



Appeal Decision

Site visit made on 27 November 2023

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/H5390/W/23/3324443

20 Avonmore Road, London W14 8RR

- 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 Mrs Ban Shubber against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2022/03005/FUL, dated 14 October 2022, was refused by notice dated 30 March 2023.
 - The development proposed is a single storey roof extension to existing three storey building.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are the effect of the proposal on:
 - the significance of designated and non-designated heritage assets, including a Grade II* listed building; the Avonmore and Olympia Conservation Area; and a locally listed building of merit.
 - the living conditions of nearby occupiers with particular regard to natural light and outlook; and,
 - the living conditions of future occupiers, with particular regard to safety in the event of a fire.

Reasons

Heritage Assets

4. From the evidence the appeal building was originally a 2-storey post office, largely constructed of brick with some stone details. It has a largely symmetrical appearance from the front, albeit with substantial timber doors by No 22/22A next door. There is a large central pediment above the double-doored main entrance, which also includes a fanlight and bracketed hood, and which is flanked by two smaller doorways. On either side are plaques stating the regnal era (VR) and the year of construction (1887).

5. The building has been converted into several flats and contains a modern, flat-roofed extension at second floor level that spans the front width of the building. To the rear of this extension is a small patio area by Welbeck Court to the north, with another separate roof extension, which is not visible from Avonmore Road, beyond that. The building has been listed by the Council as a Building of Merit, although little substantive evidence has been provided to explain the reasons for this local listing.
6. In my view the significance of this non-designated heritage asset, insofar as it relates to this appeal, stems from its original design, its position at a focal point on Avonmore Road, and its visual relationship with nearby buildings.
7. The appeal building is adjacent to, and forms part of the visual setting of, 22 and 22A Avonmore Road, a Grade II* listed building¹ with five storeys including a basement floor and space within the roof. It is constructed primarily of brick with some stone dressings, and with a tiled roof, part hipped to the front and part gabled next to No 20, with a substantial brick chimney stack at the gable end. Its construction is said to date from just after the construction of the appeal building.
8. No 22/22A is asymmetrical, with its front elevation positioned at back-of-pavement by No 20, whilst set back to the front building line of the row of terraced dwellings to the southwest. A central entrance porch and standing, together with a small lightwell positioned behind decorative metal railings, fill the space by the pavement on Avonmore Road. Close to the boundary with No 20 is a large, tripartite timber and glazed studio door.
9. There is a crenelated detail on the front part of the building, with a small octagonal lantern that is reminiscent of a turret. The windows in the front part of the building are significantly smaller and of a different design to the substantial leaded windows on the set back front elevation.
10. The significance of this designated heritage asset, insofar as it relates this appeal, stems from its bespoke design, and its materials and position within the street, including the visual relationship to nearby buildings.
11. The appeal building and much of the surrounding area are located within the Avonmore and Olympia Conservation Area (AOCA), also a designated heritage asset. Whilst I have a map of the AOCA and I have walked around the streets and spaces in the vicinity of the appeal building, little substantive evidence of the significance of the AOCA has been provided.
12. In my view, and insofar as it relates to this appeal, the significance of the AOCA stems from its historical pattern of development as a residential area, and from the relationship between the buildings and streets, including some coherence in materials, whilst some variety in terms of the scale and design of the buildings.
13. The proposed development would entail the erection of a further floor to the front extension, which together with internal alterations including a private stairwell, would convert Flat 3 from a 2 bedroom dwelling with habitable rooms on a single floor, to a 3-bedroom dwelling with habitable rooms on two floors.

¹ List Entry Number: 1079838

14. The new floor would be in a tiled Mansard-type roof, the front elevation of which would contain four, flat-roofed, lead-clad dormer windows set back a short distance from the floor below. The side roof elevation by Welbeck Court to the north would also be steeply sloped, to give the appearance of a Mansard in views from Avonmore Road; the flat roof would extend across much of the width of the building to the side gable of No 22/22A, below the height of the ridgeline.
15. The design, scale and original function of the appeal building as a Post Office is not typical of buildings within the AOCA. Nevertheless, its design and scale currently makes a positive contribution to the significance of the AOCA, and does not detract from the visual setting of No 22/22A next door, thereby preserving this Grade II* listed building.
16. The modern rooftop extension contains a large area of glazing to the front. It has a simple, uniform appearance and is set back from the front elevation of the building, behind the main pediment and a parapet wall. This approach is respectful to its context and allows the original design and architectural features of the building, and No 22/22A, to be appreciated from the street.
17. However, the addition of a tiled Mansard roof with four large dormer windows above this extension would appear over-dominant and obtrusive, creating a sense of imbalance and visual clutter. Furthermore, the design and scale of the proposal would erode the visual subservience of the appeal building to No 22/22A and would detract from its setting.
18. I am not concerned with the alignment of the proposed dormer windows on the building and the floor-to-ceiling heights are not a matter of dispute. The comments of the appellant regarding what are said to be unsympathetic changes elsewhere in the AOCA have no bearing on my decision and I do not share the appellant's view that the proposed development would better integrate the building into the streetscene. On the contrary, this would be a contrived and visually harmful addition to a building that whilst not characteristic of the AOCA, makes a positive contribution to its significance.
19. I note the comments of the appellant regarding the design of the roof and the original uses of No 22/22A. However, they do not cause me to reach a different conclusion with regard to the harm that would be caused by the proposed development.
20. Whilst the appeal building is somewhat smaller than either Welbeck Court, 22/22A or the nearby residential terraces, it is of a similar height to 16-18 Avonmore Road, which together with No 20, frame the corner of Avonmore Road. I do not consider this arrangement to be harmful to the streetscene, given the presence of Welbeck Court and the substantial tree at the corner itself.
21. Reference is also made to the harm caused to the setting of the appeal building, the AOCA and No 22/22A by a tall building² to the northeast of the appeal site. I agree with the appellant that this building causes visual harm to the setting of these heritage assets.
22. However, whilst from certain limited positions on Avonmore Road the proposed extension would screen this tower block from sight, from most locations it

² Referred to as *Edward House* by the appellant

would still be visible above the appeal building. Furthermore, as set out above, the extension itself would cause more immediate visual harm to the appeal building, the AOCA and to the setting of No 22/22A.

23. The scale, massing, design, and position of the proposed development would, therefore, cause less than substantial harm to the setting of a Grade II* listed building and to the character and appearance of the AOCA. For the same reasons, the proposal would also detract from the significance of the locally listed appeal building.
24. The appellant makes reference to the public benefit of the creation of a 3-bedroom flat, given the lack of such accommodation in the area. This is said to be supported by Policy HO5 of the Hammersmith and Fulham Local Plan 2018 (HFLP). However, no compelling evidence to support these assertions has been provided.
25. There would be public benefits to the economy from the construction of the proposed development. However, the small scale of the proposal means these would be very limited and would not outweigh the less than substantial harm to the significance of designated heritage assets that I have found.
26. For these reasons, the proposed development would adversely affect the significance of designated and non-designated heritage assets, including the setting of the Grade II* listed 22 and 22A Avonmore Road and the character and appearance of the AOCA. This less than substantial harm would not be outweighed by public benefits. Furthermore, the proposal would adversely affect a locally listed Building of Merit. Consequently, insofar as relevant, the proposal would conflict with Policy HC1 (heritage conservation and growth) of the London Plan 2021 (LP)³; with Policies DC1 (built environment), DC4 (alterations and extensions) and DC8 (heritage and conservation) of the HFLP; and, with the National Planning Policy Framework 2023 (the Framework), in this regard.

Living Conditions – natural light and outlook

27. The appellant has provided a Daylight and Sunlight Report (DSR) to show the effects of the appeal proposal on the occupiers of flats in Welbeck Court. Reference is made to *Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice* published by the Building Research Establishment in June 2022 (the BRE guide).
28. However, the BRE document is not in the evidence before me. Furthermore, I note the quoted caveat at paragraph 2.2 of the DSR that the 'advice given...is not mandatory and the guide should not be seen as an instrument of planning policy.'
29. The DSR compares the existing situation, with the modern roof extension constructed at No 20, with the proposed situation, with a further Mansard-type extension constructed above. From the report the proposal would comply with the BRE Guide requirements for daylight and sunlight⁴.
30. However, in every case there would be a reduction in the Vertical Sky Component (VSC) for the windows and rooms assessed at Welbeck Court.

³ Spatial Development Strategy for Greater London 2021

⁴ Appendix 2 of the DSR report

Whilst this is often a negligible reduction, for some windows (e.g. W3, W4 and W5 at second floor level), and some rooms (e.g. R2 and R3 at second floor level) the reduction is much more substantial.

31. I also note that the winter figures for some windows (W3, W4 and W5 at second floor level) and some rooms (R2 and R3 at second floor level) show these would receive substantially less sunlight following the construction of the proposal than before. Furthermore these are substantial reductions to what in some cases is already a low figure.
32. In terms of outlook, I consider the scale and position of the proposed extension would cause a harmful reduction in outlook from windows W3, W4 and W5⁵ at third floor level in Welbeck Court. I do not find the appellant's comments that the proposal would have a minimal effect on occupiers at this level to be compelling. Furthermore, I am not at all reassured that this effect would be less onerous than that experienced by corresponding occupiers on lower levels of Welbeck Court, due to the sloping design of the proposed roof.
33. In my view, the scale, massing and position of the proposed extension, close to the windows of habitable rooms at second and third floor levels in Welbeck Court, would reduce natural light and outlook to unacceptable levels.
34. For these reasons, the proposed development would adversely affect the living conditions of nearby occupiers, with particular regard to outlook and natural light. It would, therefore, conflict with Policies DC4 and HO11 (detailed residential standards) of the HFLP, and with the Framework in this regard.

Living Conditions – fire safety

35. The proposed extension would be accessed via a new stairwell within Flat 3 and by the existing stairwell that currently serves the upper floor flats in the appeal building. There is no evidence that the existing arrangements for the occupiers of these flats are inadequate in terms of fire safety, and I note that this is a matter that is largely controlled through Building Regulations.
36. Nevertheless, Policy D12 (fire safety) of the LP seeks to achieve the highest standards of fire safety for all new developments and provides some examples of how this could be achieved, including by way of passive and active fire safety measures and an updateable evacuation strategy for all building users.
37. Whilst no new dwelling would be created as a result of the proposal, there would be a potential intensification of the use of Flat 3, through the changed layout and additional accommodation. The appellant is content to address these matters through the Building Regulations.
38. However, whilst it is not clear that the Council has sought the views of the London Fire Brigade on the proposal, and I note that as a non-major development no Fire Statement is required, I still find that the very limited information provided means the proposal would conflict with Policy D12.
39. For these reasons, the proposal would adversely affect the living conditions of future occupiers, with particular regard to safety in the event of a fire. It would conflict with Policy D12 of the LP and with the Framework, in this regard.

⁵ Using the DSR references.

Other Matters

40. From the evidence, including the proposed rear elevation drawing (2022/GA/01/11), some works are proposed to the party wall by 22/22A Avonmore Road at roof extension level. It is not clear whether these works would require listed building consent. Were the appeal to be allowed this is a matter that I would need to address with the main parties. However, as I am dismissing the appeal for other reasons, there is no need to do anything further in this case.

Conclusion

41. For the reasons given above, I conclude the appeal is dismissed.

Andrew Parkin

INSPECTOR