
Appeal Decision

Site visit made on 24 January 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/F5540/W/16/3162961

57A Oxford Road South, Chiswick, London W4 3DD

- 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 Steven Taylor against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00847/57A/P1, dated 5 August 2016, was refused by notice dated 3 October 2016.
 - The development proposed is a dormer window and roof terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:
 - the effect of the development on the living conditions of the occupants of neighbouring residential properties, with particular regard to privacy, noise and disturbance; and,
 - the effect on the character and appearance of the host property and the wider area and whether it preserves or enhances the character or appearance of the Wellesley Road Conservation Area.

Reasons

Living Conditions

3. The proposed terrace would be situated on the flat roof of the existing two-storey outrigger and would be setback from its rear elevation. The eastern boundary would be adjacent to a 2m high fence that forms part of the roof terrace on the neighbouring property to the east, No 55 Oxford Road South.
4. The London Borough of Hounslow Residential Extension Guidelines (SPG) states that the Council will normally refuse terraces because they can lead to overlooking and loss of privacy.
5. The western boundary of the terrace would be within proximity of first and second floor windows to the rear elevation of No 59 Oxford Road South and second floor windows in No 55. The existing 2m high fence screen would prevent any overlooking into the windows of No 55. The proposed screening on the western boundary of the terrace would be approximately 1.7m high and would comprise obscure glazing. Therefore, it would mitigate any overlooking of the first floor windows on the rear of No 59. However, even at 1.7m high,

there would still likely be views into the second floor windows of No 59 as these would rise above the height of the screening. Given the limited distance between the terrace and these windows it would result in an unacceptable degree of overlooking.

6. Furthermore, the use of the proposed terrace would result in a moderate degree of noise and disturbance. The area proposed to be converted into a roof terrace could accommodate quite a number of people, either sitting and/or standing. Consequently, the use of the terrace as an external living space could be disturbing to neighbouring occupiers, particularly during the evenings of the warmer months when bedroom windows may be open for ventilation, through general noise and disturbance. Therefore, given the proximity of the terrace to neighbouring windows, I consider that the living conditions of the occupants of these neighbouring properties would be harmed by the proposal.
7. I find therefore that the proposal would significantly harm the living conditions of the occupants of the neighbouring residential properties with regard to privacy, noise and disturbance. As such, it would be contrary to Policies CC2 and SC7 of the London Borough of Hounslow Local Plan (LP) 2015-2030, which, amongst other matters, seek to ensure that development does not harm the amenity of neighbouring residents, including the provision of adequate levels of privacy. Furthermore, it would fail to comply with the SPG.

Character and Appearance

8. This part of the Wellesley Road Conservation Area (the CA) is predominantly residential in character and comprises Victorian and Edwardian dwellings of varying styles, including a mix of semi-detached and terrace properties. These properties are typically two and three storeys in height and are of brick construction. Properties are set back from the road and generally have open front gardens and driveways. Although there is a common architectural theme along this side of Oxford Road South, there are slight variances with regard to window detailing and stucco frontages. The rear of the properties is less coherent than their frontages with various extensions and roof designs.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 131 of the National Planning Policy Framework (the Framework) sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness. It further advises at paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
10. From the evidence before me and the observations I made during my site visit, roof terraces are not commonplace along the road. The terrace at the adjacent property, No 55 Oxford Road South, is the only terrace on the street and the Council have confirmed that there is no planning history for it. Given that the existing terrace is an alien feature on the street, I do not consider that it makes a positive contribution to the overall character and appearance of the area or the CA. The addition of a further roof terrace would highlight the incongruity of the existing terrace and would further diminish the significance of the CA.

11. Whilst the proposed terrace would not be visible from the adjacent road, it would be from adjacent properties and part of the neighbouring road to the south, Oxford Gardens. The existing extensions and two-storey outrigger already provide a significant amount of bulk to the rear elevation of the property. The proposed terrace and its associated screening would screen much of the roof, exacerbating the prominence of the rear additions. Consequently, the proposal would result in an over dominant form of development that would fail to appear subordinate to the host dwelling.
12. Paragraph 134 of the National Planning Policy Framework (the 'Framework') confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. The harm I have identified to the significance of the CA would be less than substantial. The appeal property has no amenity space and the proposed roof terrace would enhance the residential amenity of the occupiers. Whilst this is a benefit of the scheme, it is insufficient to outweigh the harm that would be caused to the significance of the CA. I find that there is no public benefit identified that would outweigh this harm.
13. I find therefore that the proposal would significantly harm the character and appearance of the host dwelling and the surrounding area. Furthermore, it would fail to preserve or enhance the character or appearance of the CA. As such, it would fail to comply with Policies CC1, CC2 and CC4 of the LP, which, amongst other matters, seek to ensure that development responds meaningfully to the site, its characteristics and constraints and conserve and take opportunities to enhance any heritage asset and its setting in a manner appropriate to its significance.

Conclusion

14. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR