



Appeal Decision

Site visit made on 22 November 2022

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2023

Appeal Ref: APP/H5390/W/21/3283853

Flat 4, 25 Barclay Road, London SW6 1EJ

- 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 Aaron Carvalho against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref. 2021/00814/FUL, dated 12 March 2021, was refused by notice dated 7 May 2021.
 - The development proposed is a two storey rear extension of existing external roof terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and area, and whether it would preserve or enhance the character or appearance of the Barclay Road Conservation Area, and;
 - the living conditions of the occupiers of No 27 Barclay Road, having particular regard to outlook and access to light.

Reasons

Character and appearance, including the Conservation Area

3. The character and appearance of the Barclay Road Conservation Area (CA) is derived from the relationship between the tall, period style terraced buildings of a consistent scale and appearance, and the tree lined Road. This relationship gives the area an attractively formal and well-ordered urban character and appearance.
4. Although some alterations have taken place, the rear aspect of the appeal property and the terrace of which it is part of, has retained a sense of consistency and hierarchy to its architectural order, with a pattern of flat roofed rear wings set lower down from the main core of the building on a consistent horizontal alignment, allowing views of the terrace's roof form and regular pattern of chimney stacks above. The appeal property therefore contributes positively to the character and appearance of the area, including the CA, by reinforcing the hierarchy of the terrace's architectural order.

5. The elevated position of the proposed extension, set above the existing rear wing, would be particularly noticeable in views from neighbouring properties. At two storeys high, its bulk and massing would dominate the rear elevation of the building and obscure views of its roof line and chimney stacks in the roofscape. In so doing, the proposed development would harmfully disrupt the consistent hierarchy of the architectural order of the appeal property and that of the terrace, eroding its positive contribution to the character and appearance of the wider area, including the CA. Furthermore, its white coloured walls would be particularly strident in the roofscape from Effie Road and against the existing brick walls.
6. For these reasons, I conclude that the proposal would have a significantly harmful effect on the character and appearance of the host property and area. It would fail to preserve or enhance the character or appearance of the Barclay Road CA as a whole, contrary to Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. As such, it would be contrary to Policy DC1, Policy DC4 and Policy DC8 of the Hammersmith & Fulham Local Plan (2018) (LP), which require extensions to be compatible with the scale and character of existing development, to respect the wider townscape context and conserve the significance of heritage assets, amongst other considerations.
7. The proposal would also be contrary to the broader aims of Key Principle – CAG2 ‘Urban Design in Conservation Areas’, and Key Principle – CAG3 ‘New Development in Conservation Areas’, of the Hammersmith & Fulham Planning Guidance Supplementary Planning Document (2018) (SPD), which require development to be sympathetic to the architectural character of the built context, and to preserve or enhance the character and appearance of conservation areas.
8. In terms of the National Planning Policy Framework 2021 (Framework), the harm that would be caused by the proposal to the significance of the CA as a designated heritage asset would be less than substantial. Nevertheless, this is a matter of considerable weight and importance, and Paragraph 202 of the Framework requires me to weigh this harm against the public benefits of the proposal.
9. The appellant contends that the proposal would increase the density of the living accommodation within the building and benefit residents through improved living conditions. Improving the living conditions for existing residents would be a private, rather than public benefit. Accordingly, there are no public benefits associated with the proposal which outweigh the considerable importance and weight that even less than substantial harm to the significance of the designated heritage asset carries. As such, there is conflict with the conserving and enhancing the historic environment objectives of the Framework.

Living conditions of the occupiers of No 27 Barclay Road

10. The proposed extension would project from the rear wall of the building, in close proximity to the rear facing second floor window in the rear wall of No 27 Barclay Road. Although the appellant contends that this window serves a non-habitable room, it is nonetheless a good sized window that is fitted with clear glazing, and even if the window currently serves a non-habitable room there is nothing to prevent this changing in the future.

11. Whilst the outlook from this window is restricted on one side by the side wall of the rear projecting wing of No 27, the height of this window would provide occupiers with a relatively expansive view out of the room served by this window and over the rear roof terrace of the appeal property, and across nearby properties. In this context, the height, depth and closeness of the flank wall of the proposed extension to this window, would dominate the outlook of the occupiers of No 27, when in the room served by this window.
12. I note that planning permission¹ was granted for an additional floor above the rear wing of the appeal property. However, the approved development and its effect on the living conditions of neighbouring occupiers is not comparable to the appeal proposal, which is larger in scale.
13. Due to the combination of the position of the proposed extension relative to the angle of the sun, the separation distance between it and the windows in the rear of No 27, and the reflective white colour finish to the walls of the proposed extension, it is unlikely that access to daylight and sunlight to No 27, would be harmfully reduced.
14. For these reasons, I conclude that the proposal would have a significantly harmful effect on the living conditions of the occupiers of No 27, in terms of loss of outlook, contrary to Policy DC4 and Policy HO11 of the LP, which require development to protect the living conditions of neighbouring occupiers by having no detrimental impact on the outlook from windows in adjoining properties, amongst other considerations. The proposal is also contrary to the broader aims of Key Principle - HS7 'Residential development – windows and outlook', of the SPD, which requires development to not worsen the outlook from any rear habitable room window located lower than the proposed extension, amongst other objectives.

Other Matters

15. In addition to the matters addressed above, even if I were to find the proposal to be an innovation in creating additional and denser living space within the building, I find that it would not be an appropriate innovation in terms of Paragraph 130, criterion c), of the Framework, given the harm it would cause, including to the CA.
16. I am also mindful of the advice contained in the Planning Practice Guidance², that planning is mainly concerned with the use of land in the public interest. In this context, I find that the largely private benefits of providing additional living space do not outweigh the harm I have identified. Therefore, these considerations do not alter my conclusions on the main issues.

Conclusion

17. For the reasons given above, I conclude that the proposal conflicts with the development plan as a whole and the conflict is not outweighed by any material considerations. The appeal should be dismissed.

G Sylvester

INSPECTOR

¹ 2020/00861/FUL

² Paragraph: 008 Reference ID: 21b-008-20140306