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## Appeal Decision

Site visit made on 21 January 2025

**by H Senior BA (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 16 April 2025**

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**Appeal Ref: APP/H5390/W/24/3350239**

**145 Hammersmith Road, London W14 0QL**

- 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 K Khalil (Birwari Ltd) against the decision of the Council of the London Borough of Hammersmith and Fulham.
  - The application Ref is 2024/00707/FUL.
  - The development proposed is erection of an additional floor at roof level in connection with the creation of 1 x 1 bedroom self-contained flat; erection of extensions to the north and south elevations at third floor level, on top of part of the existing roof terraces (serving rooms within Flat 12); formation of a roof terrace at fourth floor level to the northern elevation (as per planning permission ref. 2022/01578/FUL). Amendment involves setting the walls of the additional floor directly above the existing elevation walls below (eliminating the approved set back of 600mm).
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. Prior to the determination of this appeal, a new version of the National Planning Policy Framework (the Framework) has been published. The substantive matters of the case before me are not however affected by the changes. I do not therefore feel any of the main parties' cases would be prejudiced by me proceeding without further consultation thereon.

### Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Gunter Estate Conservation Area with particular regard to the effect on the significance of a Building of Merit.

### Reasons

4. The appeal site is located within the Gunter Estate Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The CA is characterised by mainly semi-detached or terraced three storey residential properties on relatively wide streets. Its significance is derived from its consistency of design and architectural quality.
5. 145 Hammersmith Road is five-storey property in use as 12 self-contained flats and has been designated locally as a Building of Merit (BTM) and makes a positive contribution to the character and appearance of the area. Due to its corner

position, it is a prominent in both short- and longer-range views along Hammersmith Road and Edith Road There is no visual relationship with the terraces along Edith Road and the property is seen in the context of larger buildings on Hammersmith Rd.

6. There have been several previous alterations to the host dwelling, including the addition of two additional floors<sup>1</sup> to accommodate additional flats. The current appeal proposal is somewhat different to the previous scheme that was allowed in May 2023<sup>2</sup> most notably the set back of the fourth floor would be removed and the size of the resultant flat would be increased.
7. Whilst I acknowledge that the building would remain a focal point in an important view, the changes to the height and massing through the construction of an additional storey with the same footprint as those below, would be detrimental to the appearance of the building and the spatial arrangement of the building in the street scene. It would not appear subservient to the host building which is a relatively narrow building for its height. An additional full width storey would unbalance the appearance of the building and would be a discordant feature on the building that would detract from its overall architectural composition. The proposal would detract from the appearance of the building and would neither preserve nor enhance the character or appearance of the CA.
8. Given that the proposal relates to only one part of the CA, the harm arising from the proposal, in terms of the approach in the Framework, would be less than substantial. In these circumstances the Framework advises at paragraph 215 that this harm should be weighed against the public benefits of the proposal.
9. Whilst I accept that the proposal would provide a new dwelling and contribute to the housing stock of the area and boosting national supply, due to the quantum of development, I would ascribe these matters moderate weight. I am unconvinced that this equates to a public benefit, sufficient to outweigh the harm that I have identified, given that this harm carries great weight. Accordingly, the proposal conflicts with the aims of the Framework in terms of conserving and enhancing the historic environment.
10. I acknowledge the difficulties in constructing the fourth floor as approved. However, this does not outweigh the harm to the character and appearance that I have found.
11. For the above reasons, the proposed development would not preserve or enhance the character or appearance of the CA with particular regard to the effect on the significance of the BTM. Consequently, the development would not meet the statutory tests set out in the Act and would conflict with Policies DC1, DC4 and DC8 of the Hammersmith and Fulham Local Plan (2018), Policy HC1 of the London Plan (2021) and the aims of the Framework. Together and amongst other matters, these seek to ensure that development preserves and where possible enhances the character or appearance of Conservation Areas and respects the character of the area. It would also conflict with the guidance in the Planning Guidance Supplementary Planning Document (2018).

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<sup>1</sup> Planning Ref- 2019/0582/FUL

<sup>2</sup> Planning Ref- 2022/01578/FUL

## **Planning Balance and Conclusion**

12. The appeal scheme would give rise to harm to the CA and conflict with the development plan as I have set them out. Given their nature and extent of development plan conflict, I afford these matters substantial weight. The proposal would create a new dwelling and contribute to the housing stock of the area and boosting national supply. With this and the above in mind, I would ascribe these matters moderate weight. I am therefore led to conclude that there is nothing of sufficient weight to indicate a decision other than in accordance with the development plan and that, consequently, the appeal should be dismissed.

*H Senior*

INSPECTOR