



Appeal Decision

Site visit made on 23 September 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2024

Appeal Ref: APP/H5390/W/24/3341779

Flat First Floor, 2 Effie Place, Hammersmith and Fulham, London SW6 1TA

- 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 Mr Simon Jones against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2023/01869/FUL.
 - The development proposed is addition of new level and all associated work.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is in a conservation area wherein I have a statutory duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to be pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. In addition, the National Planning Policy Framework (the Framework) requires great weight to be given to the conservation of designated heritage assets.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the host building and street scene, and whether it would preserve or enhance the character and appearance of Barclay Road Conservation Area (the CA); and
 - the living conditions of the occupiers of 1 Effie Place (No 1) with regard to light and outlook.

Reasons

Character and Appearance

4. The appeal relates to an upper floor flat within a two-storey semi-detached dwelling with a basement and mansard style roof extension. The site is located in a mixed-use area including residential, educational and commercial buildings. No 2 Effie Place (No 2), the subject of this appeal, forms a standalone pair of semi-detached dwellings with No 1. No 1 does not have a roof extension but there is an extant consent¹ (the extant consent) for the erection of a front and rear roof extension and rear extension at the ground

¹ 2008/00555/FUL.

and first floor level. The extant consent relates to Nos 1 and 2 to form matching roof extensions. The part of the consent relating to No 2 has taken place but the part relating to No 1 has not yet been carried out.

5. The CA, within which the appeal site is located, derives its significance from its architectural and historical attributes, as well as its streetscape, gardens and trees which all contribute to the character and appearance of the area. The CA includes well-preserved Victorian and Edwardian residential buildings which provide a window into the past and reveals its historical development.
6. The appeal site was originally designed as a pair of semi-detached houses with pitched roofs and ground floor bay windows. They are the only semi-detached houses in the street and are located close to the junction of Effie Place and Effie Road. Prominent views are afforded to the front and rear of the appeal site due its position in the street and the curvature of Effie Road.
7. The proposal would add another storey above the existing roof extension. While the additional floor would be relatively modest in scale and set back from the front elevation, it would nevertheless give the appearance of a four-storey building, compared to No 1 which is only two-storeys. The additional floor would further erode the harmony and symmetry of the semi-detached pair and have a visually jarring appearance in the street scene.
8. I appreciate that the extant consent would create a roof extension to No 1 that would match that of the existing appeal property. Should the consent be fully built, the difference in height between the semi-detached pair would not be so stark. However, there is no guarantee that the extant consent would be fully built. Even if it were, the appeal proposal would unbalance the symmetry of the semi-detached pair by adding a further floor to the existing roof extension.
9. The proposed extension, combined with the existing roof extension, would appear disproportionate to the scale of the original building resulting in a dominant top-heavy appearance. The proposal would not appear subservient to the original dwelling and its incongruity would draw attention particularly given the dwelling's prominent location.
10. I note that the CA contains a variety of buildings ranging from two to five storeys with different roof designs. The appellant has drawn my attention to, what is argued are, similar roof extensions in the surrounding area. However, there are clear material differences between the appeal proposal and these examples, including that none form part of a semi-detached pair of residential dwellings. Furthermore, Barclay House is a large brick built institutional building, originally part three, part five storey. The design of the mansard roof extension over the third storey section harmonises with the existing building. Broadway Mansions is a three-storey building with pitched roof with an extant consent² for the removal of the pitched roof and replacement with a two-storey mansard style roof extension. Its design, however, is cohesive and integrates well with the adjoining building. 1 – 8 Effie Road is a four-storey building with Mansard style roof at the third floor level, which is subservient and complementary to the host building. Flat 4, 25 Barclay Road is a three-storey terraced house over basement. While it has consent³ for an additional

² APP/H5390/W/15/3133658.

³ 2023/00966/FUL.

storey, it does not have an existing roof extension so is materially different to the proposal.

11. The appellant has referred to the case of *R (Rank) v East Cambridgeshire District Council and another* which relates to consistency in decision making and having regard to previous decisions. As described above, the examples of the roof extensions referred to by the appellant are materially different to that of the appeal proposal with regard to their design. I have considered and determined the appeal on its individual merits.
12. The appellant has pointed to an extant consent⁴ on land adjacent to No 2 for the erection of a three-storey building to provide flats. However, the height of the consented building would be similar to the existing height of No 2. The proposal to add another floor to the appeal property would break the consistent height that would be achieved between the consented scheme and the appeal property.
13. Overall, the proposal would neither preserve nor enhance the character or appearance of the CA, although the harm would be less than substantial in the terms of the Framework. Paragraph 208 of the Framework establishes that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset (in this case the CA), this harm should be weighed against the public benefits of the proposal.
14. The appellant indicates that the proposal is supported by paragraph 124(d) of the Framework. However, this refers to support for the use of airspace above existing residential and commercial premises for new homes. The proposal would not create a new home, although I acknowledge it would create additional space to improve the quality of the accommodation. This would amount to a private benefit to occupiers of the dwelling, so I am only able to give this very limited weight.
15. Paragraph 205 of the Framework establishes that great weight should be given to the conservation of a designated heritage asset, and the limited benefits I have found would not be sufficient to outweigh the harm identified.
16. For the reasons above, I conclude that the proposed development would harm the character and appearance of the host building and street scene, and thus fail to preserve or enhance the character and appearance of the CA. Hence, it would conflict with Policies D1 and HC1 of the London Plan (March 2021) (the LP) and Policies DC1, DC4 and DC8 of the Hammersmith and Fulham Local Plan (February 2018) (the HFLP) insofar as they require development to conserve the significance of heritage assets, and alterations and extensions to be subservient and compatible with the scale and character of the existing building.
17. The Council has referred to Policy D1 of the LP. However, this relates to area assessments and planning for growth so is not determinative on this main issue.

⁴ 2020/03477/FUL.

Living Conditions

18. No 1 does not contain any side facing windows towards the appeal property. Its rear facing windows already suffer from poor light due to its own outrigger and the existing scale and position of the appeal property. The proposed roof extension would sit atop the existing roof extension and be staggered back so that it would almost align with the outrigger of No 1. Given its scale and position, the proposal would not result in a detrimental loss of light and outlook to the windows on the rear elevation of No 1.
19. For the reasons above, I conclude that the proposed development would not cause material harm to the living conditions of No 1 with regard to light and outlook. As such, it would comply with Policies DC1, DC4 and HO11 of the HFLP insofar as they require development to create high quality environments and have no detrimental impact on the daylight, sunlight and outlook of neighbouring occupiers. It would also be in accordance with Key Principle HS7 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document (February 2018).

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR