
Appeal Decision

Site visit made on 8 July 2024

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2024

Appeal Ref: APP/H5390/W/24/3339932

14 Edith Road, London W14 9BA

- 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 Ali against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref is 2023/01901/FUL.
 - The development proposed is the erection of front and rear roof extensions including the formation of a hip to gable roof extension, involving an increase in the ridge height to match no. 16 Edith Road; erection of an extension to the side of the main building at lower ground, upper ground, first, second and third floor levels; erection of a rear extension at third floor level, over part of the existing back addition; erection of a part single storey, part two storey extension to the side and rear elevations of the existing back addition at lower ground floor, upper ground floor levels, first and second floor levels; removal of existing windows to the side elevation of the existing back addition at first and second floor levels; provision of a roof terrace at upper ground floor level to the rear with privacy screen; formation of external rear garden steps at lower ground level; associated landscaping and erection of a single storey outbuilding in the rear garden of 14 Edith Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In terms of 14 Edith Road, (No 14), planning permission was granted in 1988 (application 1988/00805/FUL) (the 1988 permission) for the erection of various extensions and alterations. This included the addition of a four storey side extension that provided access in association with the subdivision of the building into separate units. Concrete staircases were constructed to the external side of the building, which are also attached to the side of the neighbouring terrace, specifically to 12 Edith Road (No 12).
3. A certificate of lawful use application was granted in August 2021 (2021/02123/CLE) to confirm that the 1988 permission had been implemented and could continue.
4. In October 2023, a planning permission was granted for a fairly extensive range of works, extensions and additions (2023/01371/FUL) (the 2023 permission). This included changes to the main roof, with the formation of a hip to gable roof extension with front dormers, an extension to the side of the building across several floors, rear extensions and to the rear garden area, landscaping and the erection of a single storey outbuilding.

5. The present proposal includes many of these recently permitted elements such as the roof changes with the hip to gable and front dormers. As these elements have recently been permitted and could take place, like the Council, I do not consider that they are in dispute as part of this appeal. Some other elements which differ from the 2023 permission, such as the enlarged outbuilding, do not form part of the reasons for refusal and I consider are acceptable.
6. I will focus in the main issues on those parts of the scheme identified in the reasons for refusal. In terms of the effect on the character and appearance of the area, those are the side and rear extensions, and in term of the potential impact on the living conditions for the occupants of 16 Edith Road (No 16), it concerns the proposed terrace, steps with the privacy screen.

Main Issues

7. The main issues are:
 - the effect of the development on the character and appearance of the host building and area, having regard to whether or not the proposal would preserve or enhance the character or appearance of the Gunter Estate Conservation Area (the Conservation Area), and
 - the effect of the development on the living conditions of the occupants of No 16, having regard to the use of the proposed terrace and steps with privacy screen located at ground floor level.

Reasons

Character and appearance

8. The Conservation Area covers a reasonably sizeable, well established and attractive area of mainly residential buildings. The main heritage significance of the area, in relation to the issues in this appeal, are that the properties are predominantly terraced, Victorian villas which are well articulated and with a consistency of design within each terrace. While each terrace often has a uniformity of appearance, with similar architectural features, sizeable porches and bay window arrangements, there are often distinct and subtle variations between the detached terraces and this adds to the overall form, character and significance of the Conservation Area.
9. I am mindful of the duty when considering the issues in this appeal to pay special attention to the desirability of preserving or enhancing the character or appearance of any land or buildings in a conservation area¹.
10. No 14 is the end property of a reasonably short terrace of villas. These properties have a consistency of design with, in particular, the two storey (including to lower ground floor level) bay windows. This terrace is visually separated from the adjoining terrace to the broadly north which has three storey front bays and where the window alignment of each floor is subtly higher than the terrace at Nos 14-20. Although the two terraces are close together, the distinctiveness of the detached terraces can be appreciated and this adds to the heritage significance and character of the area.
11. The existing situation to the side of No 14, with the concrete stairs linking the two terraces, and at the front the metal railings and gate, is not an especially

¹ Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

attractive arrangement and a feature that does not complement the main building. The 1988 permission allowed for an infill structure between the two flank walls, but this was, it is understood, positioned back from the frontage. The recently approved plans showed an infill construction at lower ground and ground floor levels closely aligned with the front elevation. Above that the upper floor additions are to be positioned well back from the front elevation. This set back of the upper floor additions would help to retain some visual appearance of a separation between the terraces and this is a positive aspect of that design.

12. I consider that, as a matter of principle, the retention of a separation of terraces in this part of the Conservation Area would generally be the most appropriate response. However, with the planning history of No 14, which included a linkage to the adjoining terrace, there is a justification and precedent for some form of infill, in part, between No 14 and No 12.
13. In terms of the present scheme at the front², the lower ground and ground level additions linking No 14 to No 12 are either acceptable because they would not be especially visually apparent or have been approved as part of the 2023 permission. On the space above these lower additions the glass fronted section to the infill is an imaginative approach, and I have regard to all the specifications including the side infill concept detailing. The glass frontage would be visible from the front and in some angled views within the street scene. However, even with the glass material it would, because of its position only a little way recessed back from the adjoining front facing walls, still appear as a clear link, bridging the two buildings and would unduly erode the separation of the two terraces. The contrasting material and reflectivity, in this position, would not be sufficient to overcome the visual appearance that the terraces would appear linked. The glass addition would still have many of the qualities of a solid form and because of the reasonably minor extent of setback with a broadly similar plane with the front elevation of the existing buildings, this addition would not enable the two terraces to be read as distinct blocks.
14. This effect would undermine the visual appearance of the two terraces as distinct elements and, thereby, would erode a feature that contributes positively to the character and appearance of the host dwelling and this part of the Conservation Area. Even taking into account the present unattractive situation at the front including with the rubbish accumulating and the gates/railings, the proposal would be harmful and detract from the heritage significance of this part of the Conservation Area.
15. The appellant has also highlighted the development of Lexington House in Auriol Road to help to justify the more contemporary approach to the infill addition at No 14. I saw the development in Auriol Road at my site visit and this is a redevelopment of a section of the road forming a new terrace. It is, therefore, a different type of proposal and it does not lead me to a different conclusion on the merits of the glass infill element of the present scheme which I have considered on its merits.
16. Turning to the proposals at the rear of No 14, this existing rear elevation and those of the adjoining properties can be experienced from some of the flats to the rear and from the gardens of some of these terrace properties in Edith Road. The various projections from the main bodies of the buildings along this

² I consider the rear element of this infill extension further on in this decision.

rear area add character and interest to the built form and contribute to its heritage significance.

17. The approved plans for No 14 (2023 permission) show the ground and first floors to be infilled in the space between the two terraces, generally in line with the back of No 12. On the upper floors the addition is recessed back a fairly modest distance from the facing walls. Because these upper floor recessed sections are of a reasonably solid nature, albeit with quite large windows, and of a comparable design to those sections below, the appearance across all the floors of the space between the terraces would be of a physical link between the buildings.
18. Indeed, the recessed sections on the upper floors, while providing some visual depth to the building, could appear a somewhat contrived design and I do not consider that bringing those upper sections in line with the windows below would be a harmful change to the appearance of the building. In these circumstances, I consider that this aspect of the proposal would be an acceptable design response and would have a neutral effect on the character and appearance of the Conservation Area.
19. Other additions at the rear at first and second floor are proposed on the side next to No 16 and they would bring the building out over most of the previously approved ground floor extension. This would align with the extended and adjoining position of No 16. These additions would not extend as far as the existing rear projection at No 14 and would therefore still retain variation to the form of the rear elevation and not appear out of place with the neighbouring building or the wider terrace. The massing of the addition in relation to the host building would be acceptable and it would be of an appropriate scale. Consequently, I find that this element of the addition, on its own and in conjunction with others, would be of an acceptable design and impact, and would be neutral in terms of its effect on the character and appearance of the Conservation Area. Furthermore, I find no objection to the lower ground floor addition spanning the width of the plot.
20. These additions are justified by the particular circumstances of this site and planning history, including that of the neighbouring property, and are unlikely to be replicated elsewhere such that any form of precedent would be formed.
21. Drawing these matters together, I find that the rear extensions would be acceptable. They would have a neutral impact on the character and appearance of the host building and the heritage significance of this part of the Conservation Area. However, the front section of the infill extension finished in glass, for the reasons I have explained, would not preserve or enhance the character or appearance of the host building or Conservation Area.
22. Because of this adverse impact, the scheme as a whole would be harmful to the Conservation Area. It would, therefore, conflict with Policies DC1, DC4 and DC8 of the Hammersmith & Fulham Local Plan 2018 (the Local Plan), Key Principle CAG3 of the Hammersmith & Fulham Planning Guidance Supplementary Planning Document (2018) (the Planning Guidance SPD) and the National Planning Policy Framework (the Framework) which, amongst other things, seeks that extensions and alterations should be sympathetic to the architectural character and built context and should not have a harmful impact on the character and appearance of the conservation area.

Living conditions

23. The approved scheme under the 2023 permission was designed so that the flat roof, which would be formed over the lower ground floor extension, could not be accessed from the ground floor extension. This prevented the use of this area as a terrace in a situation where the flat roofed area would be located beyond the adjoining rear wall of No 16. A condition on the planning permission also prevented the use of this area as a terrace/balcony.
24. The adjoining space at No 16 includes an outdoor amenity area on the lower ground floor that serves that flat, and above is a large window in the rear elevation that serves the ground floor flat.
25. The lower ground floor amenity area at No 16, and the adjoining room accessed off this space, appears to be already impacted to some extent by the side, garden wall that separates the two properties.
26. The use of the section of the flat roof for a terrace, and the accompanying steps, would introduce an ability for occupants of No 14 to sit outside and move close to the adjoining property, in an elevated position. The proposed privacy screen would be necessary to prevent overlooking into the window of the ground floor flat at No 16 and immediately down into the reasonably private area of the amenity space of the lower ground floor flat. The screen, however, would add height to the wall and would extend a reasonable distance along the side boundary of the properties. Even if very well detailed and with an obscure glass finish it would result in an unduly overbearing and dominating feature leading to an unacceptable sense of enclosure for the occupants of the lower ground floor flat at No 16.
27. Furthermore, at times, especially during good weather when the terrace was most likely to be used, and the adjoining window at No 16 could be open, the normal use of the proposed terrace would be likely to cause undue noise and disturbance to the living conditions of the adjoining occupants. The position and relationship of the terrace to the adjoining neighbouring window in the ground floor of the flat at No 16, and to a lesser extent the other windows, is too close for the relationship to be acceptable.
28. In coming to this judgement, I have taken into account that there is an existing raised decking area and steps to the rear of No 14. However, this decking area is recessed back from the rear wall of No 16 and the position of the steps does not lead to a material overlooking concern. I have also taken into account that the size of the proposed terrace is below the Council's maximum size standard, and that there are other terraces/balconies to the rear of other properties in Edith Road which I saw at my site visit. There are also the other examples of terraces/balconies that the appellant has highlighted, although I do not have extensive details of these schemes. Each terrace or balcony will have its own particular relationship to adjoining properties, windows and amenity areas and, therefore, I attach these other examples of terraces and balconies limited weight when examining the particular circumstances and relationships in this case.
29. In conclusion, the use of the proposed terrace and steps, together with the privacy screen, would unduly harm the living conditions of the adjoining occupants at No 16. As a consequence, the scheme would conflict with Policies DC1, DC4 and HO11 of the Local Plan and Key Principles HS7 and HS8 of the

Planning Guidance SPD which seek, notably, that planning permission will not be granted for roof terraces or balconies if the use of such areas is likely to cause harm to the existing amenities of neighbouring occupiers by reason of noise and disturbance.

Other Matters

30. I have had regard to all the representations submitted both in support and objection to the development. I have considered issues regarding the effect of the additions on the character and appearance of the area and the amenities of adjoining occupiers in the sections above.
31. The effect of the proposal on trees has been raised, but I do not consider there is convincing evidence that any tree would be adversely impacted by the scheme and this did not form a reason for refusal. Concerns have also been raised with the size and impact of the outbuilding. However, given its proposed position, height and use, it would not adversely affect the character of the Conservation Area or the living conditions of any neighbouring property such as to be a substantive issue.

Conclusion

32. In terms of the heritage balance, I have found that the proposed development, overall, would cause harm to the character and appearance of the Conservation Area and, therefore, would detract from the significance of this designated heritage asset. The harm to the Conservation Area as a whole would be less than substantial within the meaning of paragraph 208 of the Framework. In accordance with the Framework, this harm should be weighed against the public benefits of the proposal.
33. The benefits of the scheme include that this property, within the Conservation Area, would be renovated, leading to economic and social benefits to the area during the work and in subsequent occupation. The frontage area, with the rubbish that accumulates and the propensity for some anti-social behaviour to take place, would be resolved by the development. However, the appeal proposal is not the only scheme that could lead to such benefits and, for instance, the 2023 permission could also be undertaken to renovate and extend the property. Considering all matters, I judge that the public benefits resulting from the present scheme should be afforded limited weight.
34. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the level of potential harm. I have found that the public benefits of the proposal should afford limited weight and, therefore, would not outweigh the level of harm which I have identified to the Conservation Area and its significance, which although localised, in accordance with the Framework, is required to be attributed great weight. Consequently, the heritage balance falls against the scheme.
35. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
36. The scheme would detract from the character and appearance of the host building and Conservation Area and would unduly harm the living conditions of

adjoining occupiers. As a consequence, the appeal scheme would conflict with the development plan when considered as a whole.

37. There are no material considerations of such weight that indicate the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR