
Appeal Decision

Site visit made on 12 June 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2024

Appeal Ref: APP/H5390/W/23/3330323

Live and Let Live, 37 North End Road, Hammersmith and Fulham, London W14 8SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Domus Projects Ltd against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2022/03211/FUL.
 - The development proposed is demolition of existing building, further excavation and enlargement of the existing basement to include two lightwells on the Gorleston Street elevation, and erection of part two, part four-storey residential building with self-contained flats (Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site benefits from an extant planning permission (ref. 2018/04146/FUL) ('the fallback scheme'). This is for: Demolition of the existing building and the erection of a replacement part two, part four storey building including further excavation and enlargement of the existing basement to include a new lightwell fronting Gorleston Street elevation comprising a public house (Class A4) at basement and part of ground floor level, 3 x studio, 3 x 1 bedroom and 2 x 2 bedroom self-contained flats at first, second, third and part of ground floor level. At the time of my visit, the steel works associated with this development were largely complete and some internal works had also been undertaken.
3. If this appeal is allowed, the appellant also intends to implement the new planning permission ('proposed scheme'). A statement from the structural engineer for the project confirms that the existing structural design can be modified with minor amendments, to align with the proposed scheme. The statement confirms that the internal floor-to-ceiling heights would not require modification, adding that there is no structural reason that the proposed scheme cannot be completed on site.
4. In addition, the signed and completed Unilateral Undertaking dated 9 May 2024 ('UU'), includes an obligation for the appellant to notify the Council when the implementation of the proposed scheme would take place. In the absence of any substantive contrary evidence, I see no reason why the proposed scheme could not be implemented in accordance with the proposed plans. I have proceeded with the appeal on this basis.

Background and Main issues

5. One of the Council's reasons for refusal, relates to the proposal failing to demonstrate that flood risk would be minimised and mitigated and that there would be satisfactory storage and disposal of surface water from the site.
6. The appeal is supported by a revised Flood Risk Assessment and SuDS Statement. The Council has confirmed that the revised information is an improvement on the original submission and is in line with its requirements, subject to some additional information. I have also considered this and have no reason to disagree that this matter cannot be addressed by the submitted information and the Council's suggested condition. Therefore, the proposed scheme does not raise any unsurmountable concerns with regard to flood risk and drainage.
7. Accordingly, the main issues are:
 - i) The effect of the proposal on the character and appearance of the area including the Olympia and Avonmore Conservation Area ('CA');
 - ii) Whether the proposal makes acceptable provision for affordable housing;
 - iii) Whether the proposed accommodation is of high quality;
 - iv) The effect of the proposal on the living conditions of neighbours;
 - v) Whether the proposal makes provision for accessible and convenient cycle parking facilities;
 - vi) Whether the proposal meets the Council's requirements in respect of Energy Conservation and Urban Greening.

Reasons

Character and appearance

8. The appeal site occupies a corner plot with frontages along North End Road and Gorleston Street. To the rear of this site is the Marcus Garvey Park ('the Park'). This area also forms part of the Olympia and Avonmore CA.
9. Based on my visit and the submissions before me, the Olympia and Avonmore CA contains a variety of areas with differing uses and scales of development. Overall, the significance of the Olympia and Avonmore CA is derived from its special architectural and historic interest.
10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced. Paragraph 201 of the National Planning Policy Framework ('the Framework') requires me to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
11. The appeal site forms part of a small development block facing North End Road. At one end of this block is The Cumberland Arms public house, which is a three storey building. Between this and the appeal site are 31 and 33 North End Road

- (‘31 and 33’). These comprise a pair of similar three storey buildings with shop fronts at ground floor and mansard roofs.
12. As a consequence of its extended footprint, the building in the proposed scheme would be almost level with the established building line along North End Road. This is an improvement over the fallback scheme as this would reinforce the prevailing urban grain and strengthen the street scene.
 13. The overall scale of the proposed building would assimilate with the varied scale of nearby buildings. The proposed design utilises a palette of contemporary materials which are influenced by the surrounding buildings. With its vertical alignment of window openings and the mansard roof, the proposed design also adheres to the general arrangement and form of the immediate street scene.
 14. The wider block is characterised by taller ground floor heights for the shop units and public house with a fascia band at the top. Second floor windows are lower in height than the first floor windows. This arrangement creates a hierarchy of fenestration. Even so, the windows along the upper floors are not aligned along this block. There are also examples of buildings in the area, for example, along Gorleston Street, where those which incorporate a hierarchy of fenestration adjoin those without this arrangement. Therefore, the use of similar sized fenestration between different floors of the proposed building and the slightly lowered window line along the upper floors is acceptable.
 15. In principle, the Council has agreed a wholly residential development at the appeal site. As such, a commercial frontage is not required. Nonetheless, the proposed scheme introduces an alternative treatment in the form of green ceramic tiles to the ground floor façade of the building along North End Road. This, along with the proposed frontage planting would give the ground floor a degree of contrast and presence, relative to the upper floors of the building. This arrangement would also complement the neighbouring shop fronts and tiling along the façade of the public house. Whilst there would be some misalignment between the top of the proposed tiled section of the ground floor and the fascia band for the adjacent shop front, this would be absorbed by the offset between the facades of these buildings.
 16. The roofscape for 31 and 33 is characterised by a deep and continuous parapet with recessive mansard roofs and small dormer windows set behind the parapet. However, the wider roofscape along North End Road does feature taller buildings and those with more prominent mansard roofs.
 17. The proposed building includes a parapet albeit of a low height. Consequently, this would only conceal the mansard roof to a limited extent. Nevertheless, the mansard roof would be of a similar overall height to those adjoining this and would be recessed behind the parapet. The form of the mansard roof would largely slope back from the corresponding facades of the building, and its massing would be mitigated by individual dormers. Because of these design interventions and the use of a dark zinc finish, the mansard roof would be visually recessive and would also assimilate with the wider varied roofscape.
 18. Although the North End Road frontage of the proposed building does not include an entrance, this is not a particularly wide elevation and incorporates ground floor windows, which would provide some surveillance along here. These would compensate for the lack of an active frontage. The appellant has confirmed that the building will not feature a lift overrun and the submitted drawings reflect this.

19. Overall, the proposed building would be a well-designed, proportionate, contemporary and acceptable addition to the street scene. In addition, the proposal includes a financial contribution of £35,000 for environmental upgrades to the Park. This would be secured through an obligation in the UU, which for the reasons set out below is acceptable.
20. For the above reasons, the proposal would not harm the character and appearance of the area or the Olympia and Avonmore CA. This accords with the requirements of London Plan Policies HC1 and D3, and Local Plan (2018) ('LP') Policies DC1, DC4 and DC8. Amongst other matters, these policies seek to ensure that developments are compatible with and respect their context, as well as conserving or enhancing heritage assets.

Affordable housing

21. Because the proposed scheme is for ten self-contained flats, this needs to support the strategic target for 50% of all new homes delivered across London to be genuinely affordable, in accordance with Policy H4 of the London Plan. Also, LP Policy HO3 requires that housing development should increase the supply and improve the mix of affordable housing.
22. The application was supported by a Financial Viability Assessment ('Original FVA') prepared by Turner Morum ('TM'). In summary, this modelled two scenarios: 1) 50% affordable housing provision; and 2) 0% affordable housing provision. The Original FVA arrived at a residual land value of -£1,457,958 in respect of Scenario 1; and a residual land value of £44,456 in respect to scenario 2 comprising a wholly private development. On this basis the FVA concluded that the proposed scheme is unable to provide any affordable units on-site. Instead, the appellant proposed a payment in lieu of £44,456 as the maximum justified by viability.
23. The Council's independent viability consultants - Carter Jonas ('CJ') reviewed the Original FVA. The main parties agree, that in principle a cash in-lieu contribution could be supported. On the information before me, I also accept this. However, CJ calculated a residual land value of about £608,427 for the 0% affordable housing provision, which could be supported as a financial contribution towards affordable housing.
24. During the appeal, the appellant initially provided a Viability Statement of Case ('Revised FVA') prepared by TM. The Revised FVA, provides a residual land value of -£27,283 in respect of scenario for a 0% affordable housing provision. On this basis, TM advise that the proposed scheme is unable to provide any affordable housing contribution. Nevertheless, reflecting their original conclusions, TM confirmed that the appellant was prepared to maintain the financial contribution of £44,456 despite their projected scheme deficit.
25. The Revised FVA has been reviewed by CJ. In summary, the outcome of CJ's review has resulted in a revised and final residual land value of £419,763 for 0% affordable housing provision, which CJ believe should be the financial contribution towards affordable housing.
26. The appellant has submitted a 'Viability Rebuttal Letter' ('Final FVA'). This includes a review of the areas of disagreement between the main parties in relation to various components of the Revised FVA. On the basis of the Final FVA,

- TM now acknowledge that there would be a viability surplus of about £227.861, which is the revised affordable housing financial contribution.
27. The UU provides an obligation for the affordable housing financial contribution. This includes the appellant's proposed sum of £227,861 and the Council's requested sum of £419,763. The UU is drafted to account for my determination as to which of these sums is the appropriate affordable housing financial contribution.
 28. The main areas of disagreement between the parties in respect of the proposed affordable housing financial contribution relates to Gross Domestic Value.
 29. CJ have concluded that the GDV of the development has been undervalued and is approximately £325,000 higher than the appellant's calculation. The percentage difference in GDV on individual flats varies between 1% and 21%.
 30. On four of the proposed flats, the difference in GDV is less than 5% of the overall value. Given that there appear to be no examples of similar new build developments in the area, I accept the appellant's position that these fall within the subjective valuer discretion and TMs proposed compromise mid-point GDV position.
 31. For some of the studio flats and the 1 bed dwelling of 51 sqm, the difference in GDV between the main parties exceeds 5%.
 32. In broad terms, Albion Court is considered by the main parties to be the most relevant comparable development for determining the value of the studio flats and the 1 bed flat.
 33. TM highlight that whilst CJ reference previous achieved values for units at Albion Court, these do not reflect achieved sale prices and no adjustment is provided for these figures in the current market.
 34. Accordingly, TM have compiled a schedule for Albion Court from the LandInsight database which collates evidence from Land Registry and also applies indexation to show not only achieved sale prices but the equivalent market price. Based on comparable dwellings in terms of size, these show a fall between achieved values in 2020/2021 and the current market values.
 35. As such, by using similar sized units in the Albion Court development and after applying indexation, TM have provided revised valuations based on what they would achieve in the current market.
 36. TM also assert that it is unreasonable to assume that the appeal scheme would achieve values as high as Albion Court because this is part of a secure gated development, set back from the main road and is in a superior location because of its close proximity to the River Thames and Ravenscourt Park. Adding that Albion Court is accessible to Central London and Heathrow Airport.
 37. The appeal site is also well served by public transport and is next to a park and part of the development is adjacent to Gorleston Street, which is relatively quiet. Also, because the appeal site is located in a Conservation Area, where in general the built development is of a higher quality, which is likely to be reflected in pricing. As such, I am not persuaded by the appellant's assertion that the Albion Court development generally commands higher values.

38. Drawing on the above reasons, I consider CJs valuations for some of the studio flats and 1 bed flat to have overestimated GDV. Therefore, I cannot support CJs requested affordable housing financial contribution. On the other hand, by applying an unjustified premium on the Albion Court development, TM have undervalued GDV for some of the studio flats and 1 bed flat. As such, I cannot support TMs proposed affordable housing contribution.
39. Therefore, neither of the sums for affordable housing specified in the UU are fairly and reasonably related in scale and kind to the development. As such, the affordable housing contributions in the UU fail to comply with the tests set out in the Framework and Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended). On this basis, the UU fails to make an acceptable financial contribution for affordable housing. The proposal therefore conflicts with the requirements of Policy H4 of the London Plan and Policy HO3 of the LP.

Quality of the proposed accommodation

40. The proposed maisonettes (Flats 1 and 2) would include bedrooms (4 in total) at basement level. These would be afforded some outlook in the form of sizeable lightwells incorporating green walls. However, based on the submitted Daylight and Sunlight Report ('DSR') these bedrooms would fail to achieve both the target daylight and sunlight required for their use as bedrooms based on BRE Report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice (third edition, 2022) ('BRE Guidance').
41. Nonetheless, the main living areas for Flats 1 and 2 exceed the BRE Guidance daylight requirements. This approach to the internal configurations of these flats is in line with the BRE Guidance which says that in respect of new development: 'Living rooms and kitchens need more daylight than bedrooms, so where there is a choice it is best to site the living room or kitchen away from obstructions. Dual-storey maisonette-type apartments may be planned with the main living rooms on the upper storey and the bedrooms on the lower floor for this reason.'
42. At ground floor level, the main window for the principal living area for Flat 2 would be located below a balcony, based on the DSR, this area would fail to meet the sunlight requirements under the BRE Guidance. Nevertheless, this window is north-east facing and therefore cannot be expected to achieve good levels of sunlight. As already stated, the main living area for this flat would benefit from acceptable levels of daylight. This area would also benefit from an attractive outlook towards the Park.
43. The main living area for Flat 1 at ground floor level, incorporates three windows, one of these would extend down to pavement level along North End Road. Despite the proposed balustrade along part of this window, this arrangement fails to provide any defensible space. Whilst there are habitable room windows adjacent to the highway in developments nearby, these generally incorporate walls below windows and where windows extend down to the pavement, these are enclosed behind landscaping and/or boundary treatments.
44. The other two windows for the living area to Flat 1 would be setback behind defensible space formed by the lightwell and planting. These windows would also afford this living area an acceptable outlook. Therefore, the use of obscure glazing to the single window adjacent to the pavement would be acceptable. Nevertheless, because of its location and lack of defensible space, this window

- would not afford a particularly secure or safe environment for the occupiers of this flat.
45. The main living area for Flat 5 at first floor level, would fail to achieve sufficient sunlight. This area faces north-east and therefore sunlight expectations would be limited. Furthermore, because of its generous size, acceptable levels of daylight and private amenity space with an outlook over the Park, Flat 5 would offer high quality accommodation.
 46. Flats 2 and 3 incorporate windows and areas which are adjacent to the Park. The provision of Green Screens along the windows of Flat 3 and a combination of Green Screen Planters behind metal railings to the rear of Flat 3, would safeguard the privacy of these flats. The Park is also overlooked by buildings in Gorleston Street, these provide a degree of surveillance. Therefore, the proposed arrangement of Flats 2 and 3, relative to the Park, does not raise any unacceptable issues in respect of loss of privacy and/or the safety of residents.
 47. Private amenity space in the proposed scheme is limited to the balcony serving Flat 5 at first floor level. The 'Juliette' balconies and the lightwell areas would not provide any usable amenity space. Given the site's tight parameters, I acknowledge that the provision of private internal space is difficult to achieve on this site.
 48. The Mayor's Housing Supplementary Planning Guidance says that: 'in exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement.' In this case, only three of the proposed flats incorporate any notable additional internal space over the minimum space standards, which includes Flat 5. Overall, the sizes of the individual flats are less generous compared to those approved under the fallback scheme.
 49. Despite the proposed improvements to the Park and its proximity to the site, this in itself is not suitable atonement for the lack of private amenity space. In particular, given that the majority of the proposed flats only marginally exceed the minimum space standards.
 50. As a consequence of the lack of defensible space for one of the windows for Flat 1 and the limited provision for private amenity space within the development and lack of sufficient internal living space to compensate for this, overall, the proposal fails to provide high-quality accommodation. This is contrary to London Plan Policies D6 and D11 and Policies DC1, HO4 and HO11 of the LP. Amongst other things, these policies seek to secure high quality developments, which includes meeting requirements for private amenity space and creating safe and secure environments.

Living conditions for neighbours

51. The new building would be marginally taller with an increase in massing relative to that approved under the fallback scheme, whereby the staggered front elevations would be set forward approximately 1.6m towards North End Road for the full height of the building.
52. A further submitted Daylight and Sunlight Report assesses the effect of the proposed development on neighbouring properties along Gorleston Street and North End Road. This report is also based on the BRE Guidance. Because the

fallback scheme is under construction, I have taken account of the change arising between this and the proposed scheme.

53. On completion of the proposed scheme, a number of rooms at 4 Gorleston Street and 39 North End Road, would receive reduced daylight relative to the fallback scheme. Also, as a consequence of the proposed scheme, a ground floor kitchen window at 31 North End Road, would receive less daylight and sunlight relative to the fallback scheme.
54. The Framework suggests taking a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
55. The evidence available to me, including the existing levels of daylight and sunlight afforded to the above properties, indicates that whilst the fallback scheme may not have strictly accorded with all relevant tests outlined in the BRE Guidance, this was interpreted flexibly. I am also aware that any meaningful development of the appeal site is likely to cause some reductions beyond the guideline values. In particular, to support a building which is in keeping with the neighbouring properties in terms of height and footprint.
56. Whilst I have considered the proposed scheme in the same flexible terms, the daylight and sunlight received to the abovementioned neighbouring properties, would be worsened. Even, if I were to accept the appellant's position that this impact would not be materially worse than the fallback scheme, the fallback scheme was considered acceptable with regard to other matters, which is not the case for the proposed scheme, which includes the quality of its accommodation.
57. Accordingly, the proposal would constitute an inappropriate and unneighbourly form of development, contrary to Policies DC1 and HO11 of the LP. Together, these policies require that all development within the Borough, should respect the principles of good neighbourliness, which includes the protection of existing residential amenities, including issues such as loss of daylight, sunlight, privacy and outlook.
58. The Council's decision also refers to Policy DC4 of the LP. However, the details of this Policy are not before me.

Cycle Parking

59. The scheme proposes 15 cycle racks in a secured space (to be operated via smart door locks by residents only) and 2 cycle racks under the staircase for visitors. The spaces between the cycle racks have been designed as per the specifications provided by the manufacturer.
60. However, all the cycle racks for residents would be located at basement level. Although the lift could be used to access the secured space, this is only likely to be practicable for small or foldable cycles. As such, the proposed arrangement would largely involve negotiating stairs.
61. Despite the stairs incorporating rails to make it easier to manoeuvre cycles, Chapter 8 of the London Cycling Design Standards ('LCDS') says 'accessing the parking area should involve passing through no more than two sets of doors', which would not be the case based on the proposed layout. Also, the sizes of the proposed doors would fall short of the Council's size requirements.

62. Whilst the appellant is prepared to accept a condition requiring the provision of space for foldable cycles within the flats, there is no certainty that residents would use or own such cycles.
63. I am mindful that because of the limitations for space on the ground floor, which is focused on increasing habitable space for residents, some compromises on the relevant guidance maybe likely. However, for the reasons set out above, the proposed scheme falls significantly short of the requirements in the LCDS and fails to provide convenient and accessible cycle parking facilities to promote opportunities for cycling. This is contrary to Policies T3 and T5 of the London Plan. Together, these policies require that cycle parking should be designed and laid out in accordance with the guidance contained in the LCDS and that new developments include the provision of convenient accessible and safe secure cycle parking.

Energy Conservation and Urban Greening

64. Energy Conservation - The energy and sustainability information originally submitted with the application has been supplemented by additional information provided under the appellant's Statement of Case. This explains that because of the shape and configuration of the flats, these have high exposed perimeters to area ratios compared to the standard building used to set the baseline energy/CO2 figures used to assess the relative performance improvements, making it more difficult to meet part of the required energy efficiency measures.
65. Nevertheless, the insulation levels and airtightness provided in the design of the proposed building exceeds the Building Regulation minimum standards and the glazing specified for the project performs very well in terms of limiting heat loss.
66. Additional information is provided on the justification and benefits of installing individual heat pumps rather than a larger communal system, which are said to provide a more energy efficient heating system which is easier to accommodate in the space available. It is also stated that provision will be made for future connection to a district heating network should this become available. Together, the energy efficiency and renewable energy measures as outlined in the submissions would support the Council's aims for energy conservation and could be secured by a condition if the appeal succeeds.
67. Furthermore, to achieve the required net zero carbon target, a payment in lieu of £10,233 will be required, which is secured under one of the obligations in the UU, which I have found to be acceptable for the reasons set out below. Therefore, the proposal would meet the Council's carbon reduction requirements.
68. Urban Greening - The appellant's letter dated 6 February 2024, includes information showing the green roofs and other planted areas within the proposed development to facilitate Urban Greening. The updated Urban Greening Factor calculations provide a score of 0.4, the minimum required by the London Plan. Also, the UU includes an Offsite Greening Contribution of £960 for the Council to plant trees in the local area. The Council's concerns about the maintenance or management of the urban greening proposals could be dealt with by a planning condition.
69. For the above reasons, the proposal would meet the Council's requirements in respect of Energy Conservation and Urban Greening. This accords with London Plan Policies SI 2, SI 3, SI 4, CC1 and CC2. Together, these policies require that

major development should be net zero-carbon, achieve a minimum on-site reduction of at least 35% beyond building regulations, of which 10% should be achieved through energy efficiency measures in residential developments and the implementation of sustainable design and construction measures. That where a heat network is planned but not yet in existence the development should be designed to allow for the cost-effective connection at a later date and reduce the potential for internal overheating and reliance on air conditioning systems.

70. The proposal also meets the objectives of Policy G5 of the London Plan for Urban Greening. This would support the overall aim of LP Policy OS5 for seeking to enhance biodiversity and green infrastructure in the Borough.

Other Matters

71. The provision of new dwellings in the proposed location would result in an increase in the local population, with subsequent impacts on highways, recreation facilities and pollution. To this end, and in addition to those set out above, the UU includes the following obligations: a) Air Quality Contribution of £5,000 and b) Additional Air Quality Contribution (Sum of £5,000 to be paid annually within 14 days of the annual date of the Commencement of Development until the end of the Construction Period).
72. The UU includes an obligation, which restricts occupiers of the proposed dwellings from applying for a Parking Permit in any controlled parking zones in the Borough and includes a requirement that this restriction is incorporated in any advertising/marketing material and any instrument granting a right to occupy the proposed dwellings.
73. The UU also requires the submission of a Jobs, Employment and Training Strategy that will include targets for 1 apprentice, 1 paid work experience place and 1 unpaid work experience place. It also requires 10% of the labour for the on-site construction during the construction period of the development to be local residents and 10% of the procurement for the on-site construction to utilise Local Businesses via the Council's supply chain initiative. The owner must also submit a Local Procurement Strategy and target provision of opportunities which in total, have a value of up to 10% of the construction cost in accordance with the Council's Local Procurement Code. In addition, an Employment and Skills Contribution of £10,500 is also to be provided.
74. Finally, the UU includes an obligation to ensure that any financial contributions which have already been paid or are liable for the fallback scheme are taken into account if the proposed scheme is implemented.
75. Having taken account of the submissions before me, including the four annexures to the UU, the obligations set out above (with the exception of the affordable housing contribution) are directly related to the development, fairly and reasonably related in scale and kind to the development. The UU also complies with the tests set out in the Framework and Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended).

Other considerations

76. The Framework states that planning policies and decisions should promote and support the development of underutilised land and buildings. This is further confirmed in paragraph 128 of the Framework, which says that decisions should support development that makes efficient use of land, taking into account: the

identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; local market conditions and viability. However, this also needs to take in to account the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use and the desirability of maintaining an area's prevailing character and setting, along with the importance of securing well-designed and beautiful, attractive and healthy places. Based on my findings on the main issues, the proposal fails to achieve some of these objectives.

77. The proposal would deliver new dwellings, these would make a relatively modest but important contribution towards the Council's supply of housing. This supports the Government's objective of significantly boosting the supply of homes, as set out in the Framework. There would also be direct and indirect social, economic and environmental benefits associated with such a proposal. Even so, relative to the fallback scheme such benefits including those arising from the UU are afforded limited weight.

Planning Balance and conclusion

78. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
79. I have found that the proposal would not harm the character and appearance of the area including the Olympia and Avonmore CA. The proposal also meets the Council's requirements in respect of Energy Conservation and Urban Greening. The proposal would also result in the creation of new dwellings and associated benefits to which I attach limited weight.
80. On the other hand, I have found that the proposed development would harm the living conditions of neighbours. Also, the proposed accommodation would not be of high quality and the cycle parking arrangements for residents would be unacceptable. The proposal also fails to make an acceptable financial contribution towards affordable housing provision.
81. The harm associated with the above matters and conflict with the development plan and similar aims of the Framework, attract substantial weight.
82. Having taken account of the other considerations in support of the proposal, I do not consider these to be sufficiently forceful to outweigh the harm and conflict with the development plan I have identified. Consequently, in the circumstances of this case, the material considerations do not justify a decision other than in accordance with the development plan.
83. I, therefore, conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR