



Appeal Decision

Site visit made on 19 November 2019

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2019

Appeal Ref: APP/T5150/W/19/3234345 **31B Staverton Road, London, NW2 5EY**

- 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 Miss Katie McGarry against the decision of the Council of the London Borough of Brent.
 - The application Ref 18/4624, dated 4 December 2018, was refused by notice dated 31 January 2019.
 - The development proposed is Use of flat roof as terrace with obscure glass screening.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties.

Reasons

Character and appearance

3. Staverton Road is characterised by detached and semi-detached dwellings, several of which, including the appeal property, have been converted into self-contained flats. Several properties along this stretch of Staverton Road have been extended to the rear or benefit from outbuildings. However, roof terraces do not appear to be an established feature of the street.
4. The proposed roof terrace would be above an existing single storey flat roof extension to the outrigger which forms part of ground floor Flat 31A. The extension projects deep into its plot, beyond the rear elevation of most of the neighbouring properties. In this location, the enclosure of the flat roof of the extension with obscure glass screening and its use as a terrace would be highly visible from neighbouring properties. I acknowledge that the glass screening would be set in from the external walls of the extension particularly on the side adjacent to 29 Staverton Road, however, given the height of the glazed side panels, they would appear as a highly visible feature when viewed from the rear of other properties in Staverton Road.

5. The appellant has referred to an existing terrace to the rear of a property visible from the rear window of Flat 31B. Whilst I acknowledge this, I have not been provided with any further information regarding this roof terrace or indeed, whether it benefits from planning permission. From my observations on site, roof terraces are not an established form of development along this part of Staverton Road. The proposed enclosure and use of the existing flat roof as a terrace in this prominent position at the end of the outrigger, would appear as a discordant feature, out of character with the prevailing character and appearance of the street. The roof terrace would not be visible from the front of the site or from any public roads, however this does not lessen the harm I have identified above.
6. The proposal would have a harmful effect on the character and appearance of the surrounding area and as such would be contrary to Policy CP17 of the London Borough of Brent Core Strategy (CS) which seeks to protect the suburban character of Brent from inappropriate development. It would also be contrary to Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies (LPDMP) insofar as it seeks to ensure that development is of a location, use, siting, layout, type, materials detailing and design that complements the locality. Furthermore, the proposal would have a harmful impact on the elevation, contrary to the design guidance within SPD2 – Residential Extensions & Alterations.

Effect on living conditions

7. The existing flat roof extension forming part of Flat 31A extends beyond the rear elevation of the adjoining dwellings, 29 and 33 Staverton Road. There are several ground floor windows on the side elevation of the outrigger to No 29. The proposed obscure glazed screening around the roof terrace would be set in from the side wall of the extension. Given this and the distance it would be set back from the side boundary with No 29, together with its light, glazed appearance, I do not consider that it would result in a material loss of outlook or further significant sense of enclosure when viewed from No 29. The proposal would not therefore be harmful to the living conditions of the occupiers of No 29 in this respect.
8. The Council also comment on the issue of overlooking of rear gardens from the proposed terrace in the planning officer's report. This is also a matter that has been raised by interested parties. The flank sides of the proposed roof terrace would be enclosed by 1.8 metre high obscured glass screening which would help to reduce overlooking of neighbouring gardens to the side. However, the central section of the enclosure is shown to be considerably lower and the use of the terrace in such proximity to adjacent gardens would result in significant levels of overlooking of the gardens of 31a Staverton Road and also of Nos 29 and 33, albeit at an angle. Whilst these gardens are currently overlooked to a certain extent from upper floor windows, the level of overlooking and intrusion would be significantly increased as a result of the proposal due to the close proximity of the proposed roof terrace to the gardens.
9. The proposal would therefore have a materially harmful effect on the living conditions of the occupiers of adjacent properties due to loss of privacy. It would be contrary to Policy DMP1 of the LPDMP which seeks to ensure that development provides high levels of internal and external amenity as well as the general guidance within SPD2 which states that proposals for balconies and

roof terraces should be designed not to overlook the gardens of adjoining properties.

Other Matters

10. Regarding the appellant's comments concerning information relating to the possible use of the roof terrace in the sales brochure, whilst unfortunate, this is not a matter I am able to consider in reaching my decision.
11. I also appreciate the proposal would provide external living space which would be of benefit to the occupier. However, this consideration does not outweigh the harm I have identified in relation to the main issues.

Conclusion

12. Accordingly, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR