



Appeal Decision

Hearing Held on 12 February 2019

Site visit made on 12 February 2019

by Zoe Raygen, Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2019

Appeal Ref: APP/H5390/W/18/3200901
12 & 14 Wellesley Avenue, London, W6 0UP

- 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 Latifia Investments Ltd. against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref: 2017/02065/FUL dated 19 May 2017, was refused by notice dated 8 November 2017.
 - The development proposed is demolition of existing car repair workshop (Use Class B2) at 12 Wellesley Avenue and existing house at 14 Wellesley Avenue. Construction of new B1 office building at 12 Wellesley Avenue including basement, ground - second floors and construction of linked mixed use office and residential building at 14 Wellesley Avenue to provide office space at basement and ground (linked to no. 14) and 1 x 3 bedroom residential unit at ground, first and second floors. Associated alterations to the existing garage forecourt and residential front garden.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Prior to the planning application being determined by the Council, revised plans were submitted by the appellant for determination as part of that application. The Council declined to accept them for consideration and no public consultation was carried out at that stage.
3. The appellant submitted the revised plans¹ as part of the appeal submission. The changes, as confirmed at the hearing, are:
 - Increased set back of second floor from ground and first along the front elevation, of 1,342mm - 1,542mm (depending on point of measurement); total set back of 1,542mm.
 - 300mm set back of rear wall at second floor, adjacent to no. 11 Wellesley Avenue, so that it is in-line.
 - Increased set back of east elevation at second floor level (from first floor), from 300mm to 500mm.

¹ 559/103 A, 559/104 A, 559/105 A, 559/106 A, 559/107 A, 559/109 A, 559/110 A, 559/111 A, 559/112 A, 559/113 B, 559/114 B, 559/122 A, 559/123

- Increased set back of west elevation at second floor level (from first floor) from 300mm to 1,200mm.
 - Amended façade design of street elevation.
 - Decreased the width of the windows on the ground and the first floor at the front elevation from 2,751mm to 2,603mm and from 2,295mm to 2,203mm on the second floor.
 - Photo Voltaic (PV) cells added at roof level.
4. The Council confirmed at the hearing that it objects to the consideration of the revised plans. While it considers that the alterations to the form and design of the proposed building at No. 12 are minor, the inclusion of the PV cells has not been the subject of public consultation. Interested parties were also of the view that they should not be taken into account. The Council also confirmed that its appeal statement could equally be applied to the original or revised scheme as the changes were minor in nature and did not overcome the reasons for refusal.
 5. While I note the Council's concerns, the plan showing the PV cells was placed on the Council's website in August 2017. Furthermore, the revised drawings have been on the Council's website since January 2019. Moreover, I have received comments from some residents making reference to the PV cells.
 6. Given that the changes involved are relatively minor, as confirmed by the Council, there is not a substantial difference between the proposals in the original and revised plans. Therefore, I am of the view that interested parties would not be prejudiced were I to take them into account and I have proceeded on that basis.
 7. The Council confirmed at the hearing that, on the basis of the evidence provided within the appellants Arboricultural Appeal Statement 2018 (AAS), as no trees are proposed to be felled as part of the development, it would not be providing evidence in relation to reason for refusal No. 7 regarding the effect of the proposal on trees. Having read the AAS and seen the trees at my site visit, while I note residents' concerns, in the absence of any substantive evidence to refute the findings of the AAS, I see no reason to disagree with the views of the Council on this point.
 8. The Council confirmed at the hearing that since the determination of the planning application it had adopted the Hammersmith and Fulham Local Plan 2018 (the LP) and the Planning Guidance Supplementary Planning Document 2018 (the SPD). Relevant Policies and guidance replaced those referred to in the Council's reasons for refusal.
 9. During the course of the appeal the Government published the National Planning Policy Framework 2019 (the Framework). I have not sought comments on the document as the wording of the relevant parts for this appeal are not substantially altered from the 2018 version.

Main Issues

10. The main issues are:

- The effect of the proposal on the living conditions of the occupiers of residential properties on Dorville Crescent, Wellesley Avenue, Paddenswick

Court and Wingate Road with particular regard to outlook, light, noise and disturbance and privacy.

- whether or not the proposal would provide appropriate living conditions for future occupiers with particular regard to noise
- Whether the proposal would preserve or enhance the character or appearance of the Ravenscourt and Starch Green Conservation Area
- Whether or not the proposal makes suitable provision for Sustainable Drainage Systems (SuDs)

Reasons

Living conditions

11. At my site visit I had the opportunity to visit a number of properties and view the proposals from the relevant windows and the gardens of each one. A number of residents referred to the loss of light that would be received by their properties that would, in their opinion, occur as a result of the proposals. The appellant has prepared a Daylight and Sunlight Assessment 2017 (DSA) which concludes that in the main the amount of direct skylight received by windows in neighbouring properties would remain in accordance with the standards set out in the Building Research Establishments document Site Layout Planning for Daylight and Sunlight: a guide to good practice 2011 (the BRE).
12. The DSA notes that there are some windows that would experience a reduction in day light below the BRE guidelines in respect of the No Sky Line Contour. However, I note that in most cases there are mitigating factors, for example they would meet the guidance in respect of Vertical Sky Component, the most common means of calculating the potential reduction of light, they are secondary windows, or serve bedrooms. Furthermore, the level of transgression is very minor and not significant.
13. The sunlight assessment demonstrates full compliance with the BRE criteria. In addition, the assessment of overshadowing within the rear gardens of the neighbouring properties has demonstrated either very little alteration to existing sunlight amenity, or that there would be an improvement.
14. The effect of the development on the sunlight and daylight experienced by Nos. 7 and 8 Wellesley Avenue has been included within the DSA, both of which are directly opposite the proposed building at No. 12. The effect on both is found to be fully compliant with the BRE guidelines. While I note the comments of the occupiers of other properties on the north side of Wellesley Avenue and of 46 Wingate Road, given the distance of these properties from the proposed building at No. 12, and the findings of the report, I am satisfied that the proposal would not materially harm the living conditions of those occupiers with regard to daylight and sunlight.
15. Therefore, in the absence of any substantive evidence to the contrary I am satisfied that there would be no materially harmful reduction in daylight or sunlight experienced by the occupiers of surrounding houses. That does not mean to say though that there is no harmful impact to residents' outlook which can be experienced through the presence of an overbearing structure or an increased sense of enclosure.

13 Wellesley Avenue

16. No. 13 forms a two-storey property sited between No. 12 and No. 14. The existing high brick wall forming the side elevation of the garage building forms the eastern boundary. The shallow pitch of the garage roof means that is not particularly obtrusive in views from the rear of No. 13. The garage then wraps around the southern boundary of No. 13 forming a single storey structure of a height of about 2.9 metres according to the Council. The western boundary with No. 14 is formed by a brick wall of about 1.9 metres high. The garden area is small with the garage only about 3 metres from the rear elevation of No. 13 which contains windows at ground and first floor. The outlook from the rear windows is therefore relatively enclosed. While there would be more open views towards Paddenswick Road, these are oblique views only.
17. According to the Council the rear wall would increase in height to 3.3 metres and the side wall with No. 14 to 3.35 metres. These figures have not been disputed by the appellant. The rear boundary wall would be subject to only a limited increase. However, while the upper floors of the proposed office building would be set off the boundary with No. 13 by just over a metre, its height and mass would still be significant close to the boundary, over and above that already experienced by the garage. This together with the increase in height of the boundary with No. 14, by a significant amount, would materially add to the sense of enclosure experienced by the occupiers of No. 13. This would be both in views from the rear windows, and within the private garden space where the high boundary wall and new building would dominate views within the small private garden space.
18. It was confirmed at the hearing that the proposals under the existing extant planning permission² only proposed increasing the boundary treatment to a height of 2 metres, which is significantly below the 3.35 metres proposed in the current scheme and similar to what is in place now.
19. A balcony is proposed on the rear elevation of the proposed house at No. 14 at first floor level. Its position and height would mean that users would have the opportunity for direct views into the garden of No. 13. I am satisfied though that the imposition of a condition could secure the provision of a suitably designed privacy screen which would mitigate the potential for overlooking from the balcony in accordance with Key principle HS8 of the SPD.

11 Wellesley Avenue

20. No. 11 is a two-storey house with a high brick boundary wall to No. 12 beyond which is the side elevation of the garage, which is higher than the boundary wall, with the roof of the garage sloping away from the boundary. I saw that windows contained within the rear elevation of No. 11 have an oblique view towards the boundary wall and garage wall with a direct outlook towards properties on Dorville Crescent.
21. The boundary wall between the two properties would increase from 2.2 metres to 3.3 metres high. However, bearing in mind the existing high garage structure this in itself would not be materially harmful. While the second floor of the proposed building would be in line with the rear elevation of No. 11, the ground and first floors would extend close to the boundary beyond the rear

² 2014/05904/FUL (the extant planning permission)

elevation of No. 11 at a height above that of the existing garage wall, before being set in to the appeal site to accommodate a lightwell. While therefore, most of the building would be set back from the boundary, its height and mass would be significant and would still be close enough to the boundary to have an unpleasantly enclosing and overbearing effect on the garden and on the windows of No. 11.

29-35 Dorville Crescent

22. Nos. 29-33 form a terrace of two storey houses with rooms in the roof. Within the properties there is a mixture of flats and single residential houses. Most have windows that face towards the appeal site. Nos. 33 and 29 also have gardens that would have a view of the appeal site.
23. At my site visit I saw that the outlook to the northwest from the windows in Nos. 29-33 was towards the south eastern elevation of the garage building which is set immediately behind a high boundary wall. The garage building reaches a maximum height of 13.15 metres at its ridge, above the boundary wall, with a shallow pitch roof. It therefore decreases in height along the boundary from No. 29 to No. 33.
24. I accept that the boundary wall would be reduced in height between the properties. However, there would be a considerable increase in the height of the building along the boundary. The first and second floors would be set in from the boundary and constructed from lightweight metal panels of a grey green colour, according to the appellant to resonate with the canopies of mature trees. However, the set-back of each floor would not be by a significant amount and the use of metal panels would not sufficiently mask the consequent substantial bulk and mass of the building very close to the boundary with the houses. As a result, it would be significantly overbearing and dominant to the outlook from the rear windows and the gardens of the properties.
25. While the overall height of the building would increase by about a metre, this would only be when compared to the highest point of the ridge of the roof of the existing building and not the whole roof structure. The shallow pitch roof slopes away from this highest point so that the mass of the existing building is not experienced as an oppressive structure from the properties in Dorville Crescent.
26. The occupiers would have a more open outlook in other directions. However, the proximity of the proposed building to the boundary, even with set-backs, together with its large size and extent along the boundary means it would dominate views to an unacceptable degree.
27. The rear of No. 35 Dorville Crescent faces directly towards the appeal site and therefore has a view of the existing garage with its roof sloping away from No. 35. The proposed building, while significantly increasing in mass, would be set back from the appeal site boundary. As a result, there would be sufficient distance between the rear elevation of No. 35 and its garden and the proposed building to ensure that there it would not cause overbearing impacts that would be materially harmful.
28. The south eastern elevation of the proposed building facing the properties on Dorville Crescent would also contain a number of windows. The proposed

vertical fins would prevent direct window-to-window overlooking between the existing houses and the proposed offices. However, they would not prevent overlooking of the private garden space currently enjoyed by No. 29 in particular. Given the extent and number of windows that are proposed it is likely that a good proportion of the garden of No. 29 would be overlooked by the proposed windows and not just the rear most section. Furthermore, while the area may be already overlooked by a small number of windows in nearby properties, to my mind this would not be the same as experiencing overlooking from multiple windows in an office development, which may be used on a weekend, enabling a large number of people to have views of a private garden. To my mind this is not good neighbourliness, nor does it apply the principles of residential amenity which is required by Policy DC2 of the Local Plan.

29. I have given some consideration as to whether a condition requiring these windows to be obscure glazed would be reasonable to impose. However, given the restricted high-level windows on the east and west elevations of the proposed building then, to further reduce the outlook from the windows on the south east elevation would, in my view, unacceptably harm the quality of the office accommodation.
30. The east elevation of the property would contain windows at ground and first floor which would look directly towards No. 33 and No. 35. However, these would be high level only which would ensure that there would be no opportunity for direct overlooking between the properties.

Properties on the north side of Wellesley Avenue and 46 Wingate Road

31. Concerns have been raised by some residents of these properties regarding the overbearing impact of the proposed building that would be experienced from their front windows, and in the case of No. 46 rear windows and gardens. Furthermore, the proposed large windows would enable workers to look into properties and gardens.
32. I had the opportunity to view the appeal site from a number of these properties. From my observations, I am satisfied that the intervening distance between them and the new buildings, over a public highway, is sufficient to ensure that there would be no materially harmful impact from the proposals due to them causing an overbearing impact or loss of privacy.

Paddenswick Court

33. Paddenswick Court forms a large block of flats to the south west of the appeal site. Currently windows in the rear elevation of the building face towards the appeal site. The increase in height and mass of the proposed building at No. 12 would be visible from the flats within Paddenswick Court, but would be a considerable distance away, such that no material harm would be caused to the outlook from the flats by the proposed building.
34. The boundary wall between the garden of Paddenswick Court and the appeal site would be increased from 2 metres to 3.3 metres in height. While the view from the garden would change, given the amount of space available to residents I am satisfied that the increase in height of the wall would not have a materially harmful effect on the resident's living conditions.

Noise

35. I found the area around the appeal site to be a quiet residential area. At the time of my site visit the street was well used by pedestrians. Although I could hear some traffic noise it was not obviously intrusive within the area. Houses along the street are set behind a small front window and therefore windows are close to the footway.
36. The appellants Transport Statement 2017 (TS) demonstrates that there would be a reduction in the comings and goings to the premises of vehicular activity compared with the current use. I acknowledge the concerns of the residents that use of a KwikFit premises in the TS as a basis for the current use does not reflect the level of use which was occurring at the site when it was previously used as a specialist Aston Martin garage. Nevertheless, the appeal site at No. 12 has an unrestricted B2 use and therefore could be occupied by a different user with potentially higher activity levels than those experienced previously.
37. The TS demonstrates there would be 86 fewer trips overall during the day caused by the proposal than the existing B2 use. Furthermore, there would be a reduction in OGV trips and there would be fewer LGV trips than the current number of OGV trips. I heard anecdotal evidence from residents regarding the large number of trips that would be caused by deliveries to the proposed building, and therefore harm the safety of people and schoolchildren walking along Wellesley Avenue. I accept that local knowledge is important but, in the absence of any substantiated evidence to dispute that provided in the TS, I am satisfied that the figures provided by the appellant are appropriate in this instance. I am also mindful that the council confirmed at the hearing that it raised no objection to the methodology used within the TS, or indeed the contents of the TS itself.
38. Furthermore, irrespective of whether the appeal site is within Public Transport Accessibility Level 3 or 4 I saw that it is in a highly accessible location being within walking distance of tube stations and bus stops. In addition, the development would be car free. I saw that the parking around the area is mainly restricted, and employees and visitors may have to travel a considerable distance to park cars, which would in itself be a potential deterrent to people arriving by car. Therefore, I am satisfied that the appeal site is located within an area where it is reasonable to assume that people attending the site would not necessarily use a car.
39. The TS does not take into account though the potential for employees walking to and from the property from public transport and leaving at lunch times to access shops and facilities. The provision of the offices of the size proposed would, in the appellants view, bring about 166 employees into the area. While this would be a large number, I am not convinced that during the daytime this would cause such a level of noise and disturbance along the street that would be materially harmful. However, later in the evenings and early in the mornings when it is likely to be quieter in the area with less vehicular movement and pedestrian footfall, then the possibility of the movement of large numbers of people, would have the potential to cause harm, particularly given the proximity of the houses to the footway. Furthermore, employees may tend to gather in small groups outside the building which would also cause undue noise from voices at such quiet times.

40. The proposed house at No. 14 would be a three bed-room maisonette. The front part of the ground floor would though be used as a secondary entrance for the offices giving lift access to the area for the cycle and refuse storage.
41. This access area would be directly adjacent to the kitchen and beneath one of the bedrooms of the maisonette. I acknowledge that the Town and Country Planning (Use Classes) Order 1987 states that a Class B1 use is one that can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Nevertheless, the extreme proximity of these uses would mean that, for example, if the bedroom window were open during warm weather, it is highly likely that the level of noise and disturbance from the associated comings and goings of people accessing the storage areas from the entrance which would be directly below the bedroom window, given the scale of use proposed, would lead to unsatisfactory living conditions for future residents.
42. The appellant states that the Curtis building has a similar amount of floor space as that proposed at the appeal site and there is no evidence of negative impacts. However, the entrance to that building is on Paddenswick Road, it is unlikely therefore that people accessing the building would use Wellesley Avenue either by foot or vehicle. Furthermore, Paddenswick Road is a much busier, wider road having a different character to that of Wellesley Avenue.
43. There are very limited details accompanying the appeal regarding the proposed hours of operation and it was confirmed at the hearing that this is not yet known. However, I am satisfied that in this quiet residential area, given the proximity of the office use to houses, it would be necessary to restrict the hours of operation to ensure the living conditions of neighbours, late at night and early in the morning, would not be harmed by the proposal should the appeal be allowed. This could be incorporated into an office management condition which would ensure an appropriate management regime for such matters, to ensure that the proposal would be in accordance with Policies CC11 and CC13 of the LP which seek to protect residents from unacceptable noise impacts.
44. The Council has referred me to appeal decision reference APP/H5390/W/320686 which it considers raises similar issues regarding the operation of an office in a quiet residential area. In that instance though the appeal had been submitted against the Council's refusal to allow the use of an office without complying with a condition which permitted its use to between the hours of 07:30 and 20:00 Mondays to Saturdays and at no time on a Sunday or a Bank Holiday. I accept that the appeal raises similar issues but there is no suggestion here that the proposed offices would be operated on a 24-hour basis. Furthermore, the Council had accepted, in that instance, that the use would be acceptable within the permitted hours within the residential area. While the appeal decision has not been determinative therefore, it reinforces my view that the operation of the office during daytime hours would not cause material harm in terms of noise and disturbance.

Basement

45. The proposed basement would be large. Paragraph 12.62 of the justification to Policy DC11 of the LP states that restricting the extent of basement excavations to any approved extension and limiting the depth of excavation to

- a single storey will help to limit the extent and duration of construction. This will help to reduce the impact of basement construction on local residents.
46. The Council, in its application report, raise no objection in this respect subject to a condition requiring a construction management and logistics plan to deal with this issue. Residents raised concerns regarding the potential noise and disturbance during its construction and the loss of parking bays and in particular a disabled parking bay on the street. However, the appellant has submitted a construction management plan (CMP), as part of the proposal, and confirmed at the hearing that only one parking bay would be required during construction and only on week days, and it was highly unlikely to be the disabled parking bay.
47. In the absence of any substantive evidence to the contrary I would concur with the Council in its application report that a condition would reasonably mitigate any harm to resident's living conditions and, notwithstanding the submitted CMP, deal with the level of detail raised by residents.
48. While I have found that there would be no material harm caused to resident's living conditions in some instances, for the reasons above I conclude that the proposal would be harmful to the living conditions of the occupiers of 11 and 13 Wellesley Avenue and 29-33 Dorville Crescent with particular regard to outlook and No. 29 Dorville Crescent with regard to privacy. It would therefore be contrary to Policies HO11 and DC2 of the LP which state that all proposals, including those for new housing, should be designed to respect good neighbourliness and the principles of residential amenity, including issues such as privacy and outlook.
49. The Council also refers to Key principle HS7 of the SPD, however this relates to extensions to residential properties and therefore has not been determinative here.

Conservation Area

50. The appeal site is located within the Ravenscourt and Starch Green Conservation Area (CA) which covers a large area mainly focused around Ravenscourt Park, a substantial green space. Generally, I saw that, due to its size, the CA contains areas of differing character, some having larger buildings around for example the former hospital blocks. Predominantly though the CA has pockets of terraced houses of between two and three storey dwellings developed on the edge of Ravenscourt Park displaying some uniformity of design and materials. The appeal site is located within the Ravenscourt Park and surrounding streets sub area as identified in the Ravenscourt Park and Starch Green Conservation Area Character Profile document dated 1999 (CACP). The CACP identifies the area as containing the older built fabric and the park, which is a remnant of the former grounds of the manor of Palingswick, surrounded by a street layout which has evolved from the 18th century. There is a mix of uses within this part of the CA. The recreational use of the Park is a particularly dominant element, as is the hospital use directly to its west. There are also commercial uses along Goldhawk Road and King Street providing variety and hierarchy within the primarily residential built fabric surrounding the park and hospital.
51. Generally, I found this to be the case at my site visit with the significance of the CA largely being derived from its traditional architectural and historical

evolution and, notwithstanding the mixture of uses, a predominantly strong intimate residential character. Wellesley Road where the appeal site is located, is a quiet, mostly residential street. The five-storey Curtis building on the corner of Wellesley Avenue and Paddenswick Road which is in a mix of office and residential use is something of an anomaly within the street, both in terms of its size and use. Its main entrance is on Paddenswick Road where its use is more akin to the busier street. Otherwise, there is a pub and the appeal site which are in commercial use, and not sufficient to detract from the overwhelming residential nature of the area. The CACP notes that the introduction of housing on the former works site in the block defined by Goldhawk Road, Paddenswick Road, Wingate Road and Wellesley Avenue reinforces the residential character of this area. While therefore housing may not have been the original use in the area, and the uses may have evolved over time, the area is now predominantly residential in character.

52. While the roof forms are not particularly uniform in nature on Wellesley Avenue, the buildings generally have two storeys with pitched roofs set behind a small garden with a front boundary wall and have a traditional small scale domestic appearance with regular fenestration. While there is more variation in design on the southern side of the street where the appeal site is located, the buildings mainly reflect the essential small scale and fine grain domestic appearance exhibited on the northern side of the street.
53. The appeal site itself covers both 12 and 14 Wellesley Avenue. No. 14 is a cleared site previously occupied by a small house. The house was demolished in order to implement the extant planning permission. No. 12 is occupied by a single storey garage building. The location of the building back from the footway punctuates the prevailing building line along the street and the design of the garage does not reflect the surrounding traditional domestic scale and grain of the buildings. Furthermore, when the building was in use the set-back would allow the parking of cars on the forecourt in contrast to the mainly small gardens to the front of dwellings, which soften the appearance of the streetscene. All of these factors mean that while the shallow pitch of the garage roof, and the set back of the building, ensures that the building does not visually dominate the streetscene, it nevertheless, makes a negative contribution to the character and appearance of the CA. Both parties therefore agree that the site forms a development opportunity.

Building Design

54. The proposed building at No. 14 would be similar in scale and form to that already approved within the extant planning permission, and no objections are raised by the Council. Given the relevant fall-back position of the extant planning permission I see no reason to disagree with this view.
55. The Council confirmed at the hearing that, in its opinion, the revisions made to the front elevation of the building in terms of the removal of the staggered brick work around the windows so that it wraps around the whole façade and appears as a whole reflects the fine residential grain of surrounding properties. I concur with that view. The regular vertical rhythm of the windows on the ground and first floor interrupted by the brick piers extending the height of the ground and first floors reflects that on surrounding properties.
56. Although the Council accept that a three-storey building in principle may be acceptable, it is concerned about the prominence of the second floor as

proposed. I share this view, even with the increased set back shown on the revised drawings, and the use of metal cladding, the addition of the second floor means that the height of the building, in its position between two storey dwellings within the street would form an incongruous addition to the street. The limited set back means that the large bulk of the second floor would be dominant in views of the street where the roof form generally appears recessive, including on the Curtis building. I acknowledge that the roof form would be similar to that on the proposed building at No 14. However, the roof at No. 14 would be much smaller and would appear against the back drop of the high Curtis building, and not visually isolated within a terrace as the proposed roof at No. 12 would be. I saw elsewhere within the CA there are variations in roof heights with higher buildings on Dorville Crescent. Nevertheless, the buildings tend to step up as part of a coherent terrace, and a step up and step down in roof height within the middle of a terrace as proposed here is not a typical pattern.

Boundary wall

57. I share the Council's concern that the low height of the proposed front boundary wall would not be generally reflective of the character of other boundary treatment on the street which are mainly higher giving a sense of enclosure to the front garden areas of the residential properties. Nevertheless, as agreed within the Statement of Common Ground dated 5 February 2019 (SOCG), the provision of a front boundary wall of 1 metre in height would be supported by the Council and could be secured through the imposition of a condition should the appeal be allowed. Such provision would in my opinion ensure that the development would not be harmful to the character and appearance of the area.

Scale of use

58. CAG1 of the Planning Guidance Supplementary Planning Document 2018 (the SPD) states that the mixture of uses within a conservation area is a component of character and often reinforces the role and quality of its individual buildings and local townscape. The impact of changing the balance of uses on that character must be carefully considered. Where new uses are proposed, they should be configured and accommodated in a manner that is consistent with the character of the conservation area and its architectural form, scale and features.

59. I have already identified that the quiet intimate nature of the CA in this location is largely down to the prominently residential nature of the area. The Council raise concerns regarding the scale of the proposed office and the consequent activity levels which would harm the character and appearance of the CA.

60. The issues raised here are very similar to those raised regarding the level of noise caused by the proposal and its impact on the living conditions of residents. I have found that any harm with regard to noise, would be likely to occur late at night or early morning when the area is likely to be quiet as residents would be predominantly sleeping and activity levels low. Therefore, a condition limiting the hours of operation would be necessary to mitigate that harm.

61. With that condition in place, while the proposed offices would bring about a change in activity levels to the site, particularly with regard to pedestrian

movements, I am not persuaded that such a change would be materially harmful to the character and appearance of the area. During the hours the offices were closed, there would be no material change. During the hours the offices were open while it is likely that there would be an increase in pedestrians attending the site, I noted at my site visit, that pedestrians regularly use Wellesley Avenue and the numbers involved would be unlikely to materially harm that pattern of use.

Basement

62. At my site visit I saw that some front gardens of properties within the CA contained very small shrubs and trees commensurate to the size of the restricted gardens. These, along with street trees, soften the character and appearance of the CA. CAG6 of the SPD states that trees make a significant contribution to the character and appearance of conservation areas. It is important that any proposed changes preserve the character and reinforce local distinctiveness of the area. While this is true of the street trees in the vicinity of the appeal site, I saw that in this instance rear gardens are not generally visible due to the nature of the terraced properties, other than on corner properties. Furthermore, the front gardens contain only some small shrubs and trees and therefore their contents only make a limited contribution to the character and appearance of the CA.
63. The Council is concerned that the proposed basement, by virtue of its size, and extending beyond the footprint of the building would result in an overdevelopment of the garden areas and would result in long term harm being caused to the green appearance of the borough and biodiversity which in turn would have a detrimental impact on the character and appearance of the CA.
64. The proposal includes the provision of a basement across most of the site. It would extend underneath most of the rear and front garden of the proposed house at No 14 up to the boundary with No. 13 and the Curtis building, and beneath the front open space at No. 12. Furthermore, there would not be a minimum of 1 metre of soil above the basement beneath the gardens to No. 14. Therefore, in these respects it would be contrary to Policy DC11 of the LP.
65. The rear garden of No. 14 as shown on plan ref 559/123 would have a soil depth of 950 mm and would be planted with turf. Given that the area is currently hard surfaced, and because existing boundary treatment limits views from neighbouring properties then I am satisfied that the character and appearance of the CA would at least be preserved.
66. Plan ref 559/123 shows a soil depth of 600 mm to the front of No. 14. However, the appellant's AAS 2018 states that the soil depth would be 500mm supplemented in areas of tree planting by raised planting beds to achieve an overall depth of 750mm. The AAS references research which suggests these figures would facilitate shrubs and tree planting depending on the type of tree to be planted. It is envisaged that the front garden would be bounded by a hedge, contain a small tree and the green roof to the basement. Furthermore, the front area of No. 12 would consist of low growing vegetation. Given the limited size of the proposed areas such planting would be appropriate. As the existing forecourt of No. 12 is hard surfaced then the proposal would at least preserve the character and appearance of the CA.

67. The size of the front garden to No. 14 would be reduced due to the extent of the proposed building. Furthermore, part would be required for cycle and refuse storage both for the proposed house and the offices albeit on a temporary basis for the offices. Nevertheless, I am satisfied, based on the evidence before me, that there would still be sufficient room for some planting to be established of the scale and nature that is evident in the street and would preserve the character and appearance of the area.
68. The specific criteria within Policy DC11 regarding the size and extent of the basement and the depth of soil above the basement would not be met. In this particular instance I have no reason to suppose, based on the evidence before me, that the level of planting would not be sufficient to provide low level vegetation to establish and thrive. Consequently, I am satisfied that the character and appearance of the CA would at least be preserved in this respect due to the specific character of planting within the street. Therefore, there would be no material harm as a consequence of the breach of the particular parts a, b, c and g of the Policy DC11. Furthermore, in this respect the proposal would be in accordance with Policy OS5 of the LP and key principles BD1, BD8 and BD9 of the SPD which seek to protect front and back gardens and encourage planting and protect and enhance biodiversity.
69. While I have found the proposal to be acceptable in some respects, the proposed building at No. 12 would be of a height and mass which means it would fail to integrate and have a positive relationship with the adjacent terrace. As a result, in this instance, the proposal would be a visually obtrusive and discordant building within the streetscene. There would be material harm in this regard and, as a consequence, the character and appearance of the CA would not be preserved. Accordingly, although the removal of the existing building at No. 12 would enhance the character and appearance of the CA, its replacement, the appeal proposal, would result in material harm.
70. For the reasons above the proposal I conclude that the proposal would not preserve or enhance the character or appearance of the Ravenscourt and Starch Green Conservation Area. It would therefore be in conflict with Policies DC1, DC2 and DC8 of the LP, key principles CAG1, CAG2 and CAG3 of the SPD and the Framework. These require that development contributes to a high quality urban environment that respects and enhances its townscape context and heritage assets, is compatible with the scale and character of existing development and applications affecting designated heritage assets are only permitted if the significance of the heritage asset is conserved or enhanced.

Sustainable Drainage System (SuDS)

71. The Council confirmed at the hearing that it required further information regarding the proposed Suds measures to be incorporated within the scheme to ensure that the London Plan Drainage Hierarchy was appropriately referenced and that the solution reached maximised the SuDS measures for the site. In particular, it requires further details of the rainwater harvesting system, whether a green roof could be incorporated with the proposed PV cells and potential infiltration on permeable surfaces. This would then ensure that the size of the underground attenuation tank has been minimised and other SuDs measures have been maximised.
72. The appellants SuDs Assessment submitted with the appeal makes reference to the London Plan Drainage Hierarchy and describes how the proposed solution

would manage surface water runoff in accordance with that hierarchy. This would include a rain water harvesting system and reliance of a below ground tank with a pump to drain water away to the public sewer at a rate of 3 l/s. This is slightly above the greenfield rate, but according to the appellant is the rate required to meet Building Regulations in relation to the size of pipes. I have seen no substantive evidence from the Council to dispute this.

73. The appellant has discounted green roofs due to the presence of PV cells and infiltration techniques due to the requirement for soakaways to be located a minimum of 5 metres away from the structural foundations. The Council do not dispute this but consider that some form of infiltration techniques could be utilised in the proposed soft landscaped areas.
74. My attention has not been drawn to any investigation by the appellants of the potential for infiltration within the areas of soft landscaping. Furthermore, the use of green roofs is supported by the London Plan. I accept that PV cells were proposed by the appellant in response to a request by the Council, however it seems that combination of the use of both has not been adequately investigated. Therefore, it seems to me that the scheme proposed places heavy reliance on a system at the bottom of the London Plan Drainage hierarchy without appropriate investigation of methods to maximise solutions at the higher level.
75. I note the wording of the relevant LP Policy CC4 that requires that all proposals for new development must manage surface water run-off as close to its source as possible and on the surface *where practicable*, in line with the London Plan drainage hierarchy. However, in this instance I am of the view that it has not been adequately demonstrated that it is not practicable to maximise drainage solutions higher up in the drainage hierarchy.
76. Given that the plans before me include a large number of PV cells on the roof and the appeal buildings, including the basement cover much of the site, I am of the view that such matters, including how the SuDs measures would be maintained, need to be agreed prior to any consent being granted and therefore, it would not be reasonable to impose a condition in this respect.
77. Therefore, for the reasons above I conclude that the proposal does not make suitable provision for Sustainable Drainage Systems (SuDs). There would therefore be conflict with the requirements of Policy CC4 of the LP.

Other matters

78. The appellant states that pre-application advice provided by the Council was generally favourable and did not raise concerns regarding the scale, height and massing of the building, it was not set out that outlook was considered unacceptable, the principles of the approach to privacy were not challenged, purported issues around noise and disturbance could clearly be addressed by operational conditions, SuDS, biodiversity and trees were not raised as a particular concern.
79. However, I have found harm in some of these respects and in any case, pre-application advice is generally not binding on the Council in determining later planning applications.

Conclusion

80. I am satisfied that the harm I have identified to the significance of the heritage asset can, in the language of paragraph 196 of the Framework be considered as less than substantial. Paragraph 196 of the Framework requires that less than substantial harm be weighed against the public benefits of the respective proposals.
81. It is agreed between the parties in the SOCG that an uplift in employment floor space on the site is supported in principle. Indeed, the provision of offices on the site would comply with Policy E1 of the LP which seeks to provide for a range of employment uses and supports the provision of flexible space which could be provided within the building giving different sized businesses the opportunity to locate within the building. Furthermore, there would be jobs created both during the construction of the buildings and when the building at No. 12 is complete. The Framework also supports the efficient and effective use of land and places substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Paragraph 6.7 of the LP states a need for 380,000-511,000 sqm of B1 office use to 2036. In addition, Paragraph 80 of the Framework states that significant weight should be placed on the need to support economic growth and productivity. However, similar benefits could be achieved from a scheme whose design did not cause the same harm to the character and appearance of the CA.
82. The proposal would also result in the removal of a B2 land use which could have the potential to cause harm to the living conditions of residents. However, it would be replaced with a building that I have found would also cause harm to resident's living conditions and therefore I give this benefit limited weight.
83. The Framework confirms that great weight should be given to the asset's conservation irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Therefore, in this instance, the benefits of the proposed building would not outweigh the resulting very significant harm to the character and appearance of the CA.
84. Moving on to the overall planning balance, I have identified that there would be conflict with the development plan in respect of the effect of the proposal on resident's living conditions, the harm caused to the character and appearance of the CA and the SuDS. The benefits that I have outlined above, while material considerations, would not be sufficient to outweigh the conflict with the development plan.
85. Therefore, for the reasons above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

PLANNING INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Richard Harwood of Queen's Counsel Instructed by

Oliver Jefferson	Associate Director, Turley
Andy Wakefield	Arboricultural Consultant AeCOM
Richard Brookes	Director (Heritage), Turley
Alan Power	Architect

FOR THE LOCAL PLANNING AUTHORITY:

Grace Harrison	Senior Planning Officer, Council of the London Borough of Hammersmith and Fulham
Steven Davis	Principle Planner Urban Design and Conservation, Council of the London Borough of Hammersmith and Fulham
Gerta Kodhelaj	Solicitor, Council of the London Borough of Hammersmith and Fulham

INTERESTED PARTIES

Councillor Bora Kwon	Ravenscourt Park Ward Councillor
Mark Livingstone	Local Resident
Fiona Wolstenholme	Local Resident
Francesca Brill	Local Resident
Ben Powell	Local Resident
Nigel Wattis	Local Resident
David Robson	Local Resident
Robert Allen	Local Resident
Karm Bazzi	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 – Policy DC11 basements and Lightwells – submitted by the Council
- 2 – Economic Development Priorities – submitted by the Council
- 3 – Approved plans relating to planning permission 2014/05904/FUL for 14 Wellesley Avenue