

Appeal Decision

Site visit made on 10 January 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 20 January 2017

Appeal Ref: APP/X5990/W/16/3151260
4D Goldney Road, London, W9 2AX

- 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 and Mrs Wilson against the decision of City of Westminster Council.
 - The application Ref 15/09702/FULL, dated 16 October 2015, was refused by notice dated 23 December 2015.
 - The development proposed is alterations to the main roof and associated works required for the creation of a roof terrace for the top flat (D).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed terrace on the (i) character and appearance of the building and area; and (ii) the living conditions of the occupiers of nearby dwellings.

Reasons

Character and Appearance

3. Butterfly roofs are a strong architectural feature of the surrounding large Victorian terraces. These roofs have an attractive, regular visual rhythm and make a positive contribution to the character and appearance of the area.
 4. The roof-terrace would introduce a flat area between the slopes of the butterfly roof thereby altering this notable roof-form. It would be set back from the edge of the roof by some 1.4m which would somewhat reduce its visibility from ground level. However, I was able to view the roof from the yard behind the site, which gives access to properties on Chippenham Mews including the YAA Centre. It is my assessment that, in spite of the set-back, it would be easily visible from the yard.
 5. Therefore, not only would there be private views from these properties but the development would also be visible to members of the public visiting the businesses and YAA Centre. Furthermore, the Victorian terrace is taller than the properties on Chippenham Mews and I was able to see at my visit that there are long range views of the roof from other buildings in the area.
 6. The installation of the balustrade would introduce incongruous clutter onto the roof. This, together with the formation of the flat terrace, would spoil the
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butterfly roofline. I note that the balustrade would be glass but I disagree with the appellant that glass would make the development invisible, for example, glass is shiny and a transparent material shows whatever is put behind it e.g., furniture or adornments. Although there are some other roof-terraces near the property these are not as high up as the proposed terrace, and so have a shorter range of visibility and have no effect upon the butterfly roof.

7. I note the comments from the appellant in respect of the previous appeal¹ at the property. However, in that appeal the roof-terrace would have been on top of the outrigger, not the main roof. Therefore, I do not find the two schemes to be directly comparable. Nevertheless, the Inspector did find that the roof-terrace would materially harm the character and appearance of the property.
8. I therefore conclude that the proposed roof-terrace would harm the character and appearance of the building and area. It would conflict with Policy S28 of the Westminster City Plan: Strategic Policies, 2013 (WCP) and with DES1 and DES6 of the Unitary Development Plan (UDP) which, together, indicate that development should respect local distinctiveness, that roof level alterations should not be unsightly when seen in longer public or private views from ground or upper levels or adversely affect the architectural character or unity of a building or group of buildings.

Living Conditions

9. I accept that some noise would be generated by people using the terrace but it would be enclosed by walls and the balustrade. These would provide a degree of separation and sound insulation. Furthermore, it is usual have gardens and balconies in close proximity to other residential properties and the site is in a busy urban area where there is already noise from traffic and people. Therefore, given the physical form and context of the building, I consider that the roof terrace would not introduce an unacceptable level of noise to occupiers of adjoining properties. I note that the previous Inspector found that there would be noise and disturbance from the previously proposed roof-terrace, particularly to No 6 Goldney Road, but it would have been in a different position to the appeal terrace.
10. I therefore conclude that the proposed roof-terrace would not harm the living conditions of the occupiers of nearby dwellings. I find no conflict with WCP Policies S29 and S32 or UDP Policies ENV 6 and ENV 13. In combination, these policies seek to protect residential amenity and to prevent noise pollution.

Other Matters

11. I appreciate that the flat has no other external amenity space and whilst the provision of amenity space is a benefit of the scheme, this does not outweigh the harm I have found to the character and appearance of the building and area.

¹ APP/X5990/W/15/3005206

Conclusion

12. Whilst I find no harm to the living conditions of neighbours, I do find harm to the character and appearance of the area and for this reason the appeal is dismissed.

Siobhan Watson

INSPECTOR