
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/16/3157491

Flat Ground and First Floors, 64 Stanlake Road, London W12 7HL

- 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 Dean Stacey against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/01917/FUL, dated 26 April 2016, was refused by notice dated 24 June 2016.
 - The development proposed is a rear roof terrace.
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Decision

1. The appeal is allowed and planning permission is granted for a rear roof terrace at Flat Ground and First Floors, 64 Stanlake Road, London W12 7HL in accordance with the terms of the application, Ref 2016/01917/FUL, dated 26 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: STAN/2016/01, STAN/2016/02, STAN/2016/03, STAN/2016/04, STAN/2016/05 and STAN/2016/06.
 - 3) The development hereby permitted shall not commence until details of the obscure glazed screens and railings to be used in connection with the roof terrace have been submitted to, and agreed in writing by, the Local Planning Authority. The roof terrace hereby permitted shall not be brought into use until the obscure glazed screens and railings have been installed in accordance with the agreed details. The obscure glazed screens and railings shall be permanently retained as such thereafter.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to privacy.
 - The effect of the proposal on the character and appearance of the area.
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Reasons

Living Conditions

3. The appeal property comprises the ground, first and second floor of a four-storey terraced property on Stanlake Road. The building has an existing back addition which extends to first floor level and has a flat roof. It is proposed to create a roof terrace on the flat roof with access from an existing window in the second floor roof slope. The terrace would have 1.7m high obscure screening to the sides. As a result, it would not afford residents opportunities for overlooking to the properties either side.
4. Housing Policy 8 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document 2013 (PGSPD) states that a roof terrace 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 than from the access point onto the proposed roof terrace.
5. In this case, the roof terrace would be within 18m of the gardens and several habitable windows of a number of properties on Tunis Road. The Council indicates it would be around 14.5m from the rear of 90 Tunis Road. The rear of the roof terrace would be bound by railings which would allow for views towards the rear of those properties. However, the nature of the closely knit grain of the two terraced streets means that the gardens and windows of the properties to the rear on Tunis Road are already overlooked to a significant degree by numerous other windows on both the appeal property and adjacent properties on Stanlake Road. To that end, there is already a high degree of mutual overlooking between properties in this location.
6. Whilst the proposal would allow residents to step out onto the terrace, it must be considered in the context of the existing relationship between the properties in this area. In my view, the proposal would not project to such an extent that it would give rise to a significantly greater degree of overlooking of the properties on Tunis Road than currently exists. In addition, there is a significant amount of vegetation between the gardens of the properties. This would contribute towards reducing the level of mutual overlooking. Although I recognise the Council has no control over the vegetation remaining in place, I have no reason to believe that the vegetation is under any threat of removal or that it would not be retained at its existing height for the foreseeable future. As a result, the proposed roof terrace would not result in a significantly greater degree of overlooking than is currently experienced between the appeal property and the properties on Tunis Road.
7. I conclude, therefore, that the proposal would not have a harmful effect on the living conditions of the occupiers of neighbouring properties with particular regard to privacy. Consequently, the proposal would accord with the design aims of Policy BE1 of the Hammersmith and Fulham Core strategy 2011 (CS). It would also accord with Policies DM A9 and DM G3 of the Hammersmith and Fulham Development Management Local Plan 2013 (DMLP) which state that proposals for extensions will be acceptable where there is no detrimental impact on the privacy enjoyed by neighbours in adjoining properties and where they take into account good neighbourliness. Finally, it would accord with Housing Policy 8 of the PGSPD, as well as Housing Policy 3 of the PGSPD which states that roof terraces must respect the amenity of neighbours.

Character and Appearance

8. The proposed roof terrace would be located on rear of the existing property. The property has a rear off-shoot which is paired with the adjacent property. These back additions are repeated along the terraces. The properties on this part of Stanlake Road form a tightly knit linear pattern which is reflected in the properties to the rear on Tunis Road. There are properties with existing roof terraces, although I recognise some of those have either not been granted permission or were permitted under a different policy context. Nevertheless, the rear elevations of the properties on both streets are characterised by a wide range of extensions and alterations of varying sizes and designs. In contrast to the front elevations, there is little uniformity in the character of the rear elevations of the properties on Stanlake Road and Tunis Road.
9. I note that there are no similar developments of this particular design within Stanlake Road or indeed Tunis Road. I also note that the terrace would be in an elevated position and that use of a raised platform would result in the 1.7m screens extending above the eaves of the property and the parapet walls of the existing back addition.
10. However, the railings and privacy screens would be relatively translucent and lightweight in appearance, particularly when read against the solidity of the existing terrace. Furthermore, the screens would be considerably lower than the ridge height of the existing property and the terrace would not extend the full width of the property.
11. Given the variety of extensions and alterations to the rear of the properties on both Stanlake Road and Tunis Road, the terrace and associated balustrading would not appear in stark contrast to the existing built environment. Moreover, given the elevation of the roof terrace and the lack of gaps between the buildings, views of the balustrading within the public realm would be significantly limited. The Council considers that there is a lack of detail in relation to the material to be used for the screens, the rear access door and the flat roof platform. However, I am satisfied that a condition to require such details to be agreed would be reasonable and necessary in this instance.
12. As a result, the proposal would appear as subservient to the property and would be a suitably sympathetic addition that would integrate with the existing property. For those reasons, I am also satisfied that the proposal would not appear unduly incongruous within the outlook of neighbouring properties and as such would not be an unneighbourly form of development.
13. I conclude, therefore, that the proposal would not have a harmful effect on the character and appearance of the area. To that end, the proposal would not conflict with Policy BE1 of the CS which states that development should be of the highest standard of design. In addition, it would accord with Policies DM A9 and DM G3 of the DMLP which state that proposals for extensions will be acceptable where there is no detrimental impact on the openness between properties and that a high standard of design is required in all alterations and extensions to existing buildings. It would also accord with Housing Policy 3 of the PGSPD which states that roof terraces must not detract from the character of the surroundings.

Conditions

14. In addition to the standard time limit condition, I consider a condition specifying the approved plans necessary to provide certainty. The Council has suggested that a condition requiring the screens to be 1.7m high from floor level and installed on all three sides should be imposed. However, I am satisfied that the balustrading as proposed would not be harmful to the character and appearance of the area, and that the proposed railings to the rear would not result in harmful loss of privacy for neighbouring residents. Such a condition is not therefore necessary. Nonetheless, I agree that a condition for full details of the proposed glazed screens and the railings should be submitted to and agreed by the Council is necessary to protect the living conditions of neighbouring residents and the character and appearance of the area.

Conclusion

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

Jason Whitfield

INSPECTOR