
Appeal Decision

Site visit made on 13 December 2016

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 13th January 2017

Appeal Ref: APP/H5390/W/16/3158806

Ground Floor Flat, 4 Rostrevor Road, Fulham, London SW6 5AD

- 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 Mr Michael Andreou against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/01637/FUL, dated 7 April 2016, was refused by notice dated 6 June 2016.
 - The development proposed is described as "demolish existing steel balustrading as barrier to boundary of original balcony/terrace at ground floor level at rear. Erect to new line and level a modern glazed panelling balustrade to the new edge of the extended flat roof over the lower ground floor extension. Glazed panelling to be supported by stainless steel, circular posts etc."
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Decision

1. The appeal is allowed and planning permission is granted for the erection of new glazed balustrades with steel posts to replace the existing metal balustrades around the flat roof at upper ground floor level to the rear elevation to facilitate the enlargement of the existing terrace at Ground Floor Flat, 4 Rostrevor Road, Fulham, London SW6 5AD in accordance with the terms of the application, Ref 2016/01637/FUL, dated 7 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1333-21, 1333-22, 1333-23, 1333-24, 1333-25, 1333-31 A, 1333-32, 1333-33 A, 1333-4 A and Flood Risk Assessment Dated September 2015.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. However, I have used the wording found on the Council's decision notice in the formal decision as it is a more accurate reflection of the appeal proposal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 2 Rostrevor Road, 6 Rostrevor Road and the Lower Ground Floor Flat at 4 Rostrevor Road with particular regard to privacy, noise and disturbance.
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Reasons

4. The appeal property comprises the upper ground floor of a four-storey, terraced property which is sub-divided into flats and adjoins 2 and 6 Rostrevor Road. The lower ground floor level flat of No 4 has a recently constructed rear extension. The proposal seeks to extend the existing roof terrace at the appeal property which is above the lower ground floor flat through the removal of the existing railings and the installation of glazed balustrading with steel posts.
5. Housing Policy 8 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document 2013 (PGSPD) states that generally a roof terrace or a balcony is unacceptable if it would result in an additional opportunity for overlooking or result in a significantly greater degree of overlooking and consequent loss of privacy for neighbours than from the access point onto the proposed roof terrace or balcony.
6. The Council considers that the proposal would offer additional opportunities for overlooking of the rear garden of No 6, as well as the rear garden of the lower ground floor flat at No 4. However, views of the garden area below are currently available from both the existing terrace as well as the garden area of the appeal property which has direct views into the garden and rear windows of the lower ground floor flat. Moreover, the roof terrace would be enclosed by a 1.1m high glass balustrade and views of the garden from the terrace would be oblique and limited in their extent. Indeed occupiers of the appeal property would have to make a conscious effort to approach the edge of the terrace and look down in order to view the garden below. It is unlikely this would be a regular or prolonged occurrence. Furthermore, there are high brick walls either side of the roof terrace that largely prevent direct views of the garden areas of No 2 and No 6. As a result, I am satisfied that the proposal would not result in a significantly greater degree of overlooking than currently exists.
7. Housing Policy 8 of the PGSPD states that planning permission will not be granted for roof terraces or balconies if their use would likely cause harm to the existing amenities of neighbouring occupiers by reason of noise and disturbance. I note that the proposal would result in a larger roof terrace than currently exists at the property. I also note that the terrace would be elevated above the outdoor amenity space of the lower ground floor flat at No. 4 and be directly adjacent to the outdoor spaces of No 2 and No 6.
8. However, the outdoor space of the lower ground floor flat is currently adjoined by the existing terrace, as well as the garden areas of No 2 and No 6. Indeed, the appellant indicates that occupiers of the appeal property have shared access to the rear garden. Furthermore, the proposal would not increase the number of occupants capable of residing at the appeal property nor, in my view, would it be able to accommodate a significantly greater number of persons than could currently utilise the existing outdoor space at the property. On that basis, I am satisfied that the proposal would not give rise to such levels of noise and disturbance that would be significantly more harmful than the present situation.
9. I conclude, therefore, that the proposal would not have a harmful effect on the living conditions of 2 Rostrevor Road, 6 Rostrevor Road and the Lower Ground Floor Flat at 4 Rostrevor Road with particular regard to privacy, noise and disturbance. Consequently, the proposal would accord with Policies DM G3, DM H9 and DM A9 of the Hammersmith and Fulham Development Management

Local Plan 2013 which require alterations to existing buildings to be compatible with their neighbours, to protect existing residential amenities and to ensure they will not materially increase the noise experienced by the occupants of existing noise sensitive uses in the vicinity. The proposal would also accord with the guidance set out in Housing Policy 8 of the PGSPD.

Other Matters

10. The appeal site lies within the Central Fulham Conservation Area, the significance of which largely derives from the prevailing linear grain of terraced, residential streets. The proposal would in keeping with the existing property and the range of similar alterations within the area. In addition, views of the balustrading from within the public realm would be significantly limited. As a consequence I am satisfied that the proposal would preserve the character and appearance of the Central Fulham Conservation Area.
11. The appeal site is located within Flood Zones 2 and 3. The proposal is accompanied by a Flood Risk Assessment and a completed copy of the Environment Agency's Matrix for Householder Extensions in Flood Zones 2 and 3. The Assessment indicates that floor levels within the development would be no lower than existing levels and that flood proofing of the development would be incorporated. This demonstrates that flood risk issues have been adequately addressed. I have no reason to disagree with these findings and I am therefore satisfied that the proposal would represent an acceptable form of development having regard to its flood zone location and the provisions of the National Planning Policy Framework.

Conditions

12. In addition to the standard time limit, I consider a condition relating to the approved plans and documents necessary to provide certainty. The appellant indicates that he would be happy to accept a condition requiring the installation of obscure glazing in the balustrade. No such condition has been suggested by the Council. On the evidence before me, I am satisfied that the proposed clear balustrading would not give rise to a harmful increase in the existing levels of overlooking. Such a condition would not therefore be necessary.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

Jason Whitfield

INSPECTOR