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## Appeal Decision

Site visit made on 24 April 2017

**by Helen Cassini BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 04 May 2017**

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**Appeal Ref: APP/H5390/W/17/3167796**

**100 Maisonette A First Second and Third, Edith Road, London W14 9AP**

- 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 Mr Gianluca Ziglio and Mrs Maddalena Andriolo against the decision of the Council of the London Borough of Hammersmith & Fulham.
  - The application Ref: 2016/04660/FUL, dated 23 October 2016, was refused by notice dated 20 December 2016.
  - The development proposed is the retention of a balcony at third floor level.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application is described as the retention of a balcony and it was clear from the site visit that the balcony has been constructed. Accordingly, the appeal has been determined on the basis that the development has already occurred.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to the Gunter Estate Conservation Area.

### Reasons

4. The appeal site comprises a three-storey plus basement, mid-terrace property on the southern side of Edith Road. The property is sub-divided into two self-contained units, with the appeal site located on the first, second and third floors. The previous owners of the appeal site were granted planning permission in 2013<sup>1</sup> for a rear dormer roof extension at the third floor, including two Juliet balconies to the master bedroom. From the submitted evidence, and from observations made during the site visit, instead of the permitted Juliet balconies, a full width balcony was constructed. The balcony is approximately 5 square metres and has a solid metal platform. It is fully enclosed by an approximately 1.1 metre high metal framed hand rail and obscured glazed panels.
5. The appeal site is within a predominately residential part of the Conservation Area. A character appraisal for the Conservation Area not available. Nonetheless, it is considered that the significance of the Conservation Area is characterised by the substantial three and four storey residential properties

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<sup>1</sup> Council reference 2013/00930/FUL

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- that are mainly semi-detached or terraced and located on relatively wide streets. As such, both the appeal site and the wider terrace make a positive contribution to the character and appearance of the Conservation Area.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets is set out in the National Planning Policy Framework (the Framework).
  7. The separation distance to the nearest residential dwelling is approximately 21 metres from the upper floor windows to the nearest residential dwelling, which is located in the opposite terrace on Gunterstone Road. The scale of the balcony is relatively modest and it is unlikely that more than 3 or 4 individuals would be able to utilise the space for entertaining. Accordingly, and noting the reference by the appellant to the appeal decision in Hillingdon<sup>2</sup>, I concur that the living conditions of the neighbouring occupiers are unlikely to be significantly harmed as a result of the existing balcony.
  8. It is acknowledged that the balcony provides the only outdoor amenity space for the appeal site. Given the size of the upper floor flat, there is no doubt that the additional space provided by the balcony improves the quality of accommodation offered.
  9. However, both the rear dormer extension and balcony are highly visible features when viewed from the public realm on nearby Trevanion Road. With regard to the rear dormer extension, although visible, the use of sympathetic materials results in it being relatively well-assimilated into the rear of the terrace. In addition, the metal hand rail and supporting posts of the balcony are of a modest height and narrow in profile. As such, they are not viewed as overly dominant features.
  10. Nevertheless, the use of the obscure glazed panels is highly prominent. The smooth, modern appearance is visually intrusive and detracts from the understated detailing of the brickwork of the rear of the terrace. Accordingly, the balcony does not make a positive contribution to the host terrace it forms part of. Consequently, it represents an overly dominant and incongruous development. Due to the use of the obscure glazed panels, there is a substantial difference in terms of design and appearance, between the approved Juliet balconies and the development before me.
  11. It is accepted that a number of surrounding properties have undergone alterations to the rear, with dormer extensions and balconies being evident. However, the majority of balconies in proximity to the site make use of vertical metal railings. These are a more traditional design feature commonly viewed at the rear of terrace buildings. The use of such a design enables the greater visibility of the brickwork of the host buildings, and therefore the balconies appear as subservient additions to the buildings. As such, whilst some of the surrounding balconies may have a greater projection than that of the appeal scheme, the visual impact is significantly reduced through the use of metal railings. Nonetheless, I am unaware of the circumstances which led to the acceptability of these developments and as such, a full comparison is not possible. The appeal has therefore been considered on its individual merits.

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<sup>2</sup> Appeal reference APP/R5510/C/15/3136943

12. Paragraph 134 of the Framework advises that any harm to a designated heritage asset, which is less than substantial, must be weighed against the public benefit of the proposal. The harm identified is limited to the visual effects arising from the use of the obscure glazed panels. This would result in less than substantial harm to the Conservation Area, due to the relatively modest scale of the balcony. Whilst the balcony is of benefit to the appellant insofar as it provides outdoor amenity space, no public benefit is identified. As such, the harm identified would not be outweighed by any public benefits.
13. For the reasons stated, although the balcony is found to be of an appropriate scale, the use of obscure glazed panels harms the character and appearance of the host terrace. Consequently, the balcony fails to preserve or enhance the character or appearance of the Conservation Area. The scheme before me is therefore contrary to Policy BE1 of the Hammersmith and Fulham Core Strategy 2011, Policies DM G3 and DM G7 of the Hammersmith and Fulham Development Management Local Plan 2013 and Policy 31 of the Planning Guidance Supplementary Planning Document 2013. When taken together, these policies and guidance seek, amongst other things, a high quality of design and development which respects and enhances its townscape context and heritage assets.

### **Conclusion**

14. Accordingly, for the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

*Helen Cassini*

INSPECTOR