
Appeal Decision

Site visit made on 18 May 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2021

Appeal Ref: APP/H5390/W/20/3265703

Flat Basement and Ground Floor, 45 Barton Road, London W14 9HB

- 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 Mathias Karady against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2020/01484/FUL, dated 9 June 2020, was refused by notice dated 30 September 2020.
 - The development proposed is described as "lower sill to 3no. windows on rear elevation to create french doors. Add modest external balcony and stair to allow ground floor access to garden. Associated landscaping works".
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development above is taken from the application form. However, the decision notice is more precise. This describes the proposal as 'the installation of new doors to replace the existing windows and formation of a raised platform with railings to provide a roof terrace at upper ground floor level to the rear elevation; erection of an external staircase from upper ground floor to garden level at the rear of the property'.

Main Issues

3. The main issues are:
 - a) whether the proposal would preserve or enhance the character or appearance of the Baron's Court Conservation Area; and
 - b) the effect of the proposal on the living conditions of adjoining residents in Barton Road and Comeragh Road, with reference to privacy and noise.

Reasons

Conservation area

4. The character of the Baron's Court Conservation Area is derived in part from its residential terraces laid out in regular grids, many of them developed as housing for the middle classes in the mid and late 19th Century. The properties within Barton Road are typical examples. These buildings are 3-storey with a

- semi-basement, with in many cases the internal accommodation having been subdivided into flats and maisonettes.
5. The appeal relates to 45A Barton Road, a 3-bed ground floor and basement maisonette on the south side of the road. The terrace has had few alterations and retains much of its original character. This extends to the rear elevation which is largely unadulterated by extensions and other additions. Although not visible from the street, the rear of the terrace is prominent in private views from properties in Comeragh Road and forms an intrinsic part of the special interest of the conservation area. The simple, harmonious appearance of this elevation is an attribute worth preserving.
 6. The proposal is to replace three ground floor windows at the rear of the property with French doors, and to construct a raised terrace from which a metal staircase would descend to the garden below. The terrace would have a privacy screen on either side. Although relatively low down on the elevation, the works would affect the full width of the building. The attractive timber-framed sash windows, characteristic features of the original building, would be lost and the terrace and its associated balustrade would add significant visual clutter which would detract from the simplicity of the terrace. Whilst precedent is rarely a determining factor, I am mindful that to allow this scheme would make it difficult for the authority to resist similar proposals for other properties in the row which would incrementally erode the appearance of the terrace.
 7. The appellant identifies other properties in Barton Road where alterations have taken place. My attention is further drawn to a number of permissions granted by the Council. I do not have full details of the background to those, or in some cases knowledge on whether they were actually implemented. The permission for 31 Barton Road is 34 years old and pre-dates the current development plan, whereas I note that the developments approved at Nos 11 and 15 included an element of replacement for pre-existing doors and steps. The latter properties are also located in a different part of the terrace. Whilst they serve to illustrate that the rear elevation is not entirely uniform, these cases are small in number and do not convince me that the proposal is acceptable.
 8. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the Baron's Court Conservation Area. There is conflict with Policies DC1, DC4 and DC8 of the Hammersmith and Fulham Local Plan (2018) (LP) insofar as these seek to ensure that new development respects and enhances its townscape context and conserves the significance of the Borough's historic environment.

Living conditions

9. The buildings on Barton Road and Comeragh Road back closely onto one another, with numerous opportunities for residents to look into the windows and gardens of their neighbours. The distances between habitable room windows are well below the 18 metres minimum standard set out within the Council's Planning Guidance Supplementary Planning Document (2018) (SPD).
10. The proposed privacy screens would protect the residents of No 43 and 47 Barton Road from direct views into their garden from the terrace. The staircase would not benefit from any screen, but sightlines from the steps into adjacent gardens would be impeded by trellising on top of the boundary wall. There is similar trellising along the rear garden boundary and, as demonstrated by the

drawings within the appellant's evidence, this would be sufficient to obstruct views into the garden of 70 Comeragh Road. Views from the terrace towards the windows of properties of Comeragh Road would be directly comparable to those already available from the living room windows. Bearing in mind the screening provided by the trellising and the fact that the residents of No 70 will already be accustomed to a certain level of overlooking, I do not consider that the proposal would result in a material reduction in their privacy.

11. The SPD states at paragraph 3.16 that the Council may seek for balconies and terraces to be no bigger than 15 m² to reduce noise and disturbance to neighbours. The proposed terrace would be less than half that size, and its dimensions would not be conducive to large social gatherings. Whilst I have no reason to think that socialising would not take place on the terrace, this is likely to be in small groups and no different in noise impact terms to what might currently take place in the garden.
12. Accordingly, I conclude that the proposal would not cause material harm to the living conditions of neighbouring residents. There is no conflict with LP Policies DC4, HO11 or CC11 insofar as these seek to protect existing residential amenities and avoid harmful noise impacts.

Planning Balance and Conclusion

13. The appellant's objective is to create access from the living room to the garden without the need to go through the master bedroom. This private benefit attracts some weight in favour of the proposal as it would improve the quality of life for the occupants of the property. However, in the overall planning balance it does not outweigh the harm to the conservation area. There are no material considerations to indicate a decision otherwise than in accordance with the development plan.
14. For the reasons given above I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR