



Appeal Decision

Site visit made on 26 January 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 February 2024

Appeal Ref: APP/H5390/W/23/3327309

74 Niton Street, Fulham, London SW6 6NJ

- 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 Steven Duncan against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2022/02227/FUL, dated 4 August 2022, was refused by notice dated 5 May 2023.
 - The development proposed is a side extension to the original house at first and second floor level, a rear roof extension, rear extension at second floor level, over part of the existing back addition, including the installation of French doors and a Juliet balcony to the rear elevation, a single storey extension at ground floor level, to the side of the main building, a single storey outbuilding in the rear garden, the installation of 3no. rooflights and installation of solar tiles following the removal of existing tiles in the front roofslope; alterations to fenestrations to the side elevation of the main building to include, installation of 2no. new windows at second floor level, installation of 4no. new windows following the removal of an existing window at first floor level, installation of a new window and doors to replace the existing to the rear elevation at ground floor level, replacement of 1no. window with a new enlarged window, to the side of the existing back addition (courtyard elevation), conversion of the existing property from 2no. self-contained flats into 3no. self-contained flats comprising of 1 x 2 bedroom and 2 x 3 bedroom flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The order of the description of the development varies slightly between the application form, and the appeal form/decision notice. As the application form provides sufficient clarity, I have used it for the description above.
3. The National Planning Policy Framework ('the Framework') was revised in December 2023. The content of the Framework has not been materially altered in respect of the main issues before me, and therefore it has not been necessary to go back to the parties.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the preservation or enhancement of the Crabtree Conservation Area (CA).

Reasons

5. The site comprises a 2 storey end terrace dwelling, on a corner plot on the Niton Street and Woodlawn Road junction. It lies within the Crabtree CA, and so I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance as a designated heritage asset. Section 16 of the Framework also requires that great weight should be given to the conservation of designated heritage assets. Policy DC8 of the Hammersmith and Fulham Local Plan (LP) (2018) aligns with the Framework's approach, and further specifies that when determining applications affecting heritage assets, particular regard will be given to matters of scale, height, massing, alignment, materials, and use.
6. The significance of the CA is in its preserved Victorian and Edwardian residential development, set out on a rectilinear street pattern and with a strong cohesiveness. The properties comprise predominantly 2 storey terraced houses, in continuous rows or groupings. Architectural detailing and decoration differs between streets, providing added richness and interest. Most dwellings have bay windows, which together with gable features are important in defining the rhythm of the streets and providing relief in the facades. Boundary treatments are important in defining the street edge, and the numerous street trees also contribute significantly to the CA character.
7. The Crabtree CA Character Profile (1999) identifies that Niton Street is significantly different from the others, being relatively wide and tree-lined, and with dwellings possessing noticeably more detail. Woodlawn Road is characterised by the flank walls of end of terrace properties and their boundary walls, with its western stretch closest to the appeal site also incorporating the typical terrace frontage onto the street.
8. The appeal site has extant consent¹ for the conversion of the existing dwelling from 2 flats into 3 flats, alongside comprehensive works and extensions to enable this. The appeal proposal would be very similar, with the main differences being that one of the new flats would have 2 bedrooms rather than 1 bedroom, there would be a 3 storey side extension with additional window instead of being single storey, and solar panels and solar tiles.
9. As such, the principle of conversion has already been accepted. The Council also does not dispute the large extent of the scheme which is comparable to that already approved, or changes which are minor in appearance. On the basis of the fallback and of the limited effect these parts of the proposal would have on the streetscene, I see no reason to take a different view.
10. In dispute is the height and massing of the 3 storey part of the side extension, and its front elevation fenestration. The appellant suggests that this is more akin to 2 storeys in terms of traditional form such that its height should not be overstated. While the front elevation would give this impression, I find the side and rear elevations would be clearly 3 storeys.
11. The subject dwelling along with No. 1 Niton Street are the only ones in the street which are not 'paired' with a neighbour. The appellant suggests that the combined proposals presented would make the building's form more akin to

¹ Reference 2021/03996/FUL

these paired types, and also to No. 1, which is presented as a very similar example for a side extension not impacting the street's uniform character. However, the subject dwelling's corner location gives it a different context, and a more prominent position. Furthermore, the No. 1 side extension dates from 1994, under a different development plan and national policy context. The appellant notes that it does not step back or present a lower roof line, being far more impactful on the host property and rhythm of the terrace than is proposed at No. 74. Its presence as an irregularity within this streetscene and its lack of subservience therefore does not lend support.

12. The LP Policy DC4 requires extensions to be successfully integrated into the architectural design of the existing building. The extension's proposed front elevation fenestration would indicate to some extent its subservience. However, its ground floor window would be small and not well proportioned in comparison to the traditional vertical hierarchy. The first floor window would match the existing with relation to its size and distance below the eaves line, but would not align with it, nor with other dwellings' relevant windows. Although the CA Character Profile does not specifically reference window alignment or hierarchy as a key feature of the street, I find it to be a key element contributing to the terrace's uniform rhythm and character. Therefore, the overall impression would be discordant and prominent.
13. Although the proposed side extension is not excessive in width, it is only slightly dropped from the main ridge. The LP Policy DC4 requires extensions to be compatible with the scale and character of neighbouring properties, and to be subservient and not to dominate the host in bulk, scale, or design. Subordination in this instance is a matter of planning judgement rather than a precise calculation, but I find that it would not appear sufficiently subordinate or respectful to the host's original form and character.
14. The prevailing character of end terrace dwellings across the CA, and particularly along Woodlawn Road, is for a gap between their flank ends and the back of the pavement. This is usually defined by a boundary wall. The proposal would create a part 3 storey high flank with only a very slight set back from the boundary wall. Although the existing façade is large and relatively blank, the main effect of the proposal would be of 3 storey massing filling the characteristic gap, and creating visual dominance. This effect would also be exacerbated when combined with the bulk of the rest of the proposed extensions. The street is relatively wide and with open sky views, within which the proposal would also generate some undue sense of enclosure.
15. There are multiple instances in the CA where this original side gap has been filled with a single storey extension, including directly opposite the site. However, there are only isolated instances where this form comprises higher side extensions, or original full height back of pavement flanks. My site visit noted the appellant's few suggested examples, but these do not indicate to me to provide any strong precedent for further departures from the prevailing built context.
16. Overall therefore, the proposed development would have a harmful effect on the character and appearance of the area, with particular regard to the lack of preservation of the Crabtree Conservation Area (CA). It would lead to less than substantial harm to the significance of the CA as a designated heritage asset.

Paragraph 208 of the Framework identifies that less than substantial harm should be weighed against the public benefits of the proposal.

17. There is an indication that the Council cannot demonstrate a five-year housing land supply. If this were the case, the Framework paragraph 11(d) falls to be considered. This states that planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework including those relating to designated heritage assets, indicate that development should be restricted. As I have found that the proposal conflicts with the Framework relating to the CA as a designated heritage asset, the presumption in favour of sustainable development does not apply.
18. The public benefits arising from 1 additional dwelling would be a small-scale contribution to the housing land supply, and social and economic benefits from local construction and the new occupiers increasing local expenditure. The Framework seeks to significantly boost the supply of homes, including support for development of windfall sites, the effective use of land, and the use of suitable brownfield land within settlements for homes. However, the extant permission would also create 1 additional dwelling. The only difference in this regard with the appeal before me is that one of the dwellings would have 2 bedrooms rather than one bedroom. While this would better meet the specific housing need identified within the Borough, and the Council notes this to be an appropriate unit mix, the addition of one bedroom is a minor benefit.
19. The proposal would also provide solar panels and solar tiles to assist with reducing carbon footprint and promoting the use of sustainable energy, which would be a minor public benefit.
20. I give great weight to the less than substantial harm which would be caused to the CA, as advised by the Framework paragraph 205. This outweighs the limited weight I give cumulatively to the public benefits of the proposal.
21. It would therefore conflict with the LP Policies DC1, DC4, and DC8 which together and amongst other matters, seek for a high standard of design in all extensions, and for development to respect and enhance townscape context and heritage assets, taking into account scale, form, height, mass, proportion, and spaces between buildings. It would also conflict with the Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2018) Key Principles CAG2 and CAG3. These similarly seek for development to contribute positively to the townscape and visual quality of the area, and for it to preserve or enhance the character or appearance of the CA by achieving a harmonious relationship with its neighbours, and take account of the CA's characteristics of setting, urban grain, architectural details, and views.
22. The proposal would also conflict with the Framework Section 16 on conserving and enhancing the historic environment, and paragraph 135 in needing to achieve well-designed places through developments which are visually attractive, are sympathetic to local character and history including the surrounding built environment, and which maintain a strong sense of place.
23. The Council also cited the LP Policy DC6 in the reason for refusal, but I find it not directly relevant as it relates only to replacement windows.

Other Matters

24. The appellant has provided a signed and dated Unilateral Undertaking which would restrict parking permits for the proposed dwellings. However, as I have identified above that I am dismissing the appeal on other grounds, I do not need to consider further whether this would adequately ensure that there would be no increased demand for car parking.

Conclusion

25. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR