



Appeal Decision

Site visit made on 7 June 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2022

Appeal Ref: APP/H5390/W/21/3288799

108 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 Max Andrews against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2021/00689/FUL, dated 8 April 2021, was refused by notice dated 9 November 2021.
 - The development is a metal balcony guardrail to existing rear balcony.
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Decision

1. The appeal is allowed and planning permission is granted for a metal balcony guardrail to existing rear balcony at 108 Edith Road, London, W14 9AP in accordance with the terms of the application, Ref 2021/00689/FUL, dated 8 April 2021, and plan No. 21/272/01 submitted with it, subject to the following condition:
 - 1) Within 4 months of the date of this decision, details of a privacy screen to be provided along the western edge of the balcony and measuring 1.7m in height above the floor level of the balcony, shall be submitted to and approved in writing by the local planning authority. The approved privacy screen shall be erected within 2 months of the local planning authority's approval, and permanently retained as approved thereafter. If no privacy screen in accordance with this condition is erected within 6 months of the date of this decision, the use of the balcony shall cease and the railings facilitating its use shall be removed until such time as details are approved and implemented.

Preliminary Matters

2. I have been provided with two application forms; one dated 2 March 2021 and one 8 April 2021. The primary difference between them is a more comprehensive list of the parties notified under certificate B on the latter form. For this reason, I have taken the details in the header above from that latter form.
3. The application was submitted retrospectively and I have considered this appeal on the same basis.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area which is within the Gunter Estate Conservation Area (GECA), and

the effect on the living conditions of the occupiers of neighbouring properties with respect to their privacy.

Reasons

Character and appearance

5. The appeal site comprises the second floor flat of a mid-terrace property which has been converted into flats. The buildings in the terrace are four storeys tall and display a strong sense of consistency along their frontage. Indeed the main significance of the GECA is its uniform residential terraces.
6. The rear elevation of the host terrace faces the rear elevation of a similar terrace fronting Gunterstone Road. Most of the buildings have retained the original two storey, pitched roof, rear additions. This lends a degree of consistency to the rear façades of the terraces too. However a number of alterations have been made to the rear of the dwellings, including dormer windows and ground floor extensions. The flat roof over the two-storey rear addition at the appeal site, which is used as the balcony and measures around 3m², is another alteration which differs from the pitched roofed additions on the other properties. As such, the sense of uniformity here is not a strong feature. Moreover, due to the vegetation in the rear gardens near the site, including several tall trees, and the development fronting North End Road at the eastern end of the terraces, this back garden area is not widely visible in the GECA and so does not contribute substantially to its significance.
7. The Council agree that the design of the railings is satisfactory. Indeed, there are other similar railings in place at a number of other properties nearby including at 15, 19, 21 and 23 Gunterstone Road. Although some of these surround Juliet style balconies, the balcony at No. 15 is larger. I also saw bigger balconies at 90 and 88 Edith Road, which were both prominent in the Trevanion Road street scene, and a glazed balcony at 100 Edith Road. Overall, in the context of the variety of other balconies nearby, the small scale of the development at the site, and its limited visibility in the wider area, it is not considered that the development is harmful to the character and appearance of the terrace, or the wider GECA.
8. As such, the development accords with policies DC1, DC4 and DC8 of the Hammersmith and Fulham Local Plan (2018) which together require development to respect, and be compatible with, its context and protect heritage assets. It also complies with key principles CAG2 and CAG3 of the Planning Guidance Supplementary Planning Document (SPD) which seek to ensure development preserves and does not harm the character and appearance of conservation areas.
9. Reference is made to a roof terrace that was removed at No. 110. But I have no further details of this so it has no significant bearing on my decision.

Living conditions

10. The balcony facilitates a direct view towards other windows and gardens of neighbouring properties. Views down towards the windows of the first floor flat below the appeal site and the windows of the flats at No. 106 are possible at close range when stood at the western end of the balcony. This view is intrusive to the occupiers of those flats.

11. However the appellant has offered to erect a privacy screen to this side of the balcony and the Council has commented that this would reduce the opportunity for overlooking into these neighbouring properties. I agree that with a screen of suitable height and opaqueness in place, the harmful impact on neighbouring occupiers would be satisfactorily mitigated. A planning condition can be imposed to ensure a suitable screen is provided promptly and retained.
12. With a privacy screen in place, the development would not have an unacceptably harmful impact on the living conditions of the neighbouring residents in respect of their privacy. It hence would accord with policy DC4 which requires development to demonstrate good neighbourliness, and Local Plan policy HO11 which aims to ensure that development has no detrimental impact on the privacy enjoyed by adjoining neighbours. It would also meet the guidance in key principle HS8 in the SPD which guards against balconies which would result in additional opportunities for overlooking.

Other matters

13. Some concerns have been raised regarding the notification of the application and the appellant's right to undertake the work. However these legal matters have no bearing on my consideration of the development on its planning merits.

Conditions

14. The Council suggest two conditions. One identifies the approved plans, which I have incorporated within the terms of the decision. The second requires the submission of details of a privacy screen to be provided to protect the privacy of neighbouring residents. I have slightly amended the suggested condition so that the screen is provided within a defined period.

Conclusion

15. The development accords with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, the appeal is allowed.

Andrew Owen

INSPECTOR