



---

## Appeal Decision

Site visit made on 29 September 2020 by C Brennan BAE (Hons) M.PLAN MIPI

**Decision by Andrew Owen BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 November 2020**

---

**Appeal Ref: APP/H5390/D/20/3247536**

**110 Iffley Road, London W6 0PE**

- 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 Clive Coen against the decision of the Council of the London Borough of Hammersmith and Fulham.
- The application Ref 2019/02975/FUL, dated 8 October 2019, was refused by notice dated 29 November 2019.
- The proposed development is roof extension, roof terrace and privacy screen.

---

### Decision

1. The appeal is allowed and planning permission is granted for erection of a rear dormer incorporating a door, alterations to the flat roof of the back addition at second floor level including installation of privacy screens and a balustrade in connection with the use of part of the roof as a terrace at 110 Iffley Road, London, W6 0PE, in accordance with the terms of the application, Ref 2019/02975/FUL, dated 8 October 2019, subject to the following conditions:
  1. The development hereby permitted shall begin not later than three years from the date of this decision.
  2. The materials to be used in the construction of the external surfaces of the rear dormer hereby permitted shall match those used in the existing building.
  3. The development hereby permitted shall be carried out in accordance with the approved plans: Location Plan, 1022/04 B, 1022/05A, 1022/06 A, 1043/01 C, 1043/02 B, 1043/03 B and 1043/04.
  4. The terrace hereby permitted shall not be used until the obscured glass screens, shown on the submitted plans, have been installed. Samples of the obscured glazing shall be submitted to and approved in writing by the local planning authority before they are installed, and once installed the obscured glass screens shall be retained as such thereafter.
  5. Apart from the area labelled "proposed terrace" on drawing no 1043/01 C, no other part of the roof shall be used as a balcony, roof garden or similar amenity space.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
-

## **Procedural Matters**

3. The description of the proposed development as stated on the application form is included within the banner heading above. However, the description included within the Council's decision notice is more accurate and comprehensive and so I have included this description within the decision above.

## **Main Issues**

4. The main issues are:
  - i) whether the proposal would preserve or enhance the character or appearance of the Bradmore Conservation Area (BCA).
  - ii) the effect of the proposal on the living conditions of the occupants of Nos 14 and 9-15 (odd) Hebron Road and No 108 Iffley Road, with particular regard to privacy.

## **Reasons for the Recommendation**

### *Character and appearance*

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that with respect to development affecting buildings or other land in a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." The appeal site is situated within the BCA, the special interest of which is largely derived from the architectural merit and visual uniformity of its Victorian terraces. The appeal site accommodates a two-storey, end-of-terrace dwelling on the corner of Hebron Road and Iffley Road.
6. From the submitted plans, the privacy screen on the southern side of the proposed terrace would be set back behind the southern parapet wall of the appeal property's back addition by around 0.75m. This privacy screen would not appear particularly prominent within public views as it would be mostly hidden behind the parapet wall. While the screen would rise above the eaves of the appeal property's principal roof form, due to the translucency of its materiality it would nevertheless appear as a lightweight addition that would preserve the visual primacy of the appeal property's original form and proportions. While I acknowledge that this screen would be partially visible in long views from Iffley Road and Hebron Road, I observed during my site visit that there were similar screens in the surrounding area and so this element of the proposal would not appear overtly incongruous. As such, the proposal would preserve the character and appearance of the appeal property, as well as its contribution to the significance of the wider BCA.
7. For the above reasons, I conclude that the proposed development would preserve the character and appearance of the BCA, and so would cause no harm to its special interest as a designated heritage asset. The proposal would therefore comply with Policies 7.4 and 7.6 of the London Plan 2016 (the London Plan) and Policy DC1 of the Local Plan 2018 (the Local Plan) which, amongst other things, state that development should contribute positively to local character, be of the highest architectural quality and respect and enhance the townscape context and heritage assets. The proposal would also comply with Policy DC4 of the Local Plan, which require that alterations to existing buildings should be compatible with the scale and character of existing

development, neighbouring properties and their setting. The proposal would also comply with Policy DC8 of the Local Plan, which states that the Council will conserve the significance of the borough's heritage assets, including conservation areas.

8. The proposal would also accord with Section 72(1) of the Act, as set out above, and the National Planning Policy Framework 2019, which states that great weight should be given to the conservation of a designated heritage asset.
9. The proposal would also comply with Key Principles AH2 and CAG3 of the Planning Guidance Supplementary Planning Document 2018 (the SPD) which respectively state, amongst other things, that there is a presumption in favour of the conservation of heritage assets and that new buildings, extensions and alterations should be sympathetic to the architectural character of the built context and should not have a harmful impact on the character and appearance of the conservation area.

*Effect on neighbouring living conditions*

10. Standing within the southeastern corner of the proposed terrace, occupants of the appeal property would have limited oblique views through the first-floor bay window of No 14 to the east, due to the angle between this southeastern point and the front façade of No 14. Users of the terrace would only be able to look across the canted bay area of this first-floor room and would have no direct views into the majority of the room. As such, any harm caused to the privacy of the occupants of No 14 in this regard would be minimal.
11. In relation to Nos 9-15 Hebron Road and No 108 Iffley Road, any potential harm to their privacy would be appropriately mitigated by the height, depth and materiality of the southern privacy screen. Furthermore, as condition could be attached to ensure that only the proposed terrace could be used as a private amenity space, and not those other parts of the roof closer to neighbouring properties, I consider that the proposal would result in no harm to the privacy of those neighbouring occupants.
12. For the above reasons, I conclude that the proposed development would not cause unacceptable harm to the living conditions of No 14 and 9-15 (odd) Hebron Road and No 108 Iffley Road, with particular regard to privacy. The proposal would therefore comply with Policy 7.6 of the London Plan and Policies HO11 and DC4 of the Local Plan which, amongst other things, state that development should not cause harm to the amenity of surrounding land and residential buildings in relation to privacy. However, as Policy DC1 of the Local Plan relates to design rather than the effect of development upon the living conditions of neighbouring occupants, it is not directly relevant to this main issue.
13. The proposal would also reflect Key Principles HS8 of the SPD which states that roof terraces will not be supported if they would be likely to cause harm to the existing amenities of neighbouring occupiers through overlooking and consequent loss of privacy.

**Other Matters**

14. Due to the lightweight and translucent materiality of the screen proposed on the northern side of the proposed terrace, its inset position from the northern elevation of the back addition and the modest size of the proposed terrace, I do

not consider that the proposal would have an unacceptable effect on the living conditions of No 112, or the other properties to the north, in terms of outlook, light or noise. While I note comments made regarding previous applications and appeals, I have assessed the proposal before me solely on its own merit and have provided my recommendation on this basis.

15. The Council consider the design of the rear dormer to be acceptable. I find no reason to disagree.

### **Conditions**

16. The conditions which are imposed are those which have been suggested by the Council, but with some variation in the interest of clarity and precision having regard to the advice on imposing conditions in the NPPF and Planning Practice Guidance.
17. In addition to the standard timescale condition, I have imposed a condition requiring that the scheme be built in accordance with the approved plans for the avoidance of doubt. In the interests of preserving the character and appearance of the appeal property, streetscene and BCA, I have attached a condition requiring that the materials to be used for the external surfaces of the rear dormer shall match those of the existing building.
18. To safeguard the privacy of neighbouring residents, I have attached a condition requiring that a sample of the obscure glazing must be submitted to and approved by the Council prior to development, and that screens formed of this approved material must be installed before the use of the approved terrace.
19. For the same reason, I have also attached a condition which restricts the use of any part of the roof as private amenity space other than the approved terrace. I have not included the Council's suggested wording which would prevent the installation of further means of enclosure on, or means of access to, the roof, as this would not be necessary. The wording I have used would be sufficient to protect the living conditions of neighbouring residents.

### **Conclusion and Recommendation**

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

*C Brennan*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

*Andrew Owen*

INSPECTOR