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## Appeal Decision

Site visit made on 20 June 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: 07 July 2017**

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**Appeal Ref: APP/H5390/D/17/3172662**  
**47 Turneville Road, London W14 9PS**

- 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 Gerry Connolly against the decision of the Council of the London Borough of Hammersmith & Fulham.
  - The application Ref 2017/00262/FUL, dated 24 January 2017, was refused by notice dated 8 March 2017.
  - The development proposed is a residential mansard loft conversion with access to roof terrace.
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### Decision

1. The appeal is allowed and planning permission is granted for a residential mansard loft conversion with access to roof terrace at 47 Turneville Road in accordance with the terms of the application, Ref 2017/00262/FUL, dated 24 January 2017 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: 47 Turneville Road-Location Plan; Proposed Plans-Drawing number 110; Proposed Section-Drawing number 111; Proposed Elevations-Drawing number 112.
  - 3) Notwithstanding condition(2) no development shall take place until details of the obscure glazed screen have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### Main Issue

2. I consider the main issue in this appeal to be the effect of the proposed development on the living conditions of the occupants of 44, 45 and 46 Turneville Road, and 63 Star Road in terms of privacy.

### Reasons

#### *Site, surroundings and proposed development*

3. Situated at the end of a terrace of two-storey properties, and abutting the flank wall of the larger apartment building which faces Star Road (Nos 57 to 59), the appeal building was undergoing construction work at the time of my site visit,

in line with the planning permission<sup>1</sup> granted on 22 November 2016. These alterations have included an extension at first floor level on top of the building's outrigger adjacent to 57 to 59 Star Road, and extensions and alterations to the rear roof slope, including a window and an opening onto the flat roof of the extended outrigger. Like its immediately neighbouring buildings in the Turneville Road terrace (Nos 30 to 47), the appeal property's rear is visible from Star Road, and is separated from that thoroughfare by a modestly proportioned back garden. Whilst there is a mixture of types of buildings within the appeal property's environs, they are predominantly of a residential character. To the rear of the property, larger flatted developments addressing Star Road are set deeply back from the highway.

4. The proposed development would see the flat roof of the rear extension used as a roof terrace, which would be bounded by obscure glazed balustrades, and the flank wall of 57 to 59 Star Road.

### *Living Conditions*

5. I saw that the intimate plotting of 30 to 47 Turneville Road combined with the existence of habitable room windows on its rear elevations, including those existing and under construction at the appeal property, offered a considerable degree of mutual overlooking between the rear aspects of the dwellings and the back gardens. The proposed roof terrace would be of a very modest scale, would be adequately screened and there would be a considerable gap between it and the adjacent Turneville Road properties and 63 Star Road. Taking these considerations together with the existing development pattern and level of mutual overlooking within the environs of the appeal property, I consider that the proposed development would not deplete the privacy available to the occupants of 44 to 46 Turneville Road or 63 Star Road to any material degree.
6. Thus for the reasons given above, I consider that the proposed development would not cause material harm to the living conditions of the occupants of 44 to 46 Turneville Road and 63 Star Road. As a consequence, the proposed development would meet the requirements of Policies DMA9 and DMG3 of the Hammersmith and Fulham Development Management Policies (adopted July 2013); and SPD Housing Policy 8 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document (adopted July 2013). The policies and guidance, taken together and amongst other things, seek to ensure that developments achieve good neighbourliness and avoid detrimental impacts to the privacy enjoyed by the occupants of adjoining properties, and that roof terraces do not result in a significantly greater degree of overlooking.

### **Other Matters**

7. The proposed development would be close to the glass bricks in the flank wall of 57 to 59 Star Lane. However, these are not transparent, and as a consequence, the proposed development would not result in any material loss of privacy for the occupiers of Nos 57 to 59. Moreover, the modest scale and lightweight nature of the proposed balustrade would not inhibit the penetration of sunlight and daylight through these glass bricks. Given the very limited outlook available through these glass bricks, the proposed development would not deplete this to any degree. As a result, I consider that the proposed

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<sup>1</sup> Council reference: 2016/05091/FUL

development would not cause material harm to the living conditions of the occupants of Nos 57 to 59 in these regards.

8. The proposed roof terrace would only be limited in scale, and it would serve a domestic use, in a residential area with other roof terraces and gardens in its immediate environs. As a result, I consider that the proposed development would not create levels of noise or disturbance in excess of the prevailing noise environment, and thus would not cause significant harm to the living conditions of the occupants of adjacent properties in this regard.
9. The material development involved in the appeal scheme would be of a minimal scale and in lightweight materials, and would not be out of character with other alterations within its environs. Consequently, mindful of my duty arising from section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that the proposed development would preserve the character and appearance of the Turneville/Chesson Conservation Area.

### **Conditions**

10. I have assessed the list of conditions supplied by the Council against the tests given in paragraph 206 of the National Planning Policy Framework. This states that conditions should only be attached where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects. In cases where I have attached conditions I have amended the wording, where necessary, in the interests of clarity.
11. In the interests of certainty, I have attached a condition which specifies the approved plans. However, the proposed development relates to the use of the flat roof of an extension that has already received planning permission. I saw at my site visit that construction was ongoing in line with the plans, and was at an advanced stage in terms of its facing materials. I have therefore not found it necessary to attach conditions relating to matching materials, the use of stock brick in the party walls of the extension, or the height of the parapets above the roof level, as these elements were all substantially completed at the time of my site visit. However, I consider it necessary, in the interests of the living conditions of the occupants of adjoining properties, and the character and appearance of the building and its surroundings to attach a condition requiring the Council's approval of the details of the proposed obscure glazed screen.

### **Conclusion**

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

*G J Fort*

INSPECTOR