



Appeal Decision

Site visit made on 8 January 2020

by JP Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 14 January 2020

Appeal Ref: APP/F5540/D/19/3238849

138A Whitestile Road, Brentford TW8 9NW

- 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 Joanna Hayes against the decision of the Council of the London Borough of Hounslow.
 - The application Ref: 01201/138A/P1, dated 4 June 2019, was refused by notice dated 30 July 2019.
 - The development proposed is erection of a rear roof extension with Juliet balcony, two roof windows to front elevation, erection of a rear outrigger roof extension and roof terrace.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development in the banner heading above from the Council's decision notice, as it more fully and accurately describes the development than that contained in the planning application form.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the host building and the area; and,
 - the living conditions of neighbouring occupiers, with particular regard to privacy, noise and disturbance.

Reasons

Character and appearance

4. The appeal property is a modest two storey mid-terrace house located in a residential area. The house has been divided into two flats. The proposal relates to the first floor flat.
5. It is proposed to erect a rear dormer roof extension across much of the width of the house. In addition, the existing flat roof of the outrigger would be clad in timber decking for use as a sizeable roof terrace/garden, accessed via patio doors from the new dormer. In order to protect the privacy of neighbouring residents, the roof terrace would be surrounded by a 1.8m high opaque glazed screen.

6. The Council refers to section 4.10 of its Residential Extension Guidelines: Supplementary Planning Document (REG)¹, which states that: *'The Council will normally refuse roof extensions that would be as wide as the house and create the appearance of a large box.'* Referring to the specific guidance in the relevant section of the REG, the Council Officer's report states: *'While the proposed dormer would incorporate the recommended set-up from the eaves of 0.5m, and set-down from the ridge of 0.3m, it would not demonstrate set-in's from the side of the roof, therefore not complying with section 4.10'.* While I note that analysis, the submitted plans² clearly show a set-in of 0.5m from the sides of the roof, as recommended in the REG. Rather, the area of non-compliance with the REG relates to the requirement for the dormer to be 0.5m above eaves level. In this case, it appears that the proposed dormer would not be 'set-up' from the existing eaves level, adjacent to the outrigger.
7. Notwithstanding the above, the Council indicated that, in any case, given the number and variety of existing sizeable rear dormer extensions on nearby houses many of which, it suggests, benefited from permitted development rights, it did not consider that the dormer element of the proposal would cause harm to the character and appearance of the area. Based on my site visit and my own observations of other rear dormers along the terrace and in the area, I take a similar view in that regard.
8. However, the more problematic aspect of the proposal relates to the proposed 1.8m high opaque glazed screen which would enclose the large roof terrace on three sides. The terrace or roof garden would occupy the whole of the flat roof of the existing outrigger which is sizeable, amounting to some 16.28m² according to the Council. The extent and height of the screening, necessary to prevent overlooking of neighbouring properties, would appear prominent at second floor level and add to the height of the outrigger, diminishing its subordination to the main building and causing visual harm.
9. Given the density of terraced housing in the immediate area, the extensive screening would be visible from many surrounding properties and their gardens, including that of the flat below. There would also be views, albeit more distant, from the rear upper storeys and back gardens of houses to the north. Although the screening would be at the rear of the property and not affect public views, given the height and extent and the absence of similar screening in the immediate area, those elements of the proposal would appear discordant and be likely to draw the eye of neighbouring occupiers.
10. While there are a variety of roof forms and large dormers in the area and many of the outriggers are gable-ended rather than flat-roofed, I did not see any screening of a similar type or scale to that proposed or, indeed, any roof terrace gardens, and none have been cited by the appellant. Therefore, the privacy screening would form a prominent and incongruous feature which would adversely affect the host building and the area.
11. The minor set-back of the screens from the existing coping would not sufficiently mitigate their negative effect. The appellant would accept a condition requiring details of materials to be approved. However, given that the height and opaque nature of the screens is necessary to prevent

¹ Adopted 20 December 2017

² Drawing No 2015JJ03

overlooking from an elevated outdoor position into neighbouring properties and gardens, I do not see that such a condition could sufficiently mitigate the adverse visual effects.

12. I conclude, therefore, that the proposed development, with particular reference to the privacy screens, would harm the character and appearance of the host building and the area. Consequently, the proposal would conflict with policies CC1, CC2 and SC7 of the Council's Local Plan 2015-2030 (LP)³, which seek to promote high quality urban design and ensure that development, including residential extensions and alterations, responds appropriately to the context and character of an area. It would also be contrary to similar policy objectives within the London Plan and the National Planning Policy Framework (the Framework)⁴, such as paragraph 127(c).

Living conditions of neighbouring occupiers

13. The Council expresses concern that the proposed roof terrace would lead to a loss of privacy and cause noise and disturbance to neighbours. It refers again to LP policy SC7 which, amongst other things, seeks to ensure that residential extensions and alterations do not harm the amenity of neighbouring residents. Section 4.10 of the REG indicates that the Council will normally refuse roof terraces because they can lead to loss of privacy for neighbours.
14. Although it recognises that the roof terrace would incorporate privacy screens, the Council appears to consider that there would still be *'the potential for loss of privacy and perceived loss of privacy due to the proximity to neighbouring properties'*. While I note the Council's assessment, I am satisfied that the proposed opaque 1.8m high privacy screens would sufficiently prevent intrusive overlooking from the roof terrace. Nor do I think that, given the prominence, height and opacity of the screens and their second-floor location, nearby occupiers would be left with any reasonable perception of being overlooked. The retention of the privacy screens for the lifetime of the development could be secured by condition.
15. As accepted by the Council, windows within the dormer would not significantly increase the level of overlooking beyond that which might be reasonably expected from upper floor windows of houses along terraces in suburban areas.
16. The Council also refers to potential noise and disturbance emanating from the roof terrace, although little explanation is given to justify that concern. I do not consider that there is any reason to suppose that the level of noise from the use of the roof terrace should be any greater than that associated with existing residential gardens, which serve the properties along the terrace. The privacy screen panels should also mitigate any noise to some extent. Moreover, other legislation is available to deal with excessive noise or nuisance, should it arise.
17. Accordingly, I conclude that the proposed development would not have a significant adverse effect on the living conditions of neighbouring occupiers, with particular regard to privacy or noise and disturbance. Therefore, it would not conflict with policies CC2 or SC7 of the LP or other local and national policy

³ Adopted 15 September 2015

⁴ February 2019

and guidance, insofar as they seek to ensure that development does not result in harm to the living conditions of neighbouring residents.

Planning Balance and Conclusion

18. Although there would not be harm to the living conditions of neighbouring occupiers, the harm caused by the scale and location of the privacy screens to the character and appearance of the host building and the area, is decisive.
19. While I note that the extension would provide additional indoor and some outdoor living space for residents of the first floor flat, those benefits are essentially private benefits. The planning system is more generally focussed on the wider public interest than personal or private benefits. In any case, the benefits would not outweigh the harm caused. Furthermore, it may be that an alternative scheme could secure similar advantages without causing harm.
20. The harm would result from the necessary privacy screens and neither the Council nor I have significant objections to the dormer element of the extension. However, the proposed design, with patio windows intended to give access to the roof terrace, does not lend itself to the possibility of a split decision, omitting the roof terrace element and screens. Nor has the appellant expressed any interest in that possibility in her appeal statement, which seeks to justify the scheme as proposed. Consequently, it would not be possible or appropriate for me to exercise my discretion in that regard.
21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JP Tudor

INSPECTOR