



Appeal Decision

Site Visit made on 5 January 2021

by R E Jones BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

**Appeal Ref: APP/F5540/W/20/3258020APP/F5540/W/20/3258020
7A Hamilton Parade, Groveley Road, Feltham TW13 4PJ**

- 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 Davide Machado against the decision of London Borough of Hounslow.
 - The application Ref 00438/C7/P9, dated 24 March 2020, was refused by notice dated 23 June 2020.
 - The development proposed is erection of opaque glazed privacy screens to rear of first floor rear extension to allow use as balcony/amenity area and retention of door to side of first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed development on the living conditions of neighbouring occupiers of Nos 6 and 8 Hamilton Parade (Nos 6 and 8), with particular regard to privacy and outlook; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Living Conditions

3. No 7A Hamilton Parade (No 7A) comprises a property located within a two-storey terrace. The ground floor of No 7A comprises a commercial business use, while the first floor and roof space are occupied by a residential flat. A similar subdivision of uses pertains to the other properties in the terrace.
4. The proposed privacy screens would measure 1.5m in height and would be positioned on top of an existing flat roof rear extension to form a balcony at first floor. It would be accessed via an existing door, proposed to be retained, in the side elevation of the appeal property's first-floor rear extension.
5. The first-floor windows on the rear of Nos 6 and 8 are in very close proximity to the proposed balcony area. The privacy screens would likely provide some mitigation from overlooking into the neighbouring rooms served by those windows, especially when users of the balcony would be seated. However, at

- 1.5m, the height of the privacy screens would allow a great deal of users, when standing on the balcony, to look over the screens and towards those neighbouring first floor windows. This would make for an uncomfortable relationship and would have an unacceptable impact on the privacy of neighbouring occupiers at Nos 6 and 8 when those first-floor rooms are in use.
6. The appellant has indicated that, through a planning condition, the privacy screens could be increased in height to 1.7m in order to further mitigate overlooking. However, I have not had sight of these details, while the Council and neighbouring occupiers would also require the opportunity to comment on those changes and fully assess the effect they would have. Therefore, it would not be reasonable to apply the condition that has been suggested to me.
 7. The Council has raised concerns with regard to the effect of the privacy screens on neighbouring outlook. Despite the close proximity of the northern section of the privacy screen to the nearest first floor window belonging to No 6, it is not excessive in height and the top half of the window would likely be positioned above the privacy screen thus ensuring no unacceptable enclosing of the area around the window. On this basis, the outlook of occupiers of No 6 would not be harmed.
 8. The existing first floor rear extension's projection from the main back wall of the appeal property has the effect of partially enclosing the nearest first floor window at No 8. The southern privacy screen would project rearward from that extension, however, its lower height would ensure that there would be no unacceptable loss of outlook to No 8's window.
 9. Although I have found that the proposed development would not harm the outlook of neighbouring occupiers, it would nevertheless result in unacceptable harm to their living conditions in terms of a loss of privacy. In doing so it would not accord with Policies CC2 and SC7 of the London Borough of Hounslow Local Plan, Volume 1 – 2015-2030 (the Local Plan) and the Residential Extension Guidelines – Supplementary Planning Document, adopted 20th December 2017 (the SPD). Together these require that proposals, amongst other considerations, minimise harm to neighbouring residents, and do not result in any substantial loss of privacy to neighbours' dwellings.

Character and Appearance

10. The rear of the appeal property includes the ground floor and first floor extensions referred to above, while a large box dormer emanates from the rear roof plane. There are similar extensions at the rear of the adjoining properties, in addition to other paraphernalia such as TV aerials and air conditioning units. The rear of the terrace, along with the assortment of additions and appendages, can be seen from the rear access lane and through the short gap in the Hamilton Road street frontage.
11. Although the proposed privacy screen projects beyond the existing first floor extension at the appeal property, it has a modest height, and would be a largely glazed construction that would not appear as an overly prominent or obtrusive addition in the context of the terrace. Moreover, from Hamilton Road, the proposal would be partially screened by existing garden trees, therefore further reducing its prominence from that public vantage point.

12. Consequently, the development would not harm the character and appearance of the area, and would comply with Policies CC1, CC2 and SC7 of the Local Plan, and the SPD, which jointly, amongst other considerations, require that proposals respond sensitively to the area's character and to ensure no harm to the existing character and appearance of the building.

Other Matters

13. The appellant considers that the proposed balcony area would provide external amenity space for residential occupiers of the appeal property and would meet the space requirements of the London Plan. However, these moderate benefits would not outweigh the significant harm upon the privacy of neighbours.
14. The presence of other balcony and amenity areas on the flat roofs of neighbouring properties in the parade have been referred to. Yet, no specific details of these or whether they have received the consent of the Council are before me. On this basis, I am unable to consider them as direct comparisons with the appeal proposal.
15. The appellant indicates that the first-floor side door to be retained would be used as a means of escape. Nevertheless, the preclusion of a side door at this location is covered by a planning condition on an earlier consent issued by the Council, and therefore its retention should be pursued separately by the appellant.
16. Although no concerns have been raised by neighbouring occupiers in respect of the proposal, a lack of objection does not overcome the harm I have identified, and this matter is given limited weight.

Conclusion

17. For the reasons outlined above, and having regard to all other matters, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR