

Appeal Decision

Site visit made on 23 March 2017

by R J Maile BSc FRICS

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

Decision date: 13 April 2017

Appeal Ref: APP/H5390/D/17/3168761
40 Bowerdean Street, London, SW6 3TW.

- 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 and Mrs Margaret Ambrose against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application ref: 2016/04673/FUL, dated 24 October 2016, was refused by notice dated 19 December 2016.
 - The development proposed is: "New terrace at second floor roof, extending half of the length of the existing flat roof area, with 1.7m obscured glass balustrade on all sides. New double glazed rooflight to existing flat roof area. The roof light will incorporate openable sliding glazed panels along one face to allow access onto proposed roof terrace."
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Decision

1. The appeal is allowed and planning permission is granted for new terrace at second floor roof, extending half of the length of the existing flat roof area, with 1.7m obscured glass balustrade on all sides. New double glazed rooflight to existing flat roof area. The roof light will incorporate openable sliding glazed panels along one face to allow access onto proposed roof terrace at 40 Bowerdean Street, London, SW6 3TW, in accordance with the terms of the application ref: 2016/04673/FUL, dated 24 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until details and samples of the materials to be used in the construction of the glass screening to be erected around the roof terrace hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 001: Location and Site Plan – scales 1:1250 and 1:500.
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Drawing no. 002:	Existing and Proposed Second Floor Plan – scale 1:50.
Drawing no. 003:	Existing and Proposed Roof Plan – scale 1:50.
Drawing no. 004:	Existing and Proposed Rear Elevation – scale 1:50.
Drawing no. 005:	Existing and Proposed Section AA – scale 1:50.

Main Issues

2. The main issues in this case are:

- a) The effect of the glazed panels upon the character and appearance of the host building and that of the surrounding area.
- b) The impact of the roof terrace and the enclosing glazed panels upon the living conditions of nearby residents.

Reasons

a) *Effect upon character and appearance.*

3. 40 Bowerdean Street is a Victorian terraced Victorian house, which is located within the Studdridge Street Conservation Area.
4. The scheme before me proposes the erection of glass screening to a height of 1.7m around part of the flat roof at third floor level in connection with its use as a terrace. Access to the proposed terrace would be obtained by means of the installation of a glazed, openable rooflight.
5. The roof terrace would be of modest proportions, the rear screen being sited approximately 3m from the rear elevation of the back addition. It would be set away from the common boundary with no. 42, whilst the party wall between nos. 38 and 40 would provide a screen on the north side.
6. The dwelling has been the subject of numerous alterations and extensions to the rear elevation, in common with other properties along this terrace and further afield within the Conservation Area. As a result the size and form of the rear elevations nearby are somewhat inconsistent, such that the original pattern of two storey, mono pitch roof back additions has been lost.
7. The glazed form of the proposed enclosure would be seen against the backdrop of the upper floor of no. 40. For these reasons, it would appear subservient to the host building and would not unbalance the terrace or appear over-dominant within it.
8. The Council has not cited the impact of the enclosure upon the character and appearance of the Conservation Area in its reasons for refusal. Nevertheless, I have had regard in my determination of this appeal to the statutory duty imposed upon me by virtue of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to national policy at Chapter 12 of the Framework¹.

¹ The National Planning Policy Framework.

9. I have concluded, given the nature of the proposed enclosure and its siting to the rear of the property, that the scheme would not adversely impact upon the character and appearance of the Conservation Area, which is a designated heritage asset.
 10. Accordingly, I have found in relation to the first main issue that development as proposed would respect the character and appearance of the host building and that of the Conservation Area as required by national policy in the Framework at Chapters 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment), Policy BE1 of the Core Strategy², Policies DM G3 and DM G7 of the Local Plan³ and SPD Design Policies 31, 32 and 34 of the Council's adopted Planning Guidance SPD⁴.
- b) Impact upon living conditions.*
11. The glass screens would not affect the adjacent dwelling at 38 Bowerdean Street to the north having regard to the layout of that property.
 12. 42 Bowerdean Street has two rear-facing windows at second floor level, one of which is located close to the common boundary. The proposed screens would, however, be off-set from the boundary and project rearwards by only some 3.5m. Given these factors and the height of the screens (1.7m) I am satisfied that they would not give rise to an unacceptable sense of enclosure to the occupiers of no. 42; neither would they be overbearing, nor bring about any other adverse impacts.
 13. I therefore find upon the second main issue that development as proposed would not be harmful to the living conditions of nearby residents, as required by Policies DM A9 and DM G3 of the Local Plan and Housing Policy 7 of the Council's adopted Planning Guidance SPD.

Conditions

14. The Council has not put forward any suggested conditions in its Questionnaire. Nevertheless, in deciding to allow this appeal it is necessary for me to impose a total of three conditions, all of which meet the tests of the Framework and advice provided by the Government's Planning Practice Guidance issued on 6 March 2014.
15. My reasons for the conditions are:
16. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area whilst Condition 3, which requires the development to be carried out in accordance with the approved plans, will provide certainty.

² London Borough of Hammersmith & Fulham Local Development Framework: Core Strategy (adopted October 2011).

³ London Borough of Hammersmith & Fulham Development Management Policies Local Plan (adopted July 2013).

⁴ London Borough of Hammersmith & Fulham Planning Guidance Supplementary Planning Document (adopted July 2013).

Conclusion

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

R. J. Maile

INSPECTOR