

Appeal Decision

Site visit made on 21 February 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 6th March 2017

Appeal Ref: APP/H5390/W/16/3165014
351 Fulham Palace Road, London SW6 6TB

- 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 P S Phillips against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/03474/FUL, dated 29 July 2016, was refused by notice dated 22 September 2016.
 - The development proposed is the formation of a roof terrace upon the existing flat roof at second floor roof level to the back addition.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a roof terrace upon the existing flat roof at second floor roof level to the back addition at 351 Fulham Palace Road, London SW6 6TB in accordance with the terms of the application, Ref 2016/03474/FUL, dated 29 July 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: 746-200a Ordnance Survey Extract Plan; 746-294 Proposed Floor Plan; 746-295 Proposed Side Elevation (South East); 746-296 Proposed Rear Elevation; 746-297 Proposed Side Elevation (North West).

Main Issues

2. I consider the main issues in this appeal to be firstly, the effect of the proposed development on the character and appearance of the host dwelling and its surroundings; and secondly, its effects on the living conditions of the occupiers of 353 Fulham Palace Road and 113 Gowan Avenue in terms of the outlook available from those properties.

Reasons

Character and appearance

3. The appeal property is situated in a short terrace of three storey buildings in a mix of commercial uses at ground floor with residential above that. To the rear of the appeal building two longer terraces run more or less perpendicularly to Fulham Palace Road. The proposed development would introduce obscure
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glazed privacy screens around the perimeter of the flat roof of the appeal property's outrigger, which would facilitate its use as amenity space.

4. I saw that in the immediate surroundings of the appeal property the rear aspects of a considerable proportion of buildings both within its host terrace and those to its rear have been altered to a substantial degree including the addition of roof extensions and balconies. The proposed privacy screening would be of lightweight construction; and as it would be situated behind the existing parapet wall and below the level of the appeal property's prominent rear chimney stack would be of a subservient scale. Due to these factors, the proposed development would neither look incongruous in terms of its wider surroundings, nor dominant in terms of its host dwelling.
5. As a result, the proposed development would cause no significant harm to the character and appearance of its host dwelling or its surroundings. For these reasons, the proposed development would not conflict with Policies BE1 of the Hammersmith and Fulham Core Strategy (adopted October 2011) (the Core Strategy); or Policy DMG3 of the Hammersmith and Fulham Development Management Local Plan (adopted July 2013) (the DMLP). Taken together, and amongst other things, these policies seek to ensure that new development responds to the surrounding townscape character.

Living Conditions

6. I saw that there are three facing windows in the upper floor of the rear outrigger of No 353. Of these the outlook available from the one closest to No 353's main rear wall is limited by existing flank walling at the appeal property. From the other two, the appeal property's outrigger and chimney stack are already prominent features which restrict views across No 351 from these windows. Moreover, the privacy screens would lack the visual solidity of more substantial development, and would thus not create an overbearing sense of enclosure in the views from these windows. Consequently, the proposed development would not reduce the outlook available from the outrigger windows of No 353 to any material degree.
7. I saw that views of the proposed privacy screens from windows on the rear elevation of No 353 would be in the context of a much deeper view across the gardens of Edgarley Terrace and Gowan Avenue. Whilst visible from the rear windows, the lightweight nature of the proposed screen would not read as an unduly overbearing or enclosing structure. Consequently, the proposed privacy screens would not deplete the quality of the outlook available to the occupants of No 353 to any material degree. The proposed development would thus cause no material harm to the living conditions of the occupiers of No 353 in respect to the outlook available from any of its adjacent windows.
8. In terms of 113 Gowan Avenue, I note that the existing relationship between it and the appeal property breaches the guidelines given in the Planning Guidance Supplementary Planning Document (adopted July 2013) (the SPD). However, the appeal scheme would introduce only a very limited amount of additional development, and it would be of a lightweight character. As a result, it would not deplete the outlook available to the occupiers of No 113 to a significant degree, and would thus avoid causing material harm to their living conditions.
9. For these reasons, I consider that the proposed development would not cause any material harm to the outlook of the occupiers of 353 Fulham Palace Road,

or 113 Gowan Avenue. As a result, the proposed development would not conflict with Policies DMA9 and DMG3 of the DMLP, insofar as they seek to ensure that alterations and extensions take into account good neighbourliness and protect existing residential amenities.

10. Whilst I note that some aspects of the proposed development would conflict with Policies 7 and 8 of the SPD, the nature of the proposed development and the site specific circumstances outlined above justify departure from its advice in this case.

Conditions

11. I have not been supplied with any suggested conditions in relation to the appeal scheme. However, I have attached the standard implementation condition to comply with the Town and Country Planning Act 1990 (as amended). In the interests of certainty, I have also attached a condition specifying the approved plans.

Conclusion

12. The proposed development would not conflict with the development plan insofar as the policies that have been drawn to my attention are concerned. Thus for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR