
Appeal Decision

Site visit made on 28 September 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Appeal Ref: APP/H5390/W/21/3275306

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 Mathias Karady against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2020/03478/FUL, dated 29 December 2020, was refused by notice dated 24 February 2021.
 - The development proposed is to lower sill to window on rear elevation to create access to new external half-storey stair with ground floor access to existing garden, minor alterations to landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021 and the main parties were given the opportunity to submit comments. The 2021 version of the Framework is referred to in the decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the host terrace, and the Barons Court Conservation Area; and
 - the effect on the living conditions of neighbouring residential occupiers with particular regard to privacy, and noise and disturbance.

Reasons

Character and appearance

4. As the site is located within the Barons Court Conservation Area (CA), a designated heritage asset, there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA partly derives from the quality and harmony of the historic residential terraces found therein. The appeal property forms part of one such terrace which, largely through the uniformity of its built form, makes an important contribution to the character and appearance of the CA. The uniformity in this case is not limited to the public facing frontage. There is also a characteristic rhythm at the rear which, save for a limited number of

exceptions that are discussed below, includes three distinctive tall sash windows at the ground floor level within each constituent part of the terrace.

5. The proposed scheme would lower the sill level of the respective eastern sash window and replace it with French doors. An external landing would also be erected in front of the doors and a staircase provided down to the rear garden, with balustrades on each side. Notwithstanding the fairly modest scale of the development, and that the scheme has evidently been designed to be consistent with the materials in the surrounding area, the combination of the change to the window and the additional bulk of the landing and staircase would significantly disrupt the characteristic rhythm and appearance of the ground floor level within the terrace. Although the arising harm would not be publicly visible, it would be discernible in multiple private views from the upper rear windows of properties on Comeragh Road, which is a legitimate matter of public interest.
6. The appellant has drawn attention to larger approved schemes at 11 and 15 Barton Road as well as an existing development at 17b Barton Road. However, the descriptions of the approved developments indicate there was some degree of either enlarging existing rear terraces or replacing existing staircases. All three properties also form part of another terrace of a different design which is attached to the eastern end of the appeal terrace.
7. While permission for a balcony and staircase at 31 Barton Road was granted in 1987, planning policy has since changed. Moreover, it is unclear whether the CA was designated at that time or whether the permission was subsequently implemented. There is no information before me which confirms whether the development at 53 Barton Road, which is seemingly comparable to the appeal proposal, was considered against planning policy and duly approved. Even when taking into consideration the development at No 53, and also potentially that at No 31, the disruption to the rhythm of the terrace is not so prevalent that it would justify the proposed scheme.
8. Given the limited scale of the proposed development in the context of the CA as a whole, the arising harm to the significance of the CA would be less than substantial. The Framework sets out that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. The proposal would improve the arrangement of the basement and ground floor flat which may be considered a modest public benefit in terms of securing the long term functioning of No 45 as part of the CA. Nevertheless, that is essentially a personal benefit to the occupant and future occupants. Moreover, there is no evidence that the continued residential use of those elements of No 45 would be unviable or impractical without the scheme. Any public benefits are therefore accorded very little weight.
9. In light of the above, the proposed development would have an unacceptably harmful effect on the character and appearance of the host terrace. It would also fail to preserve or enhance the character or appearance of the CA. As such, it would conflict with Policies DC1, DC4 and DC8 of the 2018 adopted Hammersmith & Fulham Local Plan (LP). Amongst other things, these policies seek to ensure development respects and enhances the townscape context and heritage assets. For similar reasons, it would also conflict with Key principles

CAG2 and CAG3 of the Council's 2018 Planning Guidance Supplementary Planning Document (SPD).

Living conditions

10. The proposed external landing would be sited around 1m from the boundary with 43 Barton Road which is currently demarcated by a tall close mesh trellis positioned above the boundary wall that supports climbing plants. As the trellis and plants are likely to remain for aesthetic and privacy reasons, the privacy of the occupiers of No 43 would be sufficiently safeguarded. Given the trellis and plants continue around the perimeter of the garden, and taking into consideration the greater set back of the landing from the respective boundaries, the privacy of the occupiers of 47 Barton Road would similarly be safeguarded, as would the privacy of the occupiers of 70 Comeragh Road with regard to their rear garden area. The landing would enable closer views of the ground floor level windows at No 70 but these would not be materially different from what is already possible via the three sash windows. Consequently, the privacy of the occupiers of No 70 would not be unacceptably affected.
11. As the proposed landing would be around 1.2 sqm in footprint, it would be well below the 15 sqm limit that is recommended by the SPD to reduce noise and disturbance to neighbours. Furthermore, its limited scale would not be conducive to social activity taking place on the landing. While it is noted the fairly close proximity of the terraces on Barton Road and Comeragh Road have the propensity to amplify sounds, the opening of the French doors and the use of the landing and staircase would be unlikely to generate significantly greater noise and disturbance than that which may ordinarily arise when the three sash windows are open and the garden is in use.
12. Accordingly, the proposed development would not have an unacceptable effect on the living conditions of neighbouring residential occupiers with particular regard to privacy, and noise and disturbance. As such, it would not conflict with Policies DC1, DC4, HO11 or CC11 of the LP which, amongst other things, seek to protect the amenity of neighbouring occupiers through good design. For similar reasons, it would not conflict with Key Principles HS7 or HS8 of the SPD. While the Council also referred to Policy DC8 in this regard, it is more directly applicable to the consideration of the first main issue.

Other Matters

13. Private benefits of the proposed scheme include accessing the rear garden from the ground floor living room rather than through the lower ground floor master bedroom, and improving the outlook from the bedroom by replacing the existing garden steps with planters. While these benefits are afforded some weight, they do not outweigh the great weight that the Framework specifies should be given to the conservation of designated heritage assets.

Conclusion

14. The proposal would conflict with the development plan as a whole and there are no material considerations, including relevant parts of the Framework, which indicate that the decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

C J Ford INSPECTOR