



Appeal Decision

Site visit made on 14 June 2023

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/H5390/W/23/3315586

Flat 2, First Floor, 152 Sinclair Road, London, W14 0NL

- 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 Miss Roya Rahnejat against the decision of the London Borough of Hammersmith and Fulham.
- The application Ref 2022/03434/FUL, dated 24 November 2022, was refused by notice dated 19 January 2023.
- The development proposed is described in the application form as removal of existing single glazed timber window and replacement with double glazed timber door at 1st floor front elevation.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of a conservation area and on the living conditions of the occupiers of nearby dwellings in relation to privacy, noise and disturbance.

Reasons

Character and appearance

3. The appeal relates to a mid-terrace property arranged over 5 floors including a basement and recessed rooms in the roof behind a decorative parapet. The building has bold architectural features including a substantial ground floor bay window, a portico porch and vertically aligned large sash windows to all floors framed by white painted plaster panels. Flat 2 includes the window over the porch. The proposal would replace the existing single glazed timber sash window with a double glazed timber door and a fixed fanlight above to provide access to the flat roof on top of the portico porch as an outdoor balcony area.
4. The building is within the Lakeside/Sinclair/Blythe Road Conservation Area (CA). Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The significance of the Sub Area 2 (Sinclair Road) part of the CA lies in the imposing scale and architectural detail of the terraced dwellings. Much of this detail is replicated along neighbouring buildings resulting in a strong unified character.
5. The bay and sash windows at the appeal site and adjacent dwellings all have a mid-point horizontal transom equally dividing the windows' glazed areas. The proposal would introduce a new higher and more substantial horizontal line between the top of the new door and the fixed fanlight above. This change in

the lines would be evident from the street disrupting the regular rhythm of proportions, spacings and details prevalent in the row of dwellings either side of the appeal site and across much of the surrounding area.

6. At my site visit it was evident through the presence of plant pots that some flat roofs above the porches have been used informally as an external amenity area with access gained through opening the window. The proposal would formalise such an arrangement triggering the need for additional railings or a barrier over the existing low balustrade as a safety feature to comply with Building Regulations. The appellant acknowledges the need for this but would prefer to leave its detailing to approval of a planning condition. The presence of such a feature in a prominent area above the entrance porch would likely be a further disruption to the regularity of appearance along this part of the terrace.
7. The appellant has referred to other examples of upper floor doors providing access to the flat roof over an entrance porch near to the site. At 76-92 Sinclair Road the dwellings all have first floor doors over the entrance porch with ornate metal enclosures; these appear to be original features. The terraces in nearby Addison Gardens also all have first floor doors providing access to outside space but architecturally have a different character and appearance. Most of the buildings in Sinclair Road are like the appeal site, with a window over the porch. There is an exception at no.123 diagonally opposite but this is an isolated example; I have no information on when this alteration took place. Permission was granted to replace a window with a door at no.98 in 2011; the officer report confirms in this instance at that time, the effect on the CA was acceptable. I note that there is a similar door at no.100; the two appear as a matching pair above a double width portico porch. I do not consider these exceptions set a precedent at the appeal site where the dwelling is centrally positioned in a long run of buildings with the original window over the porch intact.
8. The appellant points out that the single glazed windows contribute to a low energy performance at the site and that the proposed double glazed doors would result in an improvement. Policy D6 of the London Plan (2021) is also referred to which encourages provision of a minimum of 5 sq. m. of private outdoor space. Flat 2 like many other flats in Sinclair Road has no other outdoor space. This policy relates to the provision of new dwellings. In roads such as Sinclair Road comprising historic buildings of architectural quality that predate modern energy and outdoor space expectations for new dwellings, these factors need to be balanced against the expediency to preserve or enhance the character or appearance of a conservation area. Paragraph 199 to the National Planning Policy Framework (the Framework) 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.
9. The proposal would have a negative impact on the character and appearance of this part of the CA. It would detract from the significance of the CA in relation to the loss of original features and uniformity of appearance to the building's front elevation. It would not therefore satisfy the statutory duty to preserve its character or appearance. There would be conflict with Policy HC1 of the London Plan and with Policies DC1, DC4, DC6 and DC8 of the Hammersmith & Fulham Local Plan (2018) (HFLP) which collectively require development to respect and enhance its townscape setting including through alterations and replacement

windows and to ensure any development conserves or enhances the borough's heritage assets, including conservation areas. There would also be conflict with Key Principle CAG2 of the Supplementary Planning Document (2018) (SPD) which encourages new development to contribute positively to townscape and visual quality including architectural details of the conservation area.

10. Paragraph 202 of the Framework requires that where a development would lead to less than substantial harm to the significance of a designated heritage asset, as in this case, that the harm should be weighed against the public benefits of the proposal including where appropriate securing its optimum viable use. In my judgement, the proposal's benefits would be largely private, improving the living conditions for the appellant; this would not outweigh the harm to the significance of the CA.

Living conditions

11. Formalising direct access on to the balcony over the porch at no.152 would enable close overlooking of the adjacent window over the porch at no.154. It is apparent that some dwellings in the surrounding area were built with such mutual overlooking arrangements. This is not the case at the appeal site. The regular use of the balcony at the appeal site could result in diminished living conditions for occupiers at no.154 through noise and disturbance and loss of privacy arising from the proximity of persons to the adjacent window. A screen large enough to protect privacy levels would be likely to have a detrimental effect on the appearance of the building. There would be no adverse effect on living conditions for occupiers of other dwellings in the terrace or in the terrace on the other side of Sinclair Road.
12. Nonetheless, in relation to living conditions at no.154 Sinclair Road, the proposal would be likely to result in loss of privacy, noise and disturbance. The proposal would thereby not be compatible with Policies DC4 and HO11 of the HFLP and Key Principle HS8 of the SPD which oppose the creation of balconies and roof terraces likely to cause harm to the existing amenities of neighbouring occupiers by reason of noise, disturbance and overlooking.

Conclusion

13. My conclusions are that the proposal would have an adverse effect on the character and appearance of a conservation area and on the living conditions of the occupiers of the adjacent dwelling in relation to privacy, noise and disturbance. For these reasons the appeal should be dismissed.

Rory MacLeod BA (Hons) MRTPI

INSPECTOR

