



Appeal Decision

Site visit made on 2 May 2023

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2023

Appeal Ref: APP/H5390/W/22/3309360

263 New Kings Road, London SW6 4RB

- 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 Salisbury Development Group Ltd against the decision of the Council of the London Borough of Hammersmith and Fulham.
- The application Ref 2022/00194/FUL, dated 21 January 2022, was refused by notice dated 10 August 2022.
- The development proposed is 'change of use of part of ground floor and basement from retail (Class E) into 1 x 1 bedroom self-contained flat (Class C3); erection of rear extensions at third floor and first floor levels in connection with the conversion of first, second and third floor level into 1 x 2 bedroom and 1 x 3 bedroom self-contained flats; installation of 3no rooflights in the front roofslope and 1no rooflight above the main flat roof at roof level; replacement of existing windows with new windows to the side and rear of first and second floor back additions; replacement of existing dormer window with a new dormer window in the rear roofslope; alterations and increasing the roof of second floor rear back addition; alterations to the roof of first floor rear back addition; demolition of part of ground floor and basement floor level including the installation of new window openings and formation of a central courtyard at ground floor level, installation of sliding doors and a window at basement level; alterations to the roof of ground floor rear back addition; installation of screening fence at ground floor level to the rear elevation; roof terraces at first and third floor levels.'

Decision

1. The appeal is dismissed

Preliminary Matter

2. The description of development in the banner heading above is taken from the Council's decision notice and the appeal form. It more fully describes the proposal than that set out on the application form. As it is used by both main parties, I am satisfied that no injustice would be caused by basing my assessment on this description.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building and area.

Reasons

4. The appeal site is located within a shopping parade, and includes a three-storey over basement building with roof level accommodation. The building was vacant at the time of my visit, but comprises commercial space at ground and basement levels and residential accommodation above. It is part of a terrace of

generally similar buildings with a regular pattern of fenestration which provide for a strong sense of rhythm and uniformity to the street frontage, although a range of roof alterations and projections of mixed depths to many of the buildings provide for a more varied rear elevation.

5. The proposal includes varied extensions and alterations to the building and its conversion to 3 flats and commercial space. Much of the development now proposed has been previously approved as part of an extant planning permission granted under application ref 2021/04138/FUL ('the Previous Permission'). However, the appeal scheme differs from the Previous Permission including through the addition of a third-floor terrace, and an enlarged first-floor rear extension.
6. Under the Previous Permission, there would be a first-floor extension to the rear of an existing two-storey outrigger projection to the appeal building. The first-floor extension now proposed would be slightly deeper, and would also wrap around to the side of the outrigger, albeit leaving an inset courtyard adjacent to the existing main rear elevation. It would also have a pitched roof form in contrast to the flat roof design of the Previous Permission extension. The pitched roof may be a traditional form, but these factors in combination would significantly increase the overall scale of the first-floor extension from that previously permitted, and in my view would result in an unduly bulky and disproportionate addition that would be unsympathetic to the character and proportions of the host building.
7. I acknowledge that there is a similar first-floor wraparound extension with a pitched roof to 267 New Kings Road. However, the Council indicate that this was approved in 2001 under a different policy context. Moreover, the appeal proposal also includes a 'pod' extension at third-floor level over part of the outrigger, as well as a terrace to the remaining flat roof of the outrigger. The pod extension was part of the Previous Permission, and I see no firm reason to disagree with the Council that this element in itself would be acceptable. Nevertheless, it would be an evident addition above the outrigger that would further increase the scale of the extensions to the building. No 267 has no similar 'pod' extension at third-floor level, and while it has a terrace over its outrigger, this is set down from the eaves of the main roof whereas the terrace before me would be at a similar height to the eaves with a privacy screen balustrade projecting higher. The total extent of the additions to No 267, and their consequent visual impact and effect on its overall form, are not therefore directly comparable to the appeal development. Accordingly, the extensions to No 267 do not offer compelling justification for the cumulative scale of the proposal before me.
8. In my judgement, the considerable overall scale and mass of the combined extensions and terraces now proposed on the site would sit awkwardly against the host building, unbalancing and dominating its original form to the detriment of its architectural integrity, character and appearance. In addition, I have already noted that the third-floor terrace would be at a similar height to the eaves of the host roof. Although there are third-floor terraces to many of the neighbouring buildings, I saw that their floor level and balustrades or parapets are typically set down appreciably from the height of the main roof eaves. In this context, the greater height of the proposed terrace would form an incongruous disruption to the existing fairly consistent line of the main roof eaves along the terrace, and would stand out conspicuously.

9. The mid-terrace position of the appeal site means that the development to the rear of the building would not be prominent in any street scene. Based on my observations at my visit though, there would be some partial and glimpsed views from Linver Road despite screening by other buildings, and the third-floor terrace in particular would be visible. The development would also be plainly visible from neighbouring gardens and windows. I acknowledge that the visual impact of the proposal would be modest, but I find that the excessive and unsympathetic nature of the development would be apparent.
10. Irrespective of the external materials, I conclude for these reasons that the proposal when taken as a whole would cause unacceptable harm to the character and appearance of the host building and area. The proposal would accordingly conflict with Policies DC1 and DC4 of the Local Plan 2018. Together and amongst other things, these broadly seek a high standard of design that respects context, and subservient extensions and alterations that integrate successfully with the host building and their surroundings.

Planning Balance

11. The proposal would make effective use of a previously developed site within an accessible location to provide a net gain of 2 dwellings towards the supply of housing locally, as well as commercial space. The dwellings would be served by private amenity space, and I have no firm reason to find that they would not offer a suitably high standard of accommodation for future occupiers. The proposal would also offer dwellings of a mix of sizes, including a three bedroom dwelling which could be suitable for families.
12. However, the Previous Permission would also deliver a net gain of 2 dwellings and commercial space. I acknowledge that the current proposal would provide a greater mix of dwelling sizes and additional private amenity space for occupiers of the site, but there is little before me to suggest that the standard or mix of housing provided under the Previous Permission would be unacceptable. Nor do I have firm evidence to suggest that the benefits associated with the Previous Permission would be undeliverable. The benefits provided by the appeal proposal would be modest given the small scale of the proposal, and would be particularly limited relative to the Previous Permission. In my judgement, the modest benefits of the proposal are insufficient to outweigh the harm that would be caused to the character and appearance of the host building and area, and the resulting conflict with the development plan.
13. The proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.

Conclusion

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

J Bowyer

INSPECTOR