



Appeal Decision

Site visit made on 7 March 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2023

Appeal Ref: APP/H5390/D/22/3308701

24 Burnfoot Avenue, Hammersmith and Fulham, London SW6 5EA

- 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 Smith against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2022/02175/FUL, dated 1 August 2022, was refused by notice dated 29 September 2022.
 - The proposed development is described as 'Proposal for front dormer extension to create symmetry with next door neighbour n.22'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the host property, the terrace of which it forms part and the Central Fulham Conservation Area (the CA).

Reasons

3. The host property comprises a 2-storey bay fronted terraced property, with roof lights to its front. It is located within the Central Fulham CA.
4. Burnfoot Avenue contains terraced properties and flatted development. The road includes terraces of properties with a variety of frontage styles. The frontages of the terrace the appeal property is part, includes distinctive front projecting bay windows at both ground and first floor, which in the case of the appeal property has a hexagonal shape, others have a square form, all with ornate architectural detailing. Above the front bays is either a gabled parapet wall or a protruding shallow pitched hipped roof, such as that on the appeal property. To the front, the terrace has a painted render finish, most properties have distinctive brick upstands and water tabling detail to divide their roofs.
5. Other than at the attached property, No. 22, the roofscape of the terrace is largely unaltered. The appeal property as a result of its architectural detailing and the terrace of which it forms part makes a positive contribution to the character and appearance of the CA.
6. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At paragraph 197, the National Planning Policy Framework (the Framework), sets out matters which should be

considered, including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

7. The CA contains several relatively straight roads, comprising mainly street frontage terraced properties in a back-to-back relationship, with a mixture of property types and styles.
8. The proposed front dormer extension would remove the distinctive shallow hipped roof above No. 24's front bay windows, its brick upstands and water tabling. Moreover, the proposal would sit uncomfortably above the bay window and add a top heavy, boxy, and wholly discordant feature to the appeal property's front elevation. In addition, the proposed brick side of the dormer window and its front tiles, along with its window size and glazing bar design, would be in stark contrast to the appearance and architectural detailing of the host property and the terrace.
9. Nos. 22 and 24 are not seen as a pair of semi-detached properties as asserted; they are clearly integral parts of the terrace of properties and viewed as such. By replicating the existing dormer extension at No. 22, the proposal would add to an already discordant feature within the road, which would be harmful to the appearance of the terrace and the character of the streetscene.
10. The contribution that the host property and terrace of which it forms part makes to the significance of the CA would be significantly eroded by the proposal. Consequently, the proposal would result in harm to the character and appearance of the CA. As such, the existing dormer extension on its own does not justify the harmful effect of the proposal upon the otherwise intact front elevations of the terrace of properties or indeed upon the CA. The proposal would not be part of the evolution of the character of this area, given the identified harm as asserted.
11. In view of the above, the design of the proposed dormer extension would be harmful to the appearance of the host property and the terrace of dwellings it forms part of, and would neither preserve or enhance the character or appearance of the CA, contrary to the requirements of the Act. For the same reasons, the proposal would also conflict with Policies DC1, DC4, and DC8 of the Hammersmith and Fulham Local Plan, dated February 2018, which amongst other things, requires development to provide a high-quality urban environment that respects and enhances the townscape and the significance of heritage assets, ensures new development respects the architectural design of buildings, is subservient to, and does not dominate the parent building.
12. There would also be conflict with paragraphs 130, 134 and 189 of the Framework, which collectively require good quality design appropriate to the local area and the conservation of the heritage asset. In reaching this view I am mindful that the Framework at paragraph 134 establishes that development that is not well designed should be refused and the key principles CAG2 and CAG3 of the Hammersmith and Fulham, Planning Guidance Supplementary Planning Document, dated February 2018, that amongst other things, seeks new development that contributes positively to the townscape and visual quality of the area and achieves a harmonious relationship with its neighbours,

whilst not being harmful to the character and appearance of the conservation area.

Other Matters

13. I note that there are no objections to the effect of the proposal upon the living conditions of neighbouring occupiers; that it relates mainly to increased headspace; and that the property is not listed, however these are neutral factors that neither weigh in favour or against the proposal.
14. The appellant's comments about overcrowding and housing supply in London, along with Hammersmith and Fulham being stated to be one of the least affordable areas of London for housing are noted. However, the relatively small increase in floor space as a result of this proposed dormer extension to an existing property, would have a limited effect upon this issue and this does not outweigh the harm identified above.
15. I acknowledge that the proposal would increase the space within the property for its occupiers, however it is unlikely that the proposal is the only option to deliver these benefits, and this limits the weight I can attach to this matter.
16. In support of the appeal, the appellant raised 'building up' in respect of permitted development rights and in regard to a recent consultation on changes to the Framework. The proposed front dormer extension seeks planning permission for the proposal, and I have assessed it at such. The Framework consultation exercise has not yet resulted in revisions to national planning policy, and this limits the weight that I can give this matter.
17. My attention has been drawn to other front dormer extensions at Nos. 23, 73, 74, and 75 Burnfoot Avenue, Nos. 20, 22, 24, 36, 38, 40 and 42 Horder Road, and Nos. 18, 25 and 39 Ringmer Avenue. No. 23 Burnfoot Avenue is opposite the site, its dormer extension was granted planning permission in 1981, prior to the adoption of the current planning policies. Moreover, as it is on the opposite side of the road and in another terrace, it would mostly be seen differently to the appeal property, and its dormer window is also set behind the roof of its bay window. From the evidence submitted, the front dormers extensions at Nos. 73, 74, 75 Burnfoot Avenue appear to have been in existence since at least 2008, but without permission. These properties are at the opposite end of the road, part of a different terrace, and their designs are different to this proposal. Accordingly, the presence of these examples on Burnfoot Avenue are not comparable to the appeal proposal and have not led me to conclude differently.
18. Horder Road and Ringmer Avenue run parallel to either side of Burnfoot Avenue and include terraced properties. The examples cited at Horder Road are in a part of the street where there is a concentration of front dormer extensions, some have been granted planning permission many years ago and some more recently, one included a replacement front dormer window. It is clear in the evidence provided, that they would not normally have been approved, but due to the number of others in the immediate area, the character had already been impaired which is not comparable with the situation in this appeal. The examples at Ringmer Avenue relate to differently designed terraced properties that each feature a front dormer behind a raised gabled parapet wall, much different to the appeal proposal. Whilst I recognise there

are some similarities to these cited examples, they are not directly comparable to the appeal proposal, and they have also not altered my findings.

19. The appellant has referred to Policies D3, HC1, GG2 and H2 of The London Plan, adopted March 2021 (LP). I note that these policies relate amongst other matters, to optimise the capacity of sites and encourage greater densities of new developments, protection of heritage assets, measures to increase housing supply from small sites, and making an efficient use of land. Whilst some of these policies mentioned provide general support for higher density housing, the development plan must be read as whole, along with other relevant policies in the development plan. The limited support from the cited policies to the proposal is not outweighed by the identified conflict with other policies within the development plan.

Balance

20. I have found that the proposed development fails to preserve or enhance the character or appearance of the CA. I give this harm considerable importance and weight in the planning balance of this appeal.
21. I find the harm to the CA to constitute less than substantial harm owing to its effect being localised. Although, this does not equate to a less than substantial planning objection, especially where the statutory tests are not met. Paragraph 202 of the Framework requires public benefits to outweigh such harm. In this case the public benefits associated with the proposal are limited, they include a relatively small economic benefit associated with the construction of the development. I am not persuaded that the other benefits raised by the appellant are, in the context of this proposal, public benefits. I therefore find the public benefits to be limited, and not to outweigh the harm identified above to the significance of the designated heritage asset. Accordingly, there is conflict with the heritage protection policies of the Framework.

Conclusion

22. The proposal is contrary to the requirements of the Act, the development plan taken as a whole, and the Framework. I therefore dismiss the appeal.

A Hunter

INSPECTOR