

Appeal Decision

Site visits made on 28 November and 13 December 2016

by Mr J P Sargent BA(Hons) MA MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/H5390/D/16/3159746

16 St Dionis Road, London SW6 4TT

- 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 Mrs Jenny Naylor against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/03052/FUL, dated 4 July 2016, was refused by notice dated 2 September 2016.
 - The development proposed is the formation of a roof terrace at first floor level to the rear elevation.
-

Procedural matters

1. I visited this site a second time because the late receipt of the appeal notification letters meant that the neighbours had not had opportunity to invite me to look from their properties when I made my first visit. On that second visit I therefore viewed the appeal site from 14 and 18 St Dionis Road.
2. On the application form the development is described as '*erection of 1.7m obscure screen to the rear, surrounding the proposed terrace at first floor level*'. However, while the application was being considered the screen was deleted and replaced with railings. Given this, I have favoured the description on the decision notice and consider this has not prejudiced the parties.
3. This appeal was linked to another at the property concerning roof alterations (ref APP/H5390/D/16/3159694). That other appeal is the subject of a separate decision.

Decision

4. The appeal is dismissed.

Main Issues

5. The main issues in this case are the effect of the works on the living conditions of adjacent residents and their impact on the character and appearance of the area.

Reasons

Living conditions

6. No 16 is in a long row of dwellings on the north side of St Dionis Road. In 2015 planning permission was granted for, among other things, the formation of a basement and the erection of ground and first floor extensions to the rear of the property (the 2015 permission). This arrangement would have resulted
-

in the ground floor extension projecting some way beyond the extension at first floor level. However, a condition was imposed to prevent the flat roof of the ground floor element from being used as a terrace or other amenity space. That permission has not yet been built.

7. The Appellant is now seeking to introduce a full-width window with patio doors at the rear first floor level of the proposed scheme¹ that would open out onto a 1.15m deep terrace on top of the ground floor element. To either side would be 1.7m obscure glazed screens while 1.1m high railings would be on the side facing the garden.
8. To my mind it is reasonable to assume this terrace is to be used as a seating area and, as such, it would allow clear views into the neighbouring rear gardens at No 14 and No 18. Such views would be sufficiently unimpeded to mean those adjacent residents would experience a significant loss of privacy as they used their garden areas.
9. In coming to these findings I accept that 10 St Dionis Road has terraces now at first and second floor level. I am unaware of the history to those features though, and as they are further from the properties affected by this development they do not have a comparable impact on the amenity those residents now enjoy. There are also a number of rear-facing windows on houses in the row that permit views over the gardens of No 14 and No 18, but they are an accepted part of this residential environment. In any event, the opportunities those windows offer for overlooking would be different to those created by the terrace. This is because the terrace's open aspect is likely to allow and encourage its users to survey the gardens around. In contrast the windows are not necessarily used primarily for outlook while any views they allow are constrained to some degree by their restricted widths.
10. Given the depth of the terrace I consider it could only hold a few people, and so it is not likely to be used for gatherings that would be a harmful source of noise and disturbance.
11. Accordingly I conclude the development would detract unacceptably from the living conditions of adjacent residents in conflict with Policy DM A9 in the *Development Management Local Plan* and Housing Policy 8 in the *Planning Guidance Supplementary Planning Document*.

Character and appearance

12. Much concern was raised about the impact of the 1.7m obscure glazed screen, but that is no longer proposed and so is not for me to assess.
13. The scheme, with its more extensive rear glazing, its side panels and its railings would change the appearance of the rear of this property. However, a wide variety of extensions and alterations have been added in a piecemeal manner over time to houses along this side of St Dionis Road and these have eroded any strong sense of rhythm. Therefore, mindful of what has already been approved under the 2015 permission, the works now before me would relate suitably to this context and would not appear discordant.

¹ The Appellant states that 'Large sliding doors have been approved at first floor level as part of the scheme granted planning permission in February 2015'. However, the rear elevation on drawing 200A and the floor plan on drawing 201A, which are both cited on the decision notice for the 2015 permission, show a single window and narrow patio door with a Juliet balcony at first floor level.

14. Accordingly I conclude the development would not detract unacceptably from the character or the appearance of the area, and so would not conflict with Policy BE1 in the Council's *Core Strategy* or Policy DM G3 in the *Development Management Local Plan*.

Conclusions

15. Given the harm to living conditions I conclude this appeal should be dismissed.

J P Sargent

INSPECTOR