



Appeal Decision

Site visit made on 1 July 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/F5540/D/19/3226670

41 Swanscombe Road, Chiswick, London W4 2HL

- 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 Frank Pons against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01102/41/P5, dated 22 January 2019, was refused by notice dated 19 March 2019.
 - The development is described as 'proposed second floor rear terrace and changing existing window into a door'.
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Decision

1. The appeal is allowed and planning permission is granted for second floor rear terrace and changing existing window into a door at 41 Swanscombe Road, Chiswick, London W4 2HL in accordance with the terms of the application, Ref 01102/41/P5, dated 22 January 2019, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 01 'Lower Ground Fl'; 02 'Ground Fl and First Fl Plans'; 03 'Loft and Roof Plans'; 04 'Elevations'; 05 'Side Elevation' and 06 'Section A-A'.
- 2) Unless within 1 month of the date of this decision full details of the opacity and a sample of the 1.8 metre high obscure glazed screen ('the scheme') is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 1 month of the local planning authority's approval, the use of the terrace shall cease.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Procedural Matters

2. At the time of my site visit, I saw that the development had commenced with the insertion of the door, although the 1.8-metre high opaque screen indicated on the submitted proposed plans was absent. I have therefore considered this appeal on the basis that it is in part retrospective.

3. The description of development that appears in the banner heading above is taken from the planning application form. I have omitted reference to 'proposed' from the description within the decision to accurately describe the appeal development, given that the works are part-retrospective.

Main Issues

4. The main issues are the effect of the proposals on i) the living conditions of the occupiers of neighbouring dwellings with particular regard to privacy and outlook; and ii) the character and appearance of the host dwelling and surrounding area.

Reasons

Living conditions

5. The appeal site is a period mid-terrace 3 storey dwelling (No 41). I observed that composite decking had been laid to the roof at second floor level, and the area was not enclosed. The proposal is to retain the terrace and a connecting door, and to enclose the terrace with a 1.8-metre high opaque screen to both flanks and its end.
6. The proposed screen would be erected on No 41's boundary with 39, Swanscombe Road (No 39) which also has a terrace area enclosed by a metal balustrade. The proposed screen would exceed the height of the existing enclosure. Whilst noting this, its position on the boundary and depth, I consider the height of the screen would not be excessive and is proposed of an opaque, lightweight material. Having regard to the above, I consider that it would not be unduly dominant when viewed from the rear terrace at No 39 and would not result in an unacceptable impact upon outlook.
7. The screen would sit upon the existing outrigger resulting in an increase in height of approximately 1.8 metres. Whilst this would be visible from the terrace serving No 43 to the south, given the separation from the boundary of the screen, its modest height and the proposed material finish, I consider that this would not be visually oppressive when viewed from No 43.
8. In terms of privacy, the proposed screen would be adequate in height to prevent unacceptable loss of privacy for occupiers of neighbouring properties to both the sides and the rear. I am satisfied that a condition would adequately secure details of the opacity of the screen, that use of the terrace could not occur without the approved screen being erected and require its retention thereafter. Subject to this, I consider that the proposed screen would not result in an unacceptable impact upon living conditions of occupiers of neighbouring properties by way of loss of privacy.
9. For the reasons outlined above, I conclude that in terms of outlook and privacy, that the development would not lead to any significant impact upon living conditions of occupiers of neighbouring residential properties. The appeal proposals therefore accord with the living conditions aims of policies CC2 and SC7 of the adopted London Borough of Hounslow Local Plan 2015-2030 (LP)¹ and the Residential Extension Guidelines Supplementary Planning Document (SPD).

¹ Adopted September 2015

Character and appearance

10. The site of the terrace is to the rear of the property and is largely obscured from the public domain by the established pattern of built form. Moreover, a number of neighbouring properties have rear alterations and extensions of varying form, including roof terraces. The Council contend that existing roof terraces within the vicinity of the site including those at Nos 39 and 43 do not benefit from planning permission and are smaller than that proposed. Whilst noting this and the increase in height to the existing outrigger, I consider that the proposed roof terrace and associated enclosure are not excessive in terms of their scale. There would be views of the terrace from neighbouring properties within the host block, although the terrace would be viewed against the backdrop and variety of existing development to the rear. Given the proposal's lightweight design and position to the rear, they would not be unduly prominent, visually dominant or unacceptably detract from the appeal property or wider area.
11. Overall given the lack of significant public view and the design of the terrace and associated enclosures, I consider that the proposals would not significantly harm the character or the appearance of the host dwelling or surrounding area. The appeal proposals therefore accord with the character and appearance aims of policies CC1, CC2 and SC7 of the LP and the Residential Extensions SPD.

Conditions

12. The LPA has suggested standard conditions. However, the time limit is not necessary as the work has commenced, and the condition in respect of matching materials would not be appropriate in this case. I have however imposed a condition requiring the appellant to agree appropriate screening materials with the Council within one month of this decision in order to safeguard the privacy of occupiers of neighbouring dwellings.
13. I appreciate that the Council has raised an objection to the proposed condition in relation to the screen. However, I am satisfied that it is reasonable and necessary to make the development acceptable in planning terms and in any case, other concerns have been addressed above.

Conclusion

14. For the reasons given above, the appeal is allowed.

Robert Lankshear

INSPECTOR