
Appeal Decision

Site visit made on 4 October 2016

by Emma Tinsley-Evans BSoc.Sc MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 November 2016

Appeal Ref: APP/H5390/W/16/3154129
132 - 134 Munster Road, London SW6 5RD

- 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 Michele Tursi against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/01772/FUL, dated 19 April 2016, was refused by notice dated 14 June 2016.
 - The development proposed is erection of a rear roof extension at No. 134; alterations to the existing rear roof extension at No. 132; erection of rear extensions at second floor level on top of the existing back additions of both No. 132 and No. 134 with the erection of 1.7m high obscure glazed screens around the flat roofs above in connection with their use as roof terraces; and installation of 2 no. rooflights to the front roof slope of No. 134.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the planning application form has been amended by the Council. No objections to this have been raised by the appellant and the revised description has been used on the appeal form. I have therefore used this description in the header above.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the existing buildings and the Conservation Area.

Reasons

4. The appeal properties are in the Central Fulham Conservation Area (CFCA), a designated heritage asset as defined in the glossary at Annex 2 of the National Planning Policy Framework (the Framework).
 5. Paragraph 132 of the Framework makes clear that great weight should be given to the conservation of designated heritage assets and I have a statutory duty, under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
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6. I am mindful that a similar proposal was allowed on appeal in 2015. This established the principle of the proposed development with regard to the roof extension at 134 Munster Road, alterations to the existing roof extension at 132 Munster Road and the rear extensions at second floor level on top of the existing back additions at Nos 132 and 134. The current proposal differs in that it includes the creation of 2 roof terraces at third floor level with obscure glazed screens around them. I have therefore considered the appeal on this basis.
7. Munster Road is a residential street predominantly characterised by rows of 2 storey residential properties. Nos 132 and 134 are adjacent mid-terrace properties of a similar style and design to others in the vicinity. They occupy a position opposite Burnfoot Avenue and although slightly offset, long views of Nos 132 and 134 are available, particularly when approaching along the south side of Burnfoot Avenue.
8. The properties in the appeal terrace have a fairly regular, well established and coherent pattern of development. When viewed from the street there is a distinct uniformity and regularity that is emphasised by the consistent succession of architectural elements and continuous roofline. From the rear there is more variation with roof extensions and other additions being established features. Nevertheless, when viewed from the surrounding properties and their gardens, particularly those in Felden Street to the rear, the properties in the terrace retain a largely consistent overall height.
9. Although the principle of the additional storey at second floor level has been established, the provision of a roof terrace on top would increase the height of the back additions. Whilst there are examples of other roof terraces in the vicinity, I did not see any at third floor level. Those that I saw appeared inconspicuous and in keeping with their host properties in terms of their position, style and design.
10. In contrast, the roof terraces proposed would sit atop the two storey extension and would therefore occupy a prominent position. Although they would be set back and set in from the side eaves of the rear roof, the obscure glazed screens would stand 1.7m high, span over half the width of the rear addition of each property and would project above the existing ridgeline.
11. Given the close proximity of the neighbouring properties along Felden Street to the rear, the proposed terraces and screening would appear as incongruous additions to the host properties, visibly at odds with the overall consistent height that is characteristic of the terrace as a whole.
12. Not only would the privacy screens be a highly prominent feature when viewed from the properties in Felden Street, they would be seen from the public domain in longer distance views from Burnfoot Avenue. Whilst only the top and sides of the screens would be readily perceptible from the front, they would nevertheless disrupt the architectural consistency and continuous roofline that is characteristic of the terrace.
13. Design Policy 32 of the Council's Planning Guidelines Supplementary Planning Document 2013 (SPD) makes clear that the design of any rear roof extension should be sympathetic to the character and appearance of a conservation area and where they are visible from the street, including long views, particular attention will need to be paid to their appearance.

14. I consider that the roof terraces would represent a form of development that is out of keeping with the host properties and the wider terrace. For these reasons they would harm the character and appearance of this part of the CFCA and, consequently, would fail to preserve or enhance the character or appearance of Conservation Area as a whole.
15. I consider that harm to the significance of the Conservation Area would be less than substantial in this case. Consequently, in accordance with the paragraph 134 of the Framework, it is necessary to consider any public benefits of the development.
16. Whilst the proposed roof terraces would provide additional outside space for the appeal properties, I do not consider that this is a sufficient public benefit to outweigh the harm in this case.
17. I conclude that the proposed development would have a harmful effect on the character and appearance of the existing buildings and the Conservation Area. It would be contrary to Policies BE1 of the Council's Core Strategy 2011 and Policy DM G7 of the Development Management Local Plan 2013 (DMLP) which seeks to ensure that development respects and enhance its townscape context and heritage assets, and protects and enhances the character and appearance of Conservation Areas, having particular regard to scale, height, massing, alignment and materials, amongst other things. I also find conflict with Policy DM G3 of the DMLP, which seeks, amongst other things to ensure that development is compatible with the scale and character of existing development and integrates into the architectural design of the existing building.
18. The appellant asserts that Design Policies 31 and 32 are not applicable to the appeal proposal as they relate to Advertisements and Land Uses within a Conservation Area, respectively. However, as stated in the Council's reason for refusal, these policies are from the Council's Planning Guidelines SPD and are entirely applicable to the appeal proposal as they relate to Alterations to Buildings and Roof Extensions and Materials.

Other Matters

19. I acknowledge the concerns of neighbouring occupiers who consider that the proposal as a whole would be an overbearing form of development and harmful to their privacy. However, with the exception of the roof terraces the principle of the rear extensions has already been established. An extant planning permission is therefore already in place for this element of the appeal proposal.
20. With regard to the roof terraces, they would be set in from the sides of the roof and set back from the rear of the roof of the second storey element. The proposed screens would be obscure glazed and at 1.7m high, views of the neighbouring properties would be limited such that there would not be a material decrease in privacy for the occupants. Were I minded to allow the appeal, an appropriate planning condition could ensure that the height of the screens and the use of obscure glazing is maintained.
21. I acknowledge local concerns regarding the potential noise and disturbance from the use of the roof terrace. However, the size of the terraces proposed would limit the amount of people able to congregate. Given this and the height of the proposed screens, I do not consider that the roof terraces would

harm the living conditions of neighbouring occupants with regard to noise and disturbance.

22. Whilst I also note local concerns regarding the change of use into flats, from my site visit I have seen that No 134 is already subdivided into flats and in any event I am considering the proposal before me, which does not include a change of use to either property.
23. The appellant has drawn my attention to other examples of similar developments that have been approved. I have not been provided with the specific details of a number of these, nor am I aware of the particular characteristics of each site or the circumstances that may have led to their approval. However, I note that many are some distance from the appeal site or in a different Conservation Area.
24. From the examples that have been included for specific comparison, I note that 16 and 18 Kelvedon Road is not in a Conservation Area. As such, paragraph 132 of the Framework and the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area is not applicable in this case. I also note that from the front, these properties do not have longer distance views from the public domain.
25. With regard to the roof terrace at 100 Colehill Lane, I see from the plans that unlike the appeal proposal, the roof terrace at this property does not sit on top of the existing rear addition. From the evidence before me, I do not consider that these examples are directly comparable to the appeal proposal and they do not lead me to a different overall conclusion in this case.

Conclusion

26. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Emma Tinsley-Evans

INSPECTOR