
Appeal Decision

Site visit made on 16 January 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2024

Appeal Ref: APP/H5390/W/23/3323613

85C Edith Road, Hammersmith and Fulham, London W14 0DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Steffen Kluners against the decision of London Borough of Hammersmith and Fulham.
 - The application Ref is 2022/03486/FUL dated 6 December 2022 was refused by notice on 31 December 2023.
 - The development proposed is Formation of a small balcony on the front porch on the first floor above the main entrance of 85 Edith Road. Erection of a c 1-meter-high ornate metal balustrade. Replacement of existing window with a door to provide access to the proposed balcony.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal was amended by the Council and described as '*Erection of 1m high metal balustrade on top of the existing porch to the front elevation at first floor level, in connection with the formation of a balcony; replacement of an existing single glazed timber window with new double glazed timber French doors to the front elevation at first floor level, to provide access to the proposed balcony.*' I concur this accurately describes the proposal before me.
3. The appeal site is located within the Gunter Estate Conservation Area (CA). I am therefore mindful of my statutory duties in respect of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (the Act).
4. The National Planning Policy Framework (the Framework) has been updated on 19 December 2023, and after the submission of the appeal. The historic environment policies have remained unchanged within the updated version of the Framework which is a material consideration.

Main Issue

5. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Gunter Estate Conservation Area.

Reasons

6. The appeal site is located within the Gunter Estate CA and is a namesake of the family who acquired the land as property developers in order to build a planned housing estate. From my observations, the significance of the CA derives from

its residential expansion in the mid to late 19th century of large houses, red brick mansion blocks and long rows of highly decorated terraces of grand and tall uniform Victorian houses with double bays of a vertical emphasis, built for the middle classes of society.

7. In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. The appeal property is an imposing end of terrace and traditional Victorian three storey dwelling over a basement with a raised ground floor level and portico to the main entrance. Directly above the portico is a single curved window to which the appellant seeks to convert into a door opening with a timber French door by lowering the cill to allow access onto the flat roof above the portico. A decorative cast iron metal rail would enclose the square space to create a balcony for the purpose of external space.
9. The appeal dwelling displays the traditional characteristics of an ornate Victorian dwelling with many original features, timber sliding sash windows, moulded decorated architraves around openings and a strong vertical emphasis. It remains significantly intact with limited modern intervention visible to the front elevation. The character of the street scene display some variation to the style of houses from the front elevations as well as to the building line. Nevertheless, the houses along Edith Road share considerable design consistency and continuity and creates a visually pleasant context and rhythm to the street scene.
10. This proposal would remove this single window above the portico that is a uniform feature to the majority of other houses within the street scene. A door in place of the original fenestration opening and installation of wrought iron enclosure of approximately 1m in height would not be a characteristic feature of this dwelling where the Council specifically aims to safeguard the historic environment by new windows respecting architectural character.
11. From my observations on site, including direct views from street level and longer-range views from the street scene, it would be visually obvious that a door would replace the single window, and the solid nature of the wrought iron and decorative design of the proposed enclosure would also attract unwanted attention to it. Even though it is an end of terrace dwelling and the street scene consists of some variation to housing styles, it would introduce an alien and visually obtrusive feature. This change would not positively integrate with the host dwelling where its historical fenestration and unenclosed flat roof above the portico contributes to its distinctive authenticity. Such an alteration would lead to an adverse effect upon the character of the host dwelling and incremental harm to the distinctiveness of the CA as a whole. Therefore, the proposal would not preserve or enhance the character or appearance of the CA.
12. Where similar examples of doors onto enclosed balconies are brought to my attention by the appellant, they are in the majority above front doors where the main entrance is to the side that turns a corner with a different street or located on mansion blocks that have been designed as part of the original building, or to a detached dwelling that does not share precisely the same characteristics as the appeal dwelling before me. Nor are the details of its circumstances presented with this appeal. Where doors have been positioned in

a similar arrangement to the appeal proposal, or enclosures above flat roofs along Edith Road, I do not have the specific details before me to consider. In any case, these do not represent the prevailing character of the street scene. Rear balconies are not the same circumstances as the proposal before me. Other examples brought to my attention by the appellant relate to different local streets and therefore does not share precisely the same circumstances as the appeal proposal before me.

13. Paragraph 206 of the National Planning Policy Framework (the Framework) advises that any harm to the significance of the CA should require clear and convincing justification. Also, with reference to the Framework and proposals affecting heritage assets, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the impact of the proposal I find that the harm to be 'less than substantial' in this instance. This harm should be weighed against the public benefits of the proposal.
14. The benefits of the development would be private for the appellant to create external space and additional light levels into their home and would therefore not equate to a public benefit that I can apportion weight to. Overall, the benefits before me do not amount to a clear and convincing justification to outweigh the harm I have identified.
15. Considerable importance and weight has to be attached to harm to designated heritage assets. Therefore, to conclude on this main issue, the proposal would not preserve or enhance the character or appearance of the CA. As such the proposal would be contrary to the broad character and design aims and heritage protection objectives of policies DC1, DC4, DC6 and DC8 of the Local Plan (2018) and Planning Guidance SPD (2018) and Policy HC1 of the London Plan (2021) that aims to safeguard the historic environment.

Other Matters

16. Whilst the Council have not raised objections to the scheme with regards to living conditions of neighbours and there is nothing before me to disagree with their findings, this is neutral in the overall consideration of the proposal and neither weighs for or against it.

Conclusion

17. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal is dismissed and planning permission is refused.

Alison Scott

INSPECTOR

