



Appeal Decision

Site visit made on 21 January 2021

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Appeal Ref: APP/F5540/W/20/3259767

Flat 3, 28 Stamford Brook Avenue, Chiswick, London W6 0YD

- 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 Ryan McDonald against the decision of Council of London Borough of Hounslow.
 - The application Ref 01055/28F3/P3 dated 3 February 2020, was refused by notice dated 30 March 2020.
 - The development proposed is formation of a roof terrace on the main roof with glass balustrade around.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposal upon i) the character of the Stamford Brook Conservation Area and ii) neighbouring living conditions with regard for overlooking and loss of privacy.

Reasons

Impact upon the character of the Conservation Area

3. The appeal site is a top floor flat within a four-storey building which itself is at the end of a terrace of properties. It is located on the east side of Stamford Brook Avenue and is located within the Stamford Brook Conservation Area (CA). The appeal proposal seeks formation of a roof terrace on the main roof of the existing flat. It is noted that the site benefits from consent for an existing roof terrace¹ but that this proposal is separate from the consented roof terrace which is over the outrigger. The current proposal would be enclosed by a 0.75m high obscure glazed glass balustrade, set back by 1.4m from the main front elevation, and accessed via an openable lightwell inserted in the roof of the third floor.
4. On the day of my site visit I viewed the appeal site from the road and the common itself. The appeal site is a notable block style terrace which I find is readily visible from surrounding roads and across Stamford Brook Common due to the end of terrace position. Regardless of whether the houses in the CA vary in design the terraced row itself is uniform in character along the edge of the Common. I acknowledge that the proposed balustrade would be set back from the edge of the roof but it would be still be visible when viewed from within the CA, the common and Stamford Brook Road. The CA character

¹ 01055/28F3/P1

appraisal notes that the character of the area is mainly comprised of Stamford Brook Common itself and the interesting buildings placed around it and in the locality of it. I find that the appeal site is of specific importance as part of the character of the CA around the Common as a result of this.

5. It is stated by the appellant that glass balustrades are an established characteristic of the area and that there are a range of approved roof terraces within the vicinity, however, other than details for the appeal site itself I have no evidence before me to support this. No other properties in the immediate row benefit from roof terraces on the main roof and I find that the introduction of a roof terrace as proposed would be incongruous and an alien feature to the roofscape. As a result of this I find, that aside from the physical addition of the balustrade to create the proposed roof terrace, the actual use of the roof terrace itself (presence of people, domestic paraphernalia, general activity etc. behind what is a low balustrade which would offer limited screening) would contribute even more to the impact of the proposal upon the skyline in such a prominent position/location near the edge of the CA.
6. The trees noted by the appellant may, at certain times of year, assist in reducing the impact and views of the proposal. Indeed it is noted that the photographs submitted are from the summer but even with this there would still be glimpsed views of the proposal. Overall, I find the proposal would be limited in views but, none the less, a visible use on the roof of a building in an overall prominent position. I find it would cause less than substantial harm to the CA as a designated heritage asset. In accordance with paragraph 196 of the National Planning Policy Framework 2019 (the Framework) great weight should be attributed to the asset's conservation irrespective of whether the harm identified amounts to less than substantial harm.
7. The proposal would be contrary to London Borough of Hounslow Local Plan 2015 (LP) Policy CC1 which requires development to respond to the wider context and history of the area, LP Policy CC2 which requires development to respond meaningfully and sensitively to the site and LP Policy CC4 which expects development to conserve and take opportunities to enhance any heritage asset and its setting in a manner appropriate to its significance.
8. The proposal would also be contrary to the aims of the Stamford Brook Conservation Area Character Statement which acknowledges that properties around the Common should be carefully considered. It would also be contrary to the aims of paragraph 196 of the Framework which requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset it should be assessed against the public benefits of the proposal. The proposal would provide additional private outdoor amenity space however, this does not provide any public benefit to outweigh the less than substantial harm identified.

Neighbouring Living Conditions

9. Despite the second reason for refusal being specifically noted as relating to overlooking from the appeal site, and loss of privacy, the appellant instructed for my site visit to be undertaken from the road. This instruction was specifically double checked given the nature of the second refusal reason. As a result of this I have not entered the site so can only base my decision upon the evidence before me.

10. The proposal would be located on the main roof in a highly elevated position. I note, and acknowledge, that there is another approved roof terrace at the appeal site but this is an outrigger roof terrace which is lower (by around 3.5m). Each case must be assessed on its own merits and I do not concur that balustrades of less than 1m in height will sufficiently protect the existing privacy of neighbours. I find that the proposal would result in an unacceptable degree of overlooking onto neighbouring properties and gardens with an unacceptable loss of privacy. This would, in turn, cause an unacceptable impact upon the living conditions of neighbouring occupiers.
11. Even if I had concurred that the proposal had a similar impact to the approved outrigger roof terrace, and did not result in the impacts outlined above, the appeal would still have been dismissed due to the impact upon the CA outlined within the first issue.
12. The proposal would be contrary to LP Policy CC2 which requires development to provide adequate levels of privacy and minimise direct overlooking through careful layout and design. The proposal would also be contrary to the principles within the Residential Extensions Guidelines Supplementary Planning Document 2017 (SPD) which seeks to avoid the use of a flat roof as a roof terrace where it is likely to harm neighbour's privacy. Whilst I appreciate the examples in the SPD do not directly relate or translate to the specifics of the appeal proposal the overarching objectives of the SPD are clear and applicable.

Other Matters

13. I note that there are objections to the appeal proposal. I have covered matters such as the impact of the proposal upon the CA, overlooking and privacy in the main issues within this decision. Matters relating to the planning consent for other balustrades are outside the scope of this appeal and are a matter for the Council enforcement team as they see appropriate. It is noted that there are some discrepancies in the submitted plans, however, I concur with the Council that they are sufficient on this occasion to assess the principle and impact of the proposal.

Conclusion

14. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR