



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: 28th October 2020

Appeal Ref: APP/H5390/W/20/3255086

Flat C, 13 Dancer Road, London, SW6 4DU

- 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 Alex Lehtinen against the decision of London Borough of Hammersmith and Fulham.
 - The application Ref 2020/00814/FUL, dated 23 March 2020, was refused by notice dated 19 May 2020.
 - The development proposed is extension to existing rear roof terrace at third floor level.
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Decision

1. The appeal is allowed and planning permission is granted for extension to existing rear roof terrace at third floor level at Flat C, 13 Dancer Road, London, SW6 4DU in accordance with the terms of the application, Ref 2020/00814/FUL, dated 23 March 2020, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The means of enclosure of the terrace is described on the planning application form as obscure glazed balcony railing. On the submitted plan it is referred to as opaque glass screen and on the decision notice it is referred to as obscure glass privacy screen. For simplicity in this decision I will refer to it as the screen.

Background and Main Issues

3. The appeal property is a flat in a mid terrace house opposite another row of terraced houses. A rear third floor roof terrace, extending about halfway across a flat roof, has already been constructed under an earlier planning permission Ref 2015/03738/FUL.
4. The main issues for this appeal are the effect of the proposal on the character and appearance of the host property and attached terraced houses; and the effect on the living conditions of the occupiers of the property opposite.

Reasons

Character and appearance

5. The extended terrace would not be visible from the public realm due to other intervening properties. The rear of the terraced houses on Dancer Road and Crookham Road vary substantially in height, design, materials and window

shapes and sizes. Some have been extended and a number have roof terraces enclosed in a variety of materials and similar in extent to the current proposal. The Council advises that that none have been granted planning permission, but instead either became lawful as they were historically there, or have not been built in accordance with permissions. Be that as it may, these roof terraces according to the Council, were in existence by the time of the 2015 permission. They therefore provide the local context of the built environment.

6. This appeal proposal is to extend the terrace to the edge of the parapet and surround it with a 1.7 metre-high screen. The bulk of the built form would increase slightly as a result of the proposal. The existing house is dark brick and such a screen would be different in appearance. However, that is already the case with the approved terrace enclosure. A similar screen to the edges of the parapet, due to its lightweight nature, would have only a marginally greater impact on the architectural character and appearance of the host property than the existing screen. At 1.7m high it would not be so over dominant, inappropriate or discordant as to justify with holding permission in this case.
7. No 15 Dancer Road has a terrace which extends as far as the terrace now proposed and which is enclosed with green coloured panels. No 7 Dancer Road has a similar terrace enclosed in what appears to be an opaque glass privacy screen similar to that of the existing screen at the appeal site. No 11 Dancer Road, which has not been extended upwards, has a flat roof of similar extent to No 13. Taking this context into account the proposal would not be harmful to the character and appearance of the attached terraced houses.
8. I conclude that the proposal would have an acceptable effect on the character and appearance of the host property and attached terraced houses. As a result, there would be no conflict with policies DC1 and DC4 of the Hammersmith and Fulham Local Plan 2018 (the LP). Amongst other things, these require that development should create a high quality urban design, respecting existing context and character.

Living conditions

9. The proposed screen would infringe an angle of 45 degrees at ground floor level upon the rear boundary. Accordingly it would conflict with the guideline set out in Key Principle HS6 set out in the of the Planning Guidance Supplementary Planning Document 2018 (SPD). However, the rear projection of the appeal property already infringes this guideline.
10. I was able to view the site from the garden and windows of No 16A Crookham Road, the most affected opposite property. The existing screen is visible from those vantage points but this is against the backdrop of the taller building behind. A screen next to the parapet would not be noticeably more overbearing or over dominating than the existing one. It would therefore not worsen the outlook or sense of enclosure as experienced from No 16A. Privacy for occupiers of that property would be retained as the screen would be both obscure glazed and too high to allow direct views into No 16A Crookham Road. Nor, due to the height and light weight nature of the screen would there be significant over shadowing of the terrace at No 15 Dancer Road which already has its own solid enclosure.
11. There is the potential for noise and disturbance from the use of the terrace. However, part of the flat roof is already a terrace. Even if increased in size as

proposed the terrace would still be modest which would limit the amount of people who would be able to gather in the space. Accordingly I do not consider its normal use would create noise and disturbance to the detriment of the amenities of neighbouring occupiers beyond what is to be expected in an urban area of terraced houses.

12. I conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of the opposite property in planning terms. As a result, there would be no conflict with policies HO11 and DC4 of the LP or Key Principle HS8 of the SPD. Amongst other things, these require that development should seek to protect privacy and outlook.

Other Matters

13. Negotiations at the time the 2015 proposal was being considered by the Council resulted in that scheme being reduced from slightly more than half the flat roof to half. Site circumstances have not changed in any significant way since the 2015 permission, but this does not lead me to any different conclusions about the current proposal which also makes better use of the available space.
14. Concerns have been raised about the potential noise and disturbance during the construction period especially as many residents currently work from home because of the disruption caused by the Covid 19 pandemic. However, any development has the potential to cause noise and disturbance and, due to the scale of the proposal, such disruption would be likely to be short term and would not be a reason for withholding permission.

Conditions

15. I have considered the conditions proposed by the Council in the light of the tests in the National Planning Policy Framework and the Planning Practice Guidance and the offer by the appellant to discuss appropriate materials for the enclosing screen.
16. As well as the standard condition specifying the time limits for the commencement of development compliance with the approved plans is necessary to provide certainty. It is necessary to ensure the screen is of a suitable light weight construction and appearance and appropriately opaque so a condition requiring the approval of the material to be used is appropriate. Also in the interests of privacy it is necessary to ensure the screen is erected all the way around the terrace and retained after that.

Conclusion

17. For the reasons set out above I conclude the appeal should be allowed.

S Harley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall not be erected otherwise than in accordance with the following approved plans: 2020/08/P03; 2020/08/P04 and Location Plan.
- 3) Prior to the commencement of the development full details of the materials to be used in the construction of the opaque glass screen hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the opaque glass screen shall be retained thereafter.
- 4) The opaque glass screen shall be erected in its entirety around the rear and flank elevations of the terrace in accordance with the details approved, before the extended terrace is brought into use and shall thereafter be permanently retained.

End of Schedule