
Appeal Decision

Site visit made on 1 October 2020

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/F5540/D/20/3248329

176 Devonshire Road, Chiswick, London W4 2AW

- 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 Ruslan Aliyev against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00354/176/P3, dated 9 October 2019, was refused by notice dated 12 December 2019.
 - The development proposed is described as the retention of privacy screen/terrace.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The development is complete and appears to be in accordance with the plans. That the roof terrace and privacy screen are in place without planning permission has no effect on my consideration of the development. The appeal scheme has been assessed on its planning merits.
3. As retention is not an act of development, I have considered the development as one that seeks retrospective planning permission.

Main issues

4. The main issues are the effect of the development on the character and appearance of the local area and on the living conditions of the occupiers of nearby properties with particular regard to privacy and potential disturbance.

Reasons

Character and appearance

5. The appeal property is a mid-terrace dwelling of traditional style within a mainly residential area. I saw that several buildings in the vicinity of the site have been externally altered and extended especially at the rear roof level to include terraces, which vary in size, style and general appearance. Roof terraces are, therefore, a characteristic feature of the locality.
6. An obscure glazed screen has been placed around 3 sides of the flat roof rear projection of No 176 at second floor level, which is in use as a roof terrace. To my mind, the contemporary design of the glazed screen relates uneasily with the traditional style of the host building. Moreover, by enclosing a significant part of the roof at a high level, the glazed screen is a highly conspicuous

feature of the building. It also increases the prominence of the rear projection by accentuating its outward projection and adding to its height. Taken together, I consider that the glazed screen has introduced a discordant and obtrusive feature that detracts from the character and appearance of the host building and the terrace of which it forms part.

7. Although not visible from the road, the glazed screen would draw the eye most notably from the rears of 43 and 45 Eastbury Grove, which back onto the site. From this direction, the glazed screen would look at odds with the style of the host building and incongruous even amongst the highly varied built form of the wider built terrace. As such, it detracts from the character and appearance of the local area. In reaching this conclusion, I have taken into account the existing roof terraces that are evident in the local area, some of which the appellant has referred and also provided background details and photographs.
8. I saw a similar form of enclosure to the development sought at the corner of Devonshire Road and Ashbourne Grove. In that case, the obscure glazed screens are a prominent feature of a modern flat development with a contemporary appearance. These characteristics clearly differentiate it to the appeal scheme. Details are also provided of the Council's decision to grant planning permission for extensions that included a roof terrace with a glass balustrade and stainless steel posts at 68 Chiswick Lane, which I have carefully considered. However, No 68 is some distance from the site and does not form part of the same context as the appeal property. It is difficult to conclude therefore that the approved glazed screens at No 68 necessarily set a precedent in this case or represent a characteristic feature of the local area.
9. On the first main issue, I conclude that the development significantly harms the character and appearance of the local area in conflict with Policies CC1 and CC2 of the Council's Local Plan 2015-2030. These policies seek to ensure that proposals conserve or enhance an area's character, respond sensitively to the site and carefully consider matters such as external appearance.

Living conditions

10. From what I saw, the opaque glazing is high enough to avoid overlooking of nearby properties. While the screen doesn't prevent views of neighbouring windows and gardens, overlooking of this type is, in my experience, a common characteristic of the relationship between back-to-back properties in tightly knit built up areas such as this. While Nos 43 and 45 are reasonably close to the site, there is already inter-visibility between the rears the Devonshire Road and Eastbury Grove properties, some of which include roof terraces. In those circumstances, the additional loss of privacy or the increased perception of being overlooked due to the appeal scheme would not have a significant effect on the living conditions of the occupiers of nearby properties including those of 39-49 Eastbury Grove (odd numbers) beyond the rear of the site.
11. As the roof terrace has introduced an area of outdoor amenity space it could give rise to some increase in noise and potential disturbance. However, the roof terrace is small and I doubt that the level of activity would be any greater than that generated by the reasonable use of an outdoor amenity space at ground level or from roof terraces of other nearby properties. Taking into account that the noise levels resulting from such activity are what could be reasonably expected in a mainly residential area such as this, nearby occupiers

would not experience any greater harm from noise and potential disturbance as a result of the development sought.

12. On the second main issue, I conclude that the development does not materially reduce the living conditions of the occupiers of nearby properties. As such, it does not conflict with LP Policy CC2 and the Council's Supplementary Planning Document *Residential Extension Guidelines* insofar as they aim to safeguard residential amenity. My favourable finding on this matter does not outweigh the harm that I have identified in relation to the effect of the development on the character and appearance of the local area.

Other matters

13. Interested parties raise several additional objections including light, sense of enclosure and visual impact. These are important matters and I have taken into account all of the evidence before me. However, given my findings on the first main issue, my decision has not turned on these particular matters.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR