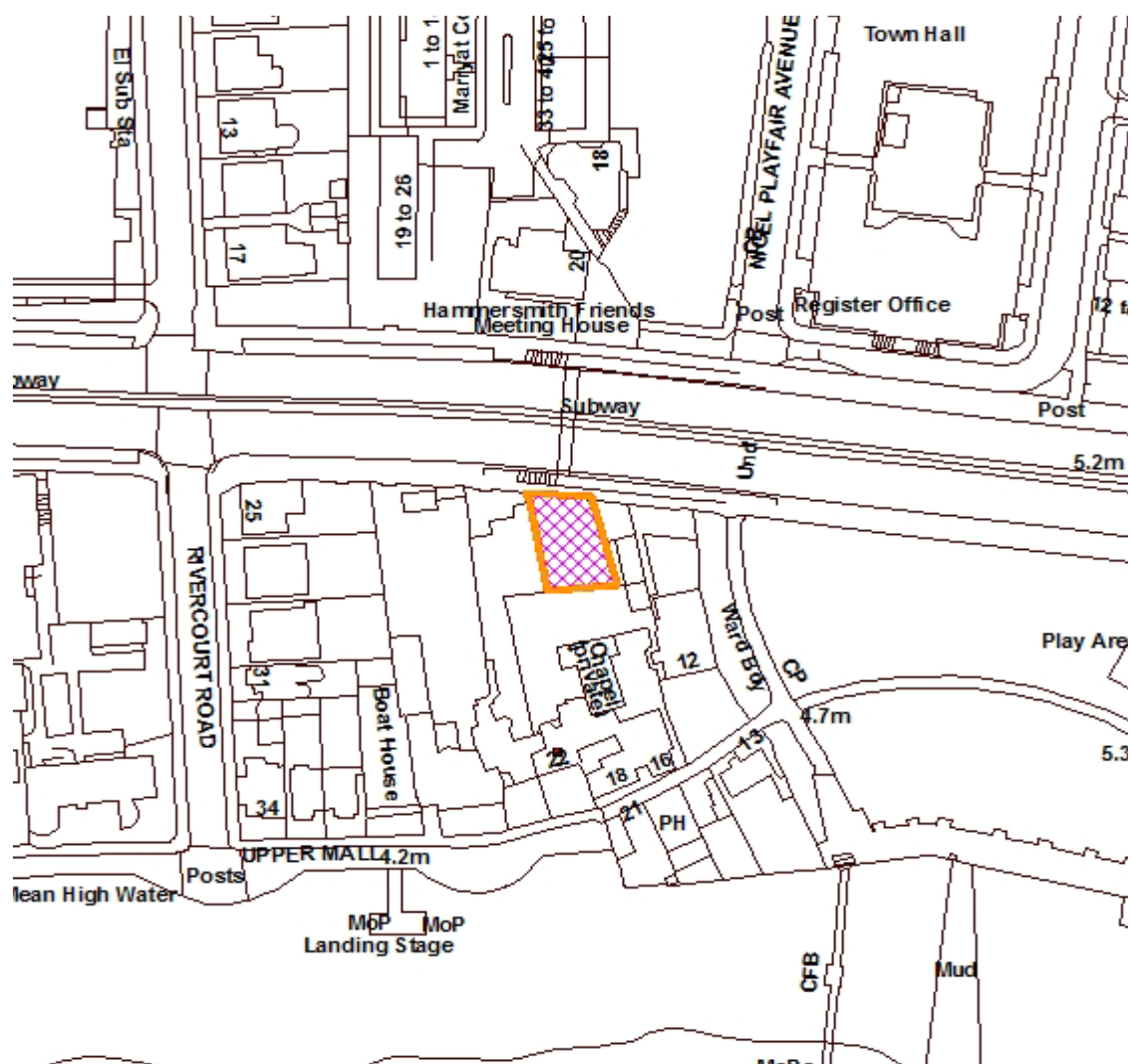


**Ward:** Ravenscourt Park

**Site Address:**

22 Upper Mall London W6 9TA



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**For identification purposes only - do not scale.**

**Reg. No:**  
2020/02475/FUL

**Case Officer:**  
Sian Brown

**Date Valid:**  
02.10.2020

**Conservation Area:**  
Constraint Name: The Mall Conservation Area -  
Number 2

**Committee Date:**  
07.12.2021

**Applicant:**

Mr Dominic Warren  
22 Upper Mall London W6 9TA

**Description:**

Retention of a single storey art studio together with a high level roof and rooflights, and retention of a single storey conservatory attached to the new art studio at the rear of 22 Upper Mall.

Drg Nos: 001A; 002A; 003A. 004A; 005A

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

- 1) That the Committee resolve that the Chief Planning Officer be authorised to refuse planning permission pursuant to the Town and Country Planning Act 1990 subject to the reason listed below:
- 2) That the Committee resolve that the Chief Planning Officer, after consultation with the Assistant Director, Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed reason for refusal, any such changes shall be within their discretion.

**Reasons For Refusal:**

- 1) The retention of the outbuilding is considered to be unacceptable as a result of its excessive height and massing which has resulted in harm to the setting of the listed building, harm to the settings of adjacent listed buildings and Buildings of Merit and harm to the character and appearance of the conservation area. The less than substantial harm identified to designated heritage assets is not considered to be outweighed by public benefits. In these respects, the proposal to retain the outbuilding fails to comply with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2021), Policy HC1 of the London Plan (2021), Policies DC1, DC4, DC8 and RTC3 of the Local Plan (2018) and Key Principles AH1, AH2 and CAG3 of the Planning Guidance Supplementary Planning Document (2018).

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**LOCAL GOVERNMENT ACT 2000  
LIST OF BACKGROUND PAPERS**

**All Background Papers held by Andrew Marshall (Ext: 4841):**

Application form received: 28th September 2020  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2021  
The London Plan 2021  
LBHF - Local Plan 2018  
LBHF – Planning Guidance Supplementary Planning Document  
2018

**Consultation Comments:**

**Comments from:**

Historic England London Region  
Greater London Archaeology Advisory Service

**Dated:**

19.08.21  
21.09.21

**Neighbour Comments:**

**Letters from:**

**Dated:**

Sussex House 12-14 Upper Mall	21.06.21
27 Rivercourt Road London W6 9TF	22.06.21
27 Rivercourt Road London W6 9TF	15.07.21
27 Rivercourt Road London W6 9TF	15.07.21
24 Upper Mall London W6 9TA	02.07.21
27 Rivercourt Road London W6 9TF	30.05.21
27 Rivercourt Road London W6 9TF	16.06.21
Westcott Lodge 22 Lower Mall London W6 9DJ	15.07.21

**1.0 SITE CONTEXT AND CONSTRAINTS**

- 1.1 The property comprises a three storey house on the northern side of Upper Mall, within the Mall Conservation Area and Thames Policy Area and is subject to an Article IV Direction. The property has a long rear garden extending north to the Great West Road (A4).
- 1.2 The property and its neighbours were built in phases over several centuries and have a complicated history. The property was originally part of No. 24 (Grade II listed) which was divided c1700. The building was occupied by a community of nuns, the English Ladies, and then by the Irish Sisters of Charity and was extended during the Victorian period. More recently the property was in use as a hostel and following the grant of planning permission and listed building consent in 2003 the property was subdivided into three dwellinghouses, now known as no.s 16, 18 and 22. No.22 is Grade II listed and Nos. 16 and 18 are locally listed Buildings of Merit.
- 1.3 The Grade II listed Hammersmith Town Hall and the Hammersmith Town Hall Conservation Area is on the north side of the Great West Road (A4).
- 1.4 The application site falls within the setting of several listed buildings and locally listed Buildings of Merit (discussed in more detail in the Visual Amenity and Heritage section of this report).

**2.0 RELEVANT PLANNING HISTORY**

- 2.1 In March 2003 planning permission and listed building consent was granted for the

conversion of the hostel into three separate houses; reinstatement of the rear elevation; formation of new pitched roofs; alterations to windows and doors and to the front boundary wall (2000/02304/FUL & 2000/02305/LBC).

### 3.0 PROPOSAL

- 3.1 This application seeks planning permission for the retention of a single storey outbuilding at the rear of 22 Upper Mall for use by the residents of the main dwellinghouse.
- 3.2 The building is split into two elements, providing an art studio and a conservatory. The art studio is constructed of reclaimed multi stock bricks and measures a maximum of 6 metres deep by 9 metres wide. The eaves of the building matches the top of the existing rear boundary wall (3 metres in height) which separates the grounds of the properties along Upper Mall from the A4. The building is then enclosed by a slate pitch roof, containing several rooflights in the north, east and west facing slopes, and finished with 3no. zinc finials at the apex. The height of the roof above the boundary wall is approximately 3metres to the ridge line. The overall height of the building, including the finials is 6.6 metres. Attached to the southern elevation is a lean-to timber frame conservatory which projects 2.3 metres into the rear garden. The outbuilding occupies an overall footprint of 61sqm. Part of the 1.7metre high east and west boundary walls in this location have been demolished to accommodate the new building.
- 3.3 During the course of the application the applicant was informed by Officers that the proposal could not be supported. It was explained that the height and massing of the outbuilding in this prominent location would harm the character and appearance of the Conservation Area and the setting of the listed building as well as the settings of adjacent listed buildings and Buildings of Merit. Against Officers' advice development commenced and the outbuilding is now substantially complete.
- 3.4 The planning application therefore now seeks to retain the outbuilding.
- 3.5 Officers consider that the requirement for Listed Building Consent has been triggered by the physical connection between the outbuilding and the boundary walls, part of which have been removed as a result the development. The applicant has been made aware of the requirement for Listed Building Consent but no Listed Building Consent application has been received to date. The lack of a Listed Building Consent application for the works undertaken does not fetter the Council's ability to determine the planning application received for the development.

### 4.0 PUBLICITY AND CONSULTATION RESPONSES

#### + Statutory Consultation

- 4.1 A Site and press notice were published to advertise this application and notification letters were sent to the occupants of surrounding properties.
- 4.2 7 representations received. 4 from the occupiers of 27 Rivercourt Road objecting to the proposal; and 3 letters of support from 12-14 Upper Mall, 24 Upper Mall and

Westcott Lodge 22 Lower Mall.

The objection comments can be summarised as follows:

- o The outbuilding is currently under construction without obtaining planning permission
- o Additional rooflights have been installed which are not shown on the plans
- o The outbuilding is oversized and out of keeping with its setting
- o The roof is disproportionate and too high
- o There are no precedents for an outbuilding of this height
- o Loss of privacy from the rooflights
- o Applicants own consultation is limited to immediate neighbours only
- o The outbuilding could be used as a self-contained dwelling to be rented out

(Officer note: revised plans were submitted which included the additional rooflights which were not part of the original proposal but subsequently included during the construction of the outbuilding. The occupiers of 27 Rivercourt Road were sent copies of the revised plans for their comment)

+ Technical Consultations

4.3 Historic England confirm they do not wish to offer any comments.

4.4 The Greater London Archaeological Advisory Service (GLAAS) states that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. Although the site is located within an APA, it is too small to warrant a programme of archaeological work.

## 5.0 POLICY AND LEGISLATIVE FRAMEWORK

5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.

5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act). Works which affect the special architectural or historic interest of a listed building are also controlled by the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires Listed Building Consent to be obtained for such works.

5.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

+ National Planning Policy Framework (2021)

5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was subsequently revised in 2019 and more recently in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the

Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

- 5.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

+ London Plan

- 5.6 The London Plan was published in March 2021. It forms the Spatial Development Strategy for Greater London and sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. It forms part of the development plan for Hammersmith and Fulham.

+ Local Plan

- 5.7 The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

## 6.0 PLANNING ASSESSMENT

- 6.1 The main considerations material to the assessment of this planning application have been summarised as follows:

- Visual amenity and impact on the significance of heritage assets
- Impact on neighbouring residential properties

## DESIGN AND HERITAGE

+ Policy and Legislative Framework

- 6.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their settings when determining Listed Building Consent applications and planning applications respectively.
- 6.3 Section 72 of the Act requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications.
- 6.4 Government guidance on how to carry out this duty is found in the National Planning Policy Framework (NPPF). At the heart of the framework is a presumption in favour of 'sustainable development' where protecting and enhancing the built and historic environment forms part of one of the three overarching interdependent objectives (economic, social and environmental).

## National Planning Policy

### 6.5 Para 195 of the NPFF states that:

Local planning authorities should identify and 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) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

### 6.6 Para 199 of the NPPF states that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

### 6.7 Para 200 of the NPPF states that:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

### 6.8 Para 202 of the NPPF states that:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### 6.9 Para 203 of the NPPF states that:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

## London Plan Policy

### 6.10 London Plan Policy HC1 section C states that:

Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

## Local Planning Policy

### 6.11 Local Plan Policy DC1 states that:

All development within the borough 'should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that demonstrates how good design, quality public realm, landscaping, heritage assets and land use can be integrated to help regenerate places.

### 6.12 Local Plan Policy DC4 states that:

The council will require a high standard of design in all alterations and extensions to existing buildings. These should be:

- compatible with the scale and character of existing development, neighbouring properties and their setting;
- successfully integrated into the architectural design of the existing building; and
- subservient and should never dominate the parent building in bulk, scale, materials or design.

In considering applications for alterations and extensions the council will take into account the following:

- a. scale, form, height and mass;
- b. proportion;
- c. vertical and horizontal emphasis;
- d. relationship of solid to void;
- e. materials;
- f. impact on skyline silhouette (for roof top additions);
- g. relationship to existing building, spaces between buildings and gardens;
- h. good neighbourliness in particular the amenities of the neighbouring properties, and other properties most directly affected by the proposal; and
- i. the principles of accessible and inclusive design.



6.13 Policy DC4 further states that:

Outbuildings should be designed in keeping with the character of the building or complement its architecture without being unduly dominant.

6.14 Local Plan DC7 relates to views and landmarks. Subsection 2.a states that:

Applications will not be permitted if it would cause unacceptable harm to the view from within the Thames Policy Area of the local landmark of the Upper and Lower Mall waterfront and its setting. The policy further states that the council will refuse permission where applications in these views will lead to harm to the significance of a designated heritage asset and townscape generally, unless it can be demonstrated that public benefits outweigh the harm caused.

6.15 Local Plan Policy DC8 states that:

The council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. These assets include: listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings and features of local interest. When determining applications affecting heritage assets, the council will apply the following principles:

- a. the presumption will be in favour of the conservation, restoration and enhancement of heritage assets, and proposals should secure the long term future of heritage assets. The more significant the designated heritage asset, the greater the presumption should be in favour of its conservation;
- b. applications affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is conserved or enhanced;
- c. applications should conserve the setting of, make a positive contribution to, or reveal the significance of the heritage asset. The presence of heritage assets should inform high quality design within their setting;
- d. applications affecting non-designated heritage assets (buildings and artefacts of local importance and interest) will be determined having regard to the scale and impact of any harm or loss and the significance of the heritage asset in accordance with paragraph 135 of the National planning Policy Framework;
- e. particular regard will be given to matters of scale, height, massing, alignment, materials and use;
- f. where changes of use are proposed for heritage assets, the proposed use, and any alterations that are required resulting from the proposed use should be consistent with the aims of conservation of the asset's significance, including securing its optimum viable use;
- g. applications should include a description of the significance of the asset concerned and an assessment of the impact of the proposal upon it or its setting which should be carried out with the assistance of a suitably qualified

person. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Where archaeological remains of national significance may be affected applications should also be supported by an archaeological field evaluation;

- h. proposals which involve substantial harm, or less than substantial harm to the significance of a heritage asset will be refused unless it can be demonstrated that they meet the criteria specified in paragraph 133 and 134 of the National Planning Policy Framework;
- i. where a heritage asset cannot be retained in its entirety or when a change of use is proposed the developer should ensure that a suitably qualified person carries out an analysis (including photographic surveys) of its design and significance, in order to record and advance the understanding of heritage in the borough. The extent of the requirement should be proportionate to the nature and level of the asset's significance;
- j. the proposal respects the principles of accessible and inclusive design;
- k. where measures to mitigate the effects of climate change are proposed, the applicants will be required to demonstrate how they have considered the significance of the heritage asset and tailored their proposals accordingly;
- l. expert advice will be required to address the need to evaluate and conserve archaeological remains, and to advise on the appropriate mitigation measures in cases where excavation is justified; and
- m. securing the future of heritage assets at risk identified on Historic England's national register, as part of a positive strategy for the historic environment.

#### 6.16 Local Plan Policy RTC3 states that:

Development will not be permitted within the Thames Policy Area, unless it:

- o respects the riverside, including the foreshore, context and heritage assets;
- o is of a high standard of accessible and inclusive design; and
- o maintains or enhances the quality of the built, natural and historic environment.

#### 6.17 Design Guidelines for development in conservation areas are included in the Council's Planning Guidance Supplementary Planning Document (2018). Key Principles AH1 and AH2 relate to the protection of heritage assets, and CAG3 relates to development in Conservation Areas.

+ Visual amenity and heritage assets

#### 6.18 The outbuilding is located within the Thames Policy Area and The Mall Conservation Area. The Grade II listed Hammersmith Town Hall and the Hammersmith Town Hall Conservation Area are located on the opposite side of the Great West Road (A4).

#### 6.19 The outbuilding is located within the setting of the Grade II listed 22 Upper Mall. The outbuilding also has the potential to impact on the setting of other listed buildings in the vicinity including the Grade II listed 24 Upper Mall; the Grade II\*

listed Sussex House, 12 Upper Mall; the Grade II\* listed Kelmscott House, 26 Upper Mall; and the Grade II listed Hammersmith Town Hall; as well as the adjacent 16 and 18 Upper Mall which are locally listed buildings of merit.

- 6.20 The historic group of properties on Upper Mall are located behind a high rear boundary wall shielding the grounds of those properties from the noise and disturbance of the A4. The openness of the rear gardens of these historic properties forms part of the character and appearance of the Conservation Area and the settings of the listed buildings and Buildings of Merit. The outbuilding is tall, with an overdominant roof that is highly visible above the brick wall that forms the rear boundary to the A4. The height and mass of the outbuilding should respect the traditional hierarchy of development in the group which already exists between the main buildings fronting Upper Mall and existing outbuildings in the rear gardens, some of which are visible from the Great West Road. There is inter-visibility between the outbuilding and the rear of the listed buildings at Nos.12, 24 and 26 Upper Mall and No.22 in views from the Great West Road and from within rear gardens and from adjacent properties. There is no harm caused by the outbuilding in the view from within the Thames Policy Area of the Upper Mall waterfront which is identified as a landmark in Local Plan Policy DC7 and therefore the requirements of that policy are not triggered. The height and mass of the roof is overdominant in the context of the height and mass of adjacent outbuildings. The proposal does not preserve the character and appearance of The Mall Conservation Area, the setting of the listed building or the settings of adjacent listed buildings and Buildings of Merit. Furthermore, the proposal would be contrary to the objectives for the Thames Policy Area set out in Local Plan Policy RTC3. The settings of the Grade II listed Hammersmith Town Hall and the Hammersmith Town Hall Conservation Area would not be harmed.
- 6.21 The applicant has stated that the height of the outbuilding is principally governed by a desire to create a strong architectural element to distract from the height and massing of the consented flats on the Civic Campus development site on the north side of the Great West Road in views from the listed building and its grounds. Officers consider that the less than substantial harm caused to the significance of heritage assets by the outbuilding is not outweighed by any public benefits.
- 6.22 In these respects, the proposal to retain the outbuilding fails to comply with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2021), Policy HC1 of the London Plan (2021), Policies DC1, DC4, DC8 and RTC3 of the Local Plan (2018) and Key Principles AH1, AH2 and CAG3 of the Planning Guidance Supplementary Planning Document (2018).

#### RESIDENTIAL AMENITY

- 6.23 Local Plan Policy HO11 states that proposals for extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact on:
- Privacy enjoyed by neighbours in adjoining properties;
  - Daylight and sunlight to rooms in adjoining properties;
  - Outlook from windows in adjoining properties; and
  - Openness between properties.

- 6.24 Policies DC1 and DC4 require all proposals for new builds and extensions to be formulated to respect the principles of good neighbourliness. Planning Guidance SPD Housing Key Principles 6 and 7 support Local Plan Policy HO11 and set out a more detailed means of assessment.
- 6.25 The new outbuilding has replaced the original 1.7 metre high east and west boundary walls in this location with its flank walls 3 metres high. The pitched roof rises a further 3 metres to the ridge line. To the east the flank wall adjoins the shared access and alleyway leading from the A4 to both no.22 and no.14 Upper Mall. Due to its location, the tapering of the plan, the pitch roof design and the intervening alleyway, it is not considered the outbuilding results in undue harm to the amenity of no.14 in terms of outlook, light and sense of enclosure.
- 6.26 To the west the outbuilding sits adjacent to another outbuilding to the rear garden of no.24 which is ancillary to the use of the main house. There are no windows in the opposing elevation of the outbuilding at no.24, only doors which have frosted glazing. The windows serving the adjacent outbuilding face onto the large amenity space of no.24 and are unaffected by the proposal. As such it is not considered the outbuilding results in undue harm to the amenity of no.24 in terms of outlook, light and sense of enclosure. The owners of no.24 have also confirmed in writing that they support the application.
- 6.27 In terms of overlooking, the main windows of the new outbuilding at ground floor level look out onto the applicant's own amenity space and are screened from any neighbouring habitable room windows by the existing garden walls. Objections have been received in respect to overlooking from the rooflights. However, the rooflights sit some 3.8 metres above the internal floor level of the art studio. Together with the distance from neighbouring habitable room windows it is not considered they result in undue loss of privacy.
- 6.28 Local Plan Policy CC11 states that noise-generating development will not be permitted if it would be liable to materially increase the noise experienced by the occupants of existing noise-sensitive uses in the vicinity. Policy CC13 states that the Council will, where appropriate require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur.
- 6.29 The building is to be used in connection with the use of the dwelling house, and it is not considered that its use in this way would be likely to generate a significant increase in noise levels, above the level that might reasonably be generated by the use of the rear garden itself. Had the development been considered acceptable in all other aspects conditions could have been attached which prevented the outbuilding from being occupied or used independently of the existing dwellinghouse at 22 Upper Mall, or used for any trade or business purposes.
- 6.30 For these reasons no objections are raised in terms of the impact on neighbours.

## FLOOD RISK

- 6.31 Local Plan Policy CC3 requires that new development is required to reduce the use of water and to minimise current and future flood risk. This site is in Flood Zone 3 and inside the breach extent area. A flood risk assessment (FRA) has

been submitted which confirms that although floor levels have been lowered by 800mm, a water proofing system with sump pump will be installed. On this basis the Environmental Policy Officer does not object to this application.

- 6.32 Local Plan Policy CC4 requires the inclusion of sustainable drainage measures where possible. The FRA states that a soakaway will be installed which is considered acceptable.
- 6.33 In the event that planning permission is granted the above measures outlined in the FRA would be secured by a condition.
- 6.34 Local Plan Policy CC3 also requires that all developments must include water efficient fittings and appliances, where provided. In addition, if there is any new plumbing, given there is a lowering of floor levels, a pumped sewer surcharge device fitted to any new plumbing to prevent sewer back flow flooding would also be required. If planning permission were to be granted the applicant could be advised of this by an informative.

## CONTAMINATION

- 6.35 Local Plan Policy CC9 states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place.
- 6.36 Potentially contaminative land uses (past or present) have been identified at, and or, near to this site. Although the Council's Land Contamination Officers have confirmed that they would not expect any significant problems, they had requested that the applicant would be advised to contact the Council should any unexpected materials or malodours be encountered during excavations.

## 7.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposals are not liable for either the Mayor's or Council's Community Infrastructure Levy.

## 8.0 CONCLUSION

- 8.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.2 In the assessment of the application, Officers have given due regard to the relevant statutory legislation, the NPPF (2021), London Plan (2021) and Local Plan (2018) policies as well as guidance including the Planning Guidance Supplementary Planning Document (2018).
- 8.3 The retention of the outbuilding is considered to be unacceptable as a result of its excessive height and massing which has resulted in harm to the setting of the listed building, harm to the settings of adjacent listed buildings and Buildings of Merit and harm to the character and appearance of the conservation area. The

less than substantial harm identified to designated heritage assets is not considered to be outweighed by public benefits. In these respects, the proposal to retain the outbuilding fails to comply with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2021), Policy HC1 of the London Plan (2021), Policies DC1, DC4, DC8 and RTC3 of the Local Plan (2018) and Key Principles AH1, AH2 and CAG3 of the Planning Guidance Supplementary Planning Document (2018).

## 9.0 RECOMMENDATION

- 9.1 Therefore, Officers do not support the retention of the outbuilding and recommend that planning permission be refused in line with the recommendations above.