
Appeal Decision

Site visit made on 13 February 2017

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/H5390/W/16/3165125

First Floor Flat, 27 Hartismere Road, London SW6 7UB

- 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 Graham Valentine against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/03597/FUL, dated 7 August 2016, was refused by notice dated 28 September 2016.
 - The development proposed is described as new roof terrace on proposed extension to ground floor.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I saw at my site visit that construction works were being undertaken at the ground floor flat, above which the proposed roof terrace would be situated. For the avoidance of doubt however, I have considered the appeal on the basis of the submitted plans.

Main Issues

3. The main issues for the appeal are:
 - The effect of the proposed development on the living conditions of nearby residents with particular reference to potential for noise and disturbance and any overlooking / loss of privacy; and
 - The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Living conditions

4. The proposed roof terrace would be in close proximity to a first floor window in the neighbouring No 25, which the Council has stated serves a habitable room. This has not been challenged by the appellant. The roof terrace would also be relatively close to windows in the neighbouring 29 Hartismere Road. Whilst the proposed roof terrace would be of a modest scale and would not be sufficient to accommodate a large number of people, its use is nevertheless likely to give rise to noise and disturbance to the occupiers of No 25 due to the close proximity to the upstairs window. I consider that the occupants of No 25 would have a
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reasonable expectation of an upstairs room not being so affected. Whilst I note that any such noise and disturbance would be occasional and intermittent and may be similar to noise from the use of a garden within which a greater number of people could congregate, I find that the close proximity of the roof terrace to the first floor habitable room window to be unacceptable. I have taken into account that the host property lacks amenity space, but this does not outweigh the harm found.

5. I saw at my site visit, that there is considerable mutual overlooking of the rear of dwellings and their gardens between properties on Hartismere Road and Epirus Road, as a result of the relative proximity of the streets and the arrangement of windows, balconies and terraces. The appeal property has a French door on the first floor, which gives rise to overlooking of some neighbouring property. The appeal scheme, due to the provision of the external seating area would give rise to a greater degree of overlooking than at present. However, this would be mitigated to a large extent by the side screens and consequently, given the extent of overlooking which takes place at present, such an increase would not be unacceptable.
6. To conclude on this matter, I consider that the proposed development would have unacceptable effects on the living conditions of neighbours due to noise and disturbance. The appeal proposal therefore conflicts with Policy DM G3 of the Hammersmith and Fulham Development Management Local Plan 2013 (DM) which is concerned with alterations and extensions and includes that good neighbourliness should be taken into account. Additionally, it conflicts with DM Policy A9 in that it does not protect existing residential amenities nor has an adequate layout to prevent noise nuisance between dwellings.
7. I have had regard to the appellant's comments regarding DM Policy DM H9. Policy DM H9 is concerned with noise, including that noise generating development will not be permitted, if it would be liable to materially increase the noise experienced by the occupants/users of existing or proposed noise sensitive uses in the vicinity. I note that the supporting text for the policy includes noise from neighbours as a one of the dominant sources of noise in the Borough and I find that the appeal scheme conflicts with the policy. The appeal proposal also fails to accord with SPD Housing Policy 8 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document 2013 which includes that roof terraces will not be permitted if likely to cause harm to neighbouring occupiers by reason of noise and disturbance.

Character and appearance

8. The appeal property is a mid-terrace two storey building containing two flats. To the rear is an existing two storey rear projection which is paired with the adjoining 25 Hartismere Road. I saw at my site visit that the appeal property has French doors at first floor level in the rear projection facing the garden. Planning permission has been granted for extensions to the ground floor flat which would project out beyond the existing rear projection, above which the proposed roof terrace would be formed.
9. I saw at my site visit that there is some variety in the types and designs of extensions and alterations to nearby dwellings, including mansard roofs, gabled dormers, balconies and roof terraces. Equally, there is also variety in the materials used in the various alterations, including glazed screens.

10. The appeal scheme is of a modest scale. The submitted plans indicate that a 1.7 metre high opaque glazed screen would be erected close to the common boundary with No 25 which would project out about 2 metres from the rear of the building, with a similar screen being erected to the other side. A 1.1 metre high clear glazed screen would be erected to the front of the roof terrace.
11. Whilst the glazed elements of the roof terrace would project out beyond the rear of the host building, given the modest scale of the structure proposed and the variety of alterations to buildings evident on the host terrace and surrounding area, I do not find that the appeal scheme would be inappropriate or visually intrusive and consequently would not give rise to significant harm to the character and appearance of the area.
12. The appeal proposal in this regard does not conflict with Policy BE1 of the Hammersmith and Fulham Council Local Development Framework Core Strategy 2011 which is concerned with the built environment and design and includes that development respects local context and character and DM Policy DM G3 which is concerned with alterations and extensions, including that these should be compatible with the scale and character of existing development. My findings in this respect do not however outweigh those in respect of living conditions.

Conclusion

13. For the reasons given above and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR