

Appeal Decision

Site visit made on 29 November 2016

by David Walker MA MRTPI

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

Decision date: 21st December 2016

Appeal Ref: APP/H5390/W/16/3157210

First Floor Flat, 158 Munster Road, London SW6 5RA

- 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 Rijac Properties against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/00263/FUL, dated 19 January 2016, was refused by notice dated 1 March 2016.
 - The development proposed is retention of terrace to first floor flat – on flat roof over ground floor flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the Central Fulham Conservation Area; and
 - ii) the effect of the proposal on the living conditions of the occupants of 156 and 158 Munster Road in relation to its height and proximity and with regard to outlook, privacy, noise and disturbance.

Reasons

Character and appearance

3. The appeal site is located to the rear of the host property where it is seen only in limited views along Swift Street. It falls within the Central Fulham Conservation Area where I have a duty to give special regard to the desirability to preserve or enhance the character or appearance of the designated area. The terrace and associated patio doors have already been installed.
 4. With terraced housing being the prevailing pattern of development in the area the views available toward the rear additions at this part of Munster Road are atypical along Swift Street. Therefore, being viewed in the context of the existing roof terrace and railing at No 156 the additional roof terrace proposed does not appear incongruous or out of character.
 5. However, the bamboo screen proposed as a privacy measure between the adjoining terraces would result in the introduction of materials that would be
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alien to the Victorian architecture of Swift Street. For this reason the proposal would fail to preserve or enhance the character and appearance of the conservation area.

6. With regard to paragraph 134 of the National Planning Policy Framework, although the harm would be less than substantial harm, and an alternative means of access would be provided, there are no identifiable public benefits that would arise from the development were it to be allowed. On this issue overall, therefore, I find the proposal to have a harmful effect on the character and appearance of the Central Fulham Conservation Area.
7. As a result it would conflict with Policy BE1 of the Hammersmith and Fulham Core Strategy 2011 (the CS), and Policy DM G7 of the Hammersmith and Fulham Development Management Local Plan 2013 (the LP) that require development to protect or enhance conservation areas. It would also conflict with the requirement for a high standard of design set out at Policy DM G3 of the LP.

Living conditions

8. At my site inspection it was apparent that direct overlooking of a window serving the ground floor accommodation of No 158 was possible. This window is described within the plans provided to me as serving a bedroom. Such overlooking of a private area would result in a loss of privacy that would have a harmful effect on the living conditions of the occupants.
9. The adjacent terrace at No 156 is also directly overlooked. However, there would have been a degree of existing overlooking of this outside space from the side and rear facing windows of the host property at the time of its formation. While the installation of a privacy screen between the appeal terrace and that at No 156 would reduce overlooking to an acceptable degree, nothing is proposed in relation to the ground floor accommodation of No 158.
10. Additionally, the close proximity of the roof terrace proposed could give rise to harmful noise for the occupants of the ground floor from any outside socialising on the terrace. While I am satisfied that the metal balustrade would not reduce the outlook available, it would provide no mitigation for noise or disturbance that could arise at a higher level and in close proximity.
11. On this issue therefore I find the proposed terrace to have a harmful effect on living conditions. As a result it would conflict with the neighbourliness requirements of Policies DM A9, DM G3 and H9 of the LP, and associated guidance¹, to minimise noise and avoid a detrimental impact on privacy, amongst other matters.

Conclusion

12. For the reasons given above, and with regard to the development plan read as a whole, I conclude that the appeal should be dismissed.

David Walker

INSPECTOR

¹ Hammersmith and Fulham Planning Guidance Supplementary Planning Document 2013