



Appeal Decision

Site visit made on 14 February 2023

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2023

Appeal Ref: APP/H5390/D/22/3303363

67 Black Lion Lane, London W6 9BG

- 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 Ms Alessandra Iorio against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2022/00569/FUL, dated 25 February 2022, was refused by notice dated 25 April 2022.
 - The development proposed is the erection of a rear extension at second floor level, on top of the existing back addition.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has indicated on the appeal form that the description of development has changed from that used on the planning application form. Therefore, in my heading above I have used the description of development that appears on the appeal form, which is consistent with that on the Council's decision notice.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area with particular reference to whether the proposal would preserve or enhance the character or appearance of the St. Peter's Square Conservation Area (CA).

Reasons

4. The CA covers part of the borough surrounding St. Peter's Square and roads leading to it. It predominantly comprises 19th century residential development and significance primarily derives from how the layout of streets and form of the historic buildings reflect the growth of the area during that era. The impressive houses addressing St. Peter's Square are the centrepiece of the CA townscape, with other streets, such as Black Lion Lane, having a more intimate scale, more muted architectural detailing, and often less overall uniformity. The relative contrast provides interest as an insight into 19th century social hierarchy. Even so, coherence, rhythm and order in built form is evident throughout the CA, and Black Lion Lane is no exception given the presence of several distinctive terraces. In making my determination, I am mindful of my

statutory duty¹ to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

5. 67 Black Lion Lane is a 3 storey 19th century townhouse in a group of similar dwellings². The evidence points to it historically having formed part of a longer terrace. However, following probable bomb damage in the second world war, it is now an end of terrace house. In common with most of the terrace, it has an incised stucco ground floor with arched door and window heads, brick upper floors with red brick arches to the sash windows and parapet roof facing the street. The Council's Conservation Area Profile for the CA identifies the group as Buildings of Merit. As observed in the submitted Heritage Statement³, no.67 forms part of the pleasant rhythm and strong consistency within the principal elevation of the terrace. I concur and as such, it contributes strongly to the distinctive qualities of the CA.
6. The rear of the terrace is architecturally plainer and has also undergone several alterations and additions which dilute the architectural consistency of the group. Nevertheless, coherence is discernible particularly in the upper sections where the original rear façade of the houses can be seen. This derives from the mostly V shaped butterfly wing roofline, predominant use of brick and broadly regular placement, height and proportions of sash windows. Although not pristine and less prominent, these factors, which are reflected at the appeal property, reinforce the qualities of the terrace overall and make a modest positive contribution to the character and appearance of the CA. Hence, in this respect, I cannot agree with the Heritage Statement that the rear elevation of the terrace makes no notable contribution to the quality or character of the CA.
7. The appeal proposal would introduce a further rear extension to those already existing, thereby providing nursery accommodation at second floor level. Although of reasonably modest proportions in itself, the addition would add a further tier to the larger rear projections at ground and first floor level. As a result, it would add further complexity of form and cumulative bulk to the rear of the building, whereas the submitted evidence and plan form suggest that originally the building had no such rear projections. The presence of the additional tier would impede views to the original rear façade position and a notable area of brickwork.
8. In addition, the use of zinc cladding and expanse of glazing is an obvious departure from the traditional form and fenestration elsewhere in the upper part of the building and terrace. The resulting stark contrast would be likely to draw the eye. The appellant explains the underlying design concept as seeking an ephemeral lightness with the use of zinc redolent of attics and roofs. However, I am not convinced this would successfully integrate with the host dwelling and wider terrace because the projection would be at second floor level rather than an attic or roof. Therefore, it would appear somewhat incongruous. Moreover, there is no suggestion that the proposal would be anything other than a permanent addition.
9. Rather than achieving a lightweight feel, the expanse of glazing employed would also be problematic. This is because it would significantly depart from the broad rhythm and positioning of sash windows in the rear elevation of the

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

² Nos. 59-67

³ Prepared by Cogent Heritage, Reference 0404, dated 18 November 2021

terrace and would result in a markedly different relationship of solid to void. The latter is one of the matters identified by policy DC4 of the Hammersmith and Fulham Local Plan, February 2018 (LP) that will be taken into account when considering alterations and extensions to existing buildings.

10. It is drawn to my attention that No.67 has a modern ground floor rear extension featuring a large glazed opening. Even so, the harmful effect of the proposal would be compounded given its elevated height, as the upper portion of the building would be less enclosed than additions at lower levels. Consequently, the proposal would be more conspicuous when seen from the rear windows of housing, as well as gardens to the west, particularly when internally lit.
11. Overall, these factors lead me to find that the proposal would not integrate successfully with the architectural character of the building and terrace as a whole. Rather it would further dilute positive characteristics within the rear elevation that comprise part of, albeit to a modest degree, the distinctive qualities of the CA. Over time, cumulative small but harmful alterations are likely to noticeably erode the coherence of the terrace, and as can be seen from the appellant's submission, may be cited as justification to continue to make such incremental changes.
12. Furthermore, key principle BM2 of the Council's Planning Guidance Supplementary Planning Document, February 2018, states that harmful alterations to Buildings of Merit will normally be resisted. Principle CAG3 of the same document stipulates extensions should be sympathetic to the architectural character of the building context and should not have a harmful impact on the character and appearance of the conservation area. For the reasons outlined, the proposal before me would fail to meet that principle.
13. The Heritage Statement⁴ highlights that the rear elevation would not be apparent from North Verbena Gardens. Be that as it may, I am not aware that consideration of the significance and qualities of the CA is confined to views from public roads. Nevertheless, I have taken this into account when assessing the degree of harm caused by the proposal.
14. The appellant points to the height of the proposal lying below eaves level⁵ and contends that other development in the vicinity⁶ has been allowed above parapet level. I acknowledge that the proposal would not directly interfere with the roofline of the terrace. However, that would not address nor justify the harm I have found. Whilst an additional floor at roof level has been permitted at 99 Black Lion Lane, this concerns a different terrace some distance to the north of the appeal property where other similar mansard roof accommodation was established. The form and nature of that development differs notably from the appeal proposal, and therefore, carries limited positive weight in my determination.
15. I have also taken account of a grant of planning permission at 59 Black Lion Lane⁷, which does relate to the same terrace as the appeal property. However, it primarily concerns a single storey rear extension rather than one at second

⁴ Photographs 7-10

⁵ Photograph 11, Heritage Statement

⁶ Planning reference 2021/02415/FUL, 99 Black Lion Lane, Appendix 3, Appellant's Statement of Case

⁷ Planning reference 2020/01135/FUL, Appendix 2, Appellant's Statement of Case

floor level. As such, it is not directly comparable to the appeal proposal and carries little weight.

16. It follows that there would be some harm to the significance of the CA, which is a designated heritage asset. However, given the relatively modest scale and limited visibility of the development in the street scene, this would constitute less than substantial harm. Paragraph 202 of the National Planning Policy Framework (the Framework) states that in these circumstances, the harm should be weighed against the public benefits of the proposal.
17. The proposal would be beneficial to the occupants of the appeal property, and therefore, would primarily be a private benefit. Any public benefit arising from an improvement to overall housing stock condition would be marginal and so attracts little weight. Paragraph 199 of the Framework stipulates that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Hence, the marginal public benefit arising from the proposal would not outweigh the great weight attributed to the less than substantial harm to the CA. Conflict therefore arises with the historic environment protection policies in the Framework.
18. Accordingly, I find that the proposal would fail to preserve or enhance the character and appearance of the CA and would result in unjustified harm to its significance. Consequently, the proposal would be contrary to policies DC1, DC4 and DC8 of the LP. Amongst other matters, these policies include provisions that when taken in combination, seek to create a high quality urban environment which maintains or enhances the historic environment.

Other matters

19. It is drawn to my attention that the Council did not raise an objection in relation to the impact of the proposal on the living conditions of nearby residents. Be that as it may, this does not necessarily signify that the proposal would be acceptable in terms of its impact on the character and appearance of an area. Furthermore, compliance with development plan policies in relation to other issues would be an expectation and therefore, this is a neutral factor rather than a benefit of the proposal.
20. The appellant is critical that the Council made its assessment without a site visit and considers that its decision-making lacked transparency in relation to the handling of consultation responses. However, these are matters that lie outside of the scope of my determination, which is based on the planning merits of the scheme.

Conclusion

21. Planning law requires decisions to be made in accordance with the development plan, unless material considerations indicate otherwise⁸. I have found that the proposal conflicts with the development plan taken as a whole, and there are no material considerations that would outweigh that finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor Inspector

⁸ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990.