction and Old Oak Road, and from Yew Tree Road. Although the proposed extension would be higher than the existing garage and fence, the gap above ground floor level would remain. As such, the continuous development that the Council describe as being harmful to the street scene would not be significantly different to that which already exists.
6. However, the proposed extension would follow the building line on the side elevation, rather than being set back behind it, and would cover the full width of the existing house wall. It would therefore lack subservience in this regard despite its roof being below the eave's height of the main house. Although there are side extensions on houses elsewhere within the CA, they were not present on most of the end houses on the terraces I have described above. As such the proposed extension would appear incongruous and prominent, particularly because of its corner location, and it would upset the symmetry that I have identified as contributing to the appearance of the CA and thus harm its appearance.
7. Given the small scale of the development within the context of the CA as a whole, the harm would be localised, limited and less than substantial but would nevertheless conflict with Policies DC1, DC4 and DC8 of the Hammersmith & Fulham Local Plan (2018) and paragraphs 130 and 196 of the National Planning Policy Framework (2021) which require development to be well designed and preserve or enhance the character or appearance of the CA.
8. Any harm to the significance of a designated heritage asset requires justification and, in accordance with paragraph 202 of the National Planning Policy Framework (2021), I must weigh the harm against the public benefits of the proposal. Although no public benefits have been put forward by the appellant, there would be modest benefits arising from short term employment during its construction. However, such benefits would not outweigh the harm to the appearance of the building and the CA that I have identified.

Pedestrian and highway safety

9. The existing garage is set back from the footway behind a short drive. A kerb and crossover project forward into the road with parking bays either side. According to the appellant, the existing drive is used for off road parking, as was the case at the time of my visit. The proposed replacement garage would be set back further from the pavement and to the side of the existing garage with an off road parking space in front of it and a new projecting kerb and crossover.
10. The Council are concerned that vehicles parking in front of the garage would extend onto the footway harming pedestrian and highway safety. Key Principle TR4 of the Council's Planning Guidance Supplementary Planning Document (2018) (SPD) specifies a minimum length for parking bays, of 4.8m, but not for off street parking. Nonetheless, it states that the required length of an off street

parking space is likely to be over 4.8 metres. The reasons given for the extra length include enabling occupants to walk around the car and to close gates.

11. The proposed parking space would exceed the minimum width requirements but would be 10cm short of the minimum bay parking length. Nonetheless, it would be significantly longer than the current space at the front of the existing garage. The space would be open to the road with no gates to open or close. When opening the garage door or a car boot, there may be a need to temporarily park forward of the garage with potential for a slight overhang on to the footway. However, the Council did not object to the proposed extended kerb which would provide enough space for pedestrians to safely manoeuvre around a car whilst remaining on the footway. The proposed off road parking space would be an improvement on the existing arrangement and, overall, I am satisfied that its use would not lead to any harm to highway or pedestrian safety. The proposal would not therefore conflict with Policy T4 of the LP and Key Principle TR4 of the SPD which require development to conform to its parking requirements.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR