The Planning Inspectorate

Appeal Decision

Site visit made on 2 February 2021

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 03 March 2021

Appeal Ref: APP/H5390/D/20/3262455
4 Souldern Road, London, W14 0JE.

- 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 Bryn Harries against the decision of the Council for the London Borough of Hammersmith and Fulham.
- The application Ref 2020/01803/FUL, dated 20 July 2020, was refused by notice dated 9 October 2020.
- The development proposed is the retention of timber decking and replacement of existing timber railings with new glass balustrade on top of the roof of back addition, in connection with the formation of a roof terrace at second floor level.

Application for costs

1. An application for costs was made by M Mr Bryn Harries against the Council for the London Borough of Hammersmith and Fulham. This application will be the subject of a separate Decision.

Procedural matters

2. In framing its decision notice the Council amended the description of the development from: *the erection of a stainless steel and glass balustrade on roof terrace*, to: *retention of timber decking and replacement of existing timber railings with new glass balustrade on top of the roof of back addition, in connection with the formation of a roof terrace at second floor level.*

3. The appellant has stated in his appeal statement that he is happy for the appeal to be determined on the basis of the Council's revised description. I have therefore adopted this description in the bullet point above and will proceed accordingly.

Decision

4. The appeal is allowed and planning permission is granted for the retention of timber decking and replacement of existing timber railings with new glass balustrade on top of the roof of back addition, in connection with the formation of a roof terrace at second floor level at 4 Souldern Road, London, W14 0JE in accordance with the terms of the application, Ref 2020/01803/FUL, dated 20 July 2020, and the plans submitted with it, subject to the conditions set out at the end of this decision:

Main Issues

5. I consider the main issues to be:

   a) the effect of the proposed development on the architectural integrity of the host property, the terrace of which it is part and thereby whether the proposal would preserve or enhance the character or appearance of the Brook Green Conservation Area, and;

   b) the effect of the proposal on the living conditions of neighbouring occupiers in terms of the potential for the roof terrace to result in overlooking, loss of privacy, noise and general disturbance.

Reasons

Character and appearance

6. The appeal property, 4 Soulden Road is a three-storey mid-terrace dwelling. It is located in the Brook Green Conservation Area. I observed that there are other nearby roof terraces and the neighbouring property, 32 Anyhoe Road, also has a roof top conservatory addition.

7. The appellant proposes to retain the existing timber decking on the first floor flat roof to the rear of the property, replace the existing timber balustrade with a 1.7 metre high glass screen to the sides and a 1.2 meter high screen along the rear of the roof and use the enclosed space as a terrace.

8. Subject to the detailed design of the balustrade, fixings and finish of any framing the proposed balustrade would, in my judgement, not necessarily cause harm to the host property, the terrace of which it is part and would, in its context have a neutral impact on the conservation area. Unfortunately the application drawings are small scale and not very clear. Accordingly, to avoid any harm, I would, if minded to allow the appeal, need to include a condition requiring the submission of detailed drawings of this element of the proposal for approval.

9. I therefore conclude in respect of the first main issue that, subject to a condition in respect of the detailed design of the balustrade, the proposed roof terrace would neither harm the host property or the terrace of which it is part. As a result it would have a neutral impact on the Brook Green Conservation Area. The proposal would therefore accord with the objectives of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies DC1, DC4 and DC8 of the Hammersmith and Fulham Local Plan (Adopted February 2018)(LP) and Key Principle CAGS3 of the Hammersmith and Fulham Supplementary Planning Document - *Planning Guidance* (Adopted February 2018) (SPD). As they relate to the quality of development and the preservation or enhancement of the character or appearance of conservation areas.

Living conditions

10. From my observations on site it is clear that there is already a degree of mutual overlooking from both existing windows and roof terraces etc. Therefore, and while having due regard to the built up urban location of the property I do not consider that any additional overlooking as a result of this terrace would be so significant as to cause material harm to the living conditions of neighbouring occupiers.

11. However, to minimise any potential for overlooking, I would, if minded to allow the appeal, require all the glazing panels to the balustrade to be obscure glazed.

12. Access to the roof is currently through an existing sliding sash window. The application scheme does not propose any alteration to the existing access. Accordingly, in my opinion, given the restricted and awkward access it is unlikely that the terrace would be used for large gatherings. In view of that, I do not consider that the use of the roof terrace would result in a significant increase in noise or general disturbance as suggested by the Council.

13. I conclude in respect of the second main issue that the proposal would not cause harm to the living conditions of neighbouring residential occupiers. It would therefore accord with the aims of LP Policies HO11, CC11 and DC4 and SPD Key Principle HS8 as they relate to the protection of residential living conditions.

Conditions

14. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the detailed design and finish of the balustrade. I will also condition the use of the terrace for siting plant, equipment and any form of enclosure. However, given the form of the development I do not consider that a matching materials condition is necessary in this case.

15. To protect the private amenity of neighbouring occupiers I shall also include a condition about the glazing of the balustrade and its erection and retention. However, as the extent of the terrace and the height of the balustrade are both shown on the drawings I do not consider it necessary to condition these matters.

16. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

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

Philip Willmer

INSPECTOR

Conditions:

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 7.2, 8.1, 9.1 and 10.1

3) No development shall commence until details of the materials to be used in fabrication and erection of the balustrade/screens, including framing

members, fixings, finish and the specification of the obscure glazing, hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) The roof terrace hereby permitted shall not be brought into use until the balustrade has been installed in accordance with the details approved under condition 3 and as illustrated on the approved drawings. The balustrade and screening shall then be retained in perpetuity.

5) No plant or machinery, enclosures or other structures, including water tanks and air conditioning units, shall be sited or erected on the roof terrace hereby permitted.