



Appeal Decision

Site Visit made on 20 October 2020

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 26th October 2020

Appeal Ref: APP/H5390/D/20/3253918

23 Alderville Road, London, SW6 3RL

- 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 Cecil Flemming against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2019/01299/FUL, dated 25 April 2019, was refused by notice dated 23 April 2020.
 - The development proposed is erection of 45 mm high battening on top of rear boundary wall. The wall is 2m high.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The battening has been erected around the whole of the rear garden of the appeal property.
3. The first reason for refusal states that the documents submitted with the planning application failed to accurately identify the site. This was because the rear garden was excluded from the red line denoting the site. The Council determined the application on the basis that the battening was around the rear garden of No 23 Alderville Road. A revised site location plan was submitted with the appeal including the rear garden in the red line denoting the appeal site. I have therefore determined the appeal on the basis of the second reason for refusal.

Main Issue

4. The main issue is the effect of the battening on the living conditions of occupants of nearby dwellings.

Reasons

5. The appeal property is a mid-terrace house backing onto another row of terraced houses. The rear garden of the host property is about 6.05 metres by 5 metres. The back gardens of the adjoining houses are broadly similar in size and shape. Windows in the rear elevations are fairly close to side boundary because of the relative narrowness of the houses and gardens. The battening comprises horizontal boards on top of the approximately two metre high boundary walls that enclose the rear garden. It is painted the same colour as the walls.

6. Together the overall height of the garden walls and battening create an increased sense of enclosure for the host and adjoining properties. This results in an overbearing and oppressive outlook from the ground floor windows and the gardens of the adjoining houses Nos 21 and 21 Alderville Road. This is harmful to the living conditions of occupants of those properties.
7. The Officer Report on the planning application also explains that the combined height of the wall and battening would fail the 45-degree rule as set out in Key Principle HS6 of the Planning Guidance Supplementary Planning Document 2018 (the SPD), as measured from the rear boundary of No 23 Cortayne Road. Even though not referred to on the planning decision notice, given the combined boundary height and the relatively short garden, I consider the battening also has an overbearing effect on the outlook from the windows and garden of No 23 Cortayne Road.
8. The battening is not completely solid which reduces the impact. However, the gaps between the boards are so narrow that little by way of light or outlook is achieved through them. Accordingly this is not sufficient to outweigh the harmful effects on living conditions of occupants of neighbouring properties.
9. I conclude that the battening is harmful to the living conditions of occupants of nearby dwellings. It does not comply with Policies DC4 and HO11 of the Hammersmith and Fulham Local Plan 2018 which together seek to protect the amenities of the neighbouring properties including outlook and openness. It is also contrary to the SPD which recognises back gardens as an important amenity for residents.

Other Matters

10. The battening appears of good quality construction and is acceptable in terms of character and appearance. However, it is expected that development is appropriate in appearance.
11. The appellant considers that the addition makes a vast improvement to the rear garden of his property. However, this is at the expense of the impact on the living conditions of occupants of adjoining properties. On balance the benefit to the appellant does not out-weigh the harmful effect on the living conditions of the neighbours.

Conclusion

12. For the reasons set out above I conclude that the battening harms the living conditions of the occupants of nearby dwellings. In failing to comply with Policies DC4 and HO11 the development does not comply with the development plan as a whole. The appeal is dismissed.

S Harley

INSPECTOR