



Appeal Decision

Site visit made on 18 May 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2021

Appeal Ref: APP/H5390/W/20/3264468

136 Greyhound Road, London W6 8NS

- 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 S Bahceci of Greyhound Property Ltd against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2020/02224/FUL, dated 26 August 2020, was refused by notice dated 13 November 2020.
 - The development is single storey at rear extension at ground floor and use of the roof as a terrace.
-

Decision

1. The appeal is allowed and planning permission is granted for single storey at rear extension at ground floor and use of the roof as a terrace at 136 Greyhound Road, London W6 8NS in accordance with the terms of the application, Ref 2020/02224/FUL, dated 26 August 2020, subject to the condition set out in the attached schedule.

Procedural Matters

2. The development was in situ at the time of my site visit. I have determined the appeal on the basis that planning permission is being sought retrospectively for the extension and roof terrace.
3. My formal decision takes the description of development from the application form. The Council has used a different description on the decision notice but there is nothing in writing to show that this has been agreed between the parties.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area, and the effect on the living conditions of the occupiers of 2A Tasso Road, with reference to privacy, outlook and noise.

Reasons

Character and appearance

5. The appeal site is one of a pair of three-storey buildings, which have a convenience store at ground floor level and flats above. The extension has been constructed at the rear of the building and provides storage for the retail use. The Council describes this area as garden, but it would be better described as a service yard. The single-storey, flat-roofed structure fills most of the yard,

but it is subservient to the parent building and discreetly located by virtue of the fact that it abuts existing boundary walls on two sides. The structure is hidden from Greyhound Road and there are limited views from Tasso Road due to it being set well back into the site.

6. The flat roof of the extension has been laid out as an extended terrace for the upper floor flat in 136 Greyhound Road, with the edges of the terrace being demarcated by metal railings. There are some glimpsed views of the railings from adjoining streets, but this is in the context of existing balustrading for staircases and balconies serving No 134 and No 136. As such, the visual impact of this is not significant and there is no material harm to the street scene.
7. The Council is concerned that the development sets a precedent for similar proposals. However, it is an established principle that applications should be considered on their merits and in this particular case the extension on the rear of existing commercial premises does not cause material harm to the character and appearance of the area. There is no conflict with Policies DC1 and DC4 of the Hammersmith and Fulham Local Plan (2018) (LP) insofar as these seek a high standard of design in all alterations and extensions to existing buildings.

Living conditions

8. The new section of roof terrace directly adjoins a first floor terrace running along the back of 2A Tasso Road. The plans show that there was previously a gap between the terrace belonging to No 2A and a smaller balcony outside the entrance to the flat at No 136. This is corroborated by photographs supplied by the neighbour.
9. Whilst I note the concerns over privacy for the occupiers of No 2A, these have been addressed through the erection of a panel fence on the boundary between the two terraces. The appearance of this fence is poor, and for this reason I consider that the 1.7 m high obscurely glazed screen offered by the appellant as an alternative would be more appropriate. This could be secured by condition.
10. The Council contends that a privacy screen would cause an unacceptable loss of outlook and an increased sense of enclosure for the occupiers of No 2A. The fencing restricts views in a northerly direction, but in my opinion it is not dominant or overbearing. An obscurely glazed screen would have an improved appearance and would not be overly intrusive. Any reduction of outlook would not be so significant as to warrant dismissal of the appeal.
11. Larger terraces bring with them the possibility of social gatherings. Key Principle HS8 of the Council's Planning Guidance Supplementary Planning Document (2018) (SPD) states that permission will not be granted if the use of the terrace or balcony is likely to cause harm to the amenities of neighbouring occupiers by reason of noise and disturbance. For this reason, it explains that the Council may seek for balconies and terraces to be no bigger than 15 m².
12. The SPD has the status of guidance and is not policy. As such, there is a judgement to be made based on the circumstances of each case. Here, the Council has calculated the area of the terrace to be 19.5 m², but this includes circulation space between the entrance staircase and the front door. At the time of my visit, some of the remaining space was being used for garden furniture and the storage of bicycles. There is no substantive information in the neighbour representations to indicate that noise has been an issue to date. On

the balance of evidence, I do not consider that the terrace is likely to cause unacceptable levels of noise or disturbance.

13. Accordingly, I conclude that the development has not led to an unacceptable impact on the living conditions of the occupiers of 2A Tasso Road. There is no conflict with the requirements of LP Policies DC4 and HO11 that development should respect the principles of good neighbourliness.

Other Matters

14. The residents of No 2A believe that the development may have been carried out in breach of the Party Wall Act. They are also concerned about the potential for damage to their property from water ingress and damp. Whilst I acknowledge the strength of feeling, these are civil matters which can have no significant bearing on the application for planning permission.
15. I have taken into account the neighbours' concerns over security, but do not consider that the development presents a significant risk, bearing in mind the proposal to erect a full height glazed screen on the boundary. This matter does not justify dismissal of the appeal.
16. The site itself is not within a conservation area but adjoins the boundary to the Queen's Club Gardens Conservation Area. I am satisfied that there would be no harm to the setting of this designated heritage asset.

Conditions

17. The application is retrospective and therefore conditions relating to the approved plans and matching materials are not necessary. The sole condition is imposed to ensure that details of an obscurely glazed privacy screen are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively-worded condition to secure the approval and implementation of the privacy screen before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.

Conclusion

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

Robert Parker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Unless within 3 months of the date of this decision a scheme for the erection of a 1.7 m high obscurely glazed privacy screen along the boundary with 2A Tasso Road, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the roof terrace shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 3 months of the date of this decision, the use of the roof terrace shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

*** END ***