
Appeal Decision

Site visit made on 18 May 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2021

Appeal Ref: APP/K5600/W/20/3257491
96 Golborne Road, London W10 5PS

- 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 Edward Hollingsworth against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/20/02513, dated 5 May 2020, was refused by notice dated 10 July 2020.
 - The development proposed is extension of existing roof terrace and installation of opacified privacy screens to rear of property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of occupiers of neighbouring properties with regards to noise, light and outlook, and on the character and appearance of the host building and surrounding area.

Reasons

Living Conditions

3. The proposal would be positioned on the second-floor roof of No.96 Golborne Road and have views out towards Munro Mews to the rear. This would enlarge the roof terrace approved under a previous planning application¹ by 5.5m². As a result, the extent of the expanded amenity area would be within approximately 1.8m of a rear window of No.98 and around 1m from Flat 1 of 96 Golborne Road.
4. Golborne Road is a busy and relatively noisy environment to the front, with commercial units at ground floor level and residential properties above. From my observations on the site visit, Munro Mews to the rear is much quieter and lightly trafficked. The expansion of the roof terrace could potentially allow more people to use it at any one time. Given the close proximity of the extended terrace to the aforementioned windows, and the relatively quiet nature of the locality to the rear, conversational noise and general comings and goings from the terrace would likely be intrusive for the occupiers of these properties when

¹ PP/19/07831

they would reasonably expect a quiet environment. Furthermore, the terrace is most likely to be used during the summer when windows and balcony doors of neighbouring properties are likely to be open, thereby heightening the intrusiveness.

5. I appreciate roof terraces are common across London, and indeed the principle of a terrace in this location is established with the granting of the previous application. However, the extent of the approved terrace is limited and does not project past the wall of the bedroom of Flat 1. It is bound by two walls which would be likely to mitigate noise and disturbance. However, with the potential for more people on the terrace could mean increased noise and disturbance.
6. I have carefully considered the points raised in appellant's statement; however, I am unconvinced that the use of the enlarged terrace would be 'self-policed' or would be comparable to large gardens of houses, which are located at ground floor rather than at second floor level. The lack of noise complaints published by the Council does not convince me the proposal is acceptable in this respect.
7. The proposed opaque glass balustrade would introduce a structure of 1.6m height across part of the existing gap between the bedrooms of No's 96 and 98. While the opacity would afford privacy to users of the terrace, it would be likely to reduce the amount of light available for the kitchen window and the lightwell on the roof of No.96. Moreover, the increased size of the terrace across this space in the form of the balustrade would be significant. As a result, it would create an overbearing sense of enclosure in views from the bedroom and kitchen windows for occupiers of No.96.
8. I acknowledge the increased size of the terrace would provide benefits, including the need for private outdoor amenity space. This has been especially prevalent during the ongoing COVID-19 pandemic and I acknowledge the benefits with regards to mental health and wellbeing. However, there is already an approved terrace in this location, and while some of this space was lost to the access staircase, the protrusion closer to No.98 and the bedroom of No.96 would harm the living conditions of occupiers of these properties.
9. To conclude, the proposal would harm the living conditions of occupiers of Flat 1 of the host property and No.98 Golborne Road with regards to noise, light and outlook. It would therefore be contrary to Policy CL5 of the Royal Borough of Kensington and Chelsea Local Plan (September 2019) (the LP). This requires, among other things; good standards of daylight and sunlight are achieved in existing properties affected by new development; the reasonable enjoyment of the use gardens and other spaces is not harmed due to increases in noise and disturbance; and require that there is no harmful increase in the sense of enclosure to existing buildings and spaces.

Character and Appearance

10. The appeal building is three-stories tall to the front facing Golborne Road although properties are stepped down to two-storey to the rear facing Munro Mews. There is variation in the rear elevations of the properties, with the immediate vicinity of the appeal site consisting of flat-roof outriggers of various heights and projections. I did observe roof terraces were common along this side of the mews and marked primarily by black metal railings which complement the character of the Victorian terraces.

11. Given its second storey location, the proposed balustrade would be highly visible to the rear from Munro Mews and adjacent properties. The modern appearance of the opaque glass would jar with the more traditional black metal railings evident on most other properties. While the approved terrace features this same design, it is smaller and contained to the section of the roof behind the bedroom of No.96. The height and increased width of the balustrade extension across the gap between No's 96 and 98 would appear intrusive and incongruous in the street scene.
12. While I accept there are other opaque glass balustrades to the rear of Golborne Road properties, I have no information on whether they have planning permission. Moreover, their presence does not convince me the proposal is acceptable, which I must assess on its own merits.
13. To conclude, the proposed extension of the roof terrace would have an adverse effect on the character and appearance of the host property and the surrounding area. The proposal would be contrary to policies CL1, CL2, CL6 and CL8 of the LP. Collectively, these state that development should be of the highest design quality, contribute positively to the townscape and respond to the local context.

Conclusion

14. The proposal would harm the living conditions of occupiers of the host and neighbouring properties with regard to noise, light and outlook. It would also harm the character and appearance of the host building and surrounding area. As such it would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR