



Appeal Decision

Site visit made on 19 August 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 07 September 2021.

Appeal Ref: APP/H5390/W/21/3271139

Flat 2, 777A Fulham Road, London SW6 5HA

- 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 Harish Chande against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2020/02102/FUL, dated 17 August 2020, was refused by notice dated 13 October 2020 .
 - The development proposed is the creation of a rear first floor terrace area with associated internal and external works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Reference is made on the appeal form to Flat B but the application form refers to Flat 2. The application form's address has been adopted.
3. By reason of a discrepancy in a drawing, it has been clarified by the appellant that the appeal scheme should be assessed on the basis of the proposed glazed screen being around 1.1 metres high.

Main Issue

4. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the host property and the surrounding area and (b) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and Appearance

5. The proposed development includes the creation of an enclosed first floor roof terrace area to the rear of the appeal property which is situated within a mixed commercial and residential area. The rear of the property has a closer association with the rear gardens, amenity spaces and terraces of the neighbouring residential properties. Surrounding elevated roof terraces are predominately enclosed by railings but there are other means of enclosure, including glass screens. As an example, a glazed means of enclosure exists at the first floor level of The Mews House which is located to the rear of the property.

6. By reason of siting and elevation, the proposed glazed screen and supporting balustrade would be seen through a gap within the streetscene along St Maur Road. However, from the available viewpoints there are comparable views towards the rear elevations of other properties fronting Fulham Road where enclosed elevated roof terraces and balconies exist. Although there are a variety of materials, the screening of these other terraces and balconies is of a similar height as the appeal scheme.
7. Accordingly, because of its modest scale, siting and lightweight material the proposed development would not be so conspicuous nor be a discordant feature so as to be either incompatible with the character of existing properties or cause unacceptable harm to the appearance of the surrounding area. By reason of the choice of materials and height, rather than appear a bulky addition which would result in an overdevelopment of the existing roof, the appeal scheme would be visually and physically subservient to the host property.
8. On this issue it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it would not conflict with Policies DC1 and DC4 of the Hammersmith and Fulham Local Plan (LP). Amongst other matters, these policies require a high quality urban environment and for alterations and extensions to be compatible with the scale and character of existing development, neighbouring properties and their setting, including by reason of scale, height and materials.

Living Conditions

9. Within urban areas some degree of overlooking and associated impact on the privacy of neighbouring occupiers can be expected. Indeed, from the site visit it was clear that there are other elevated terraces and balconies which have outlooks towards the private amenity spaces of other properties. However, what is less clear is the relationship between these other terraces and balconies and the windows of their neighbouring properties.
10. LP Policy DC4 refers to all alterations and extensions taking into account good neighbourliness, in particular the amenities of the neighbouring properties. Further guidance on the relationship between proposals and existing properties is contained in the Council's *Planning Guidance Supplementary Planning Document* (SPD), specifically Key Principles HS6, HS7 and HS8.
11. Although the height of the glazed screen would generally prevent views towards the windows of neighbouring properties for someone seated, there would still be views above the screen for people standing up or walking around the proposed terrace. From what was observed at least 1 of the windows within the side elevation of the outrigger to the rear of 775 Fulham Road serves a habitable room. There would also be an outlook towards the side windows 2 St Maur Road and it appears that the largest window serves a habitable room. Accordingly, by reason of the limited separation distance, especially to No. 775, there would be an outlook from the terrace towards the identified windows which would result in an unacceptable loss of privacy for the occupiers of neighbouring properties.
12. By reason of the height and materials, the proposed screen would not result in an overbearing form development for the occupiers of No. 2. The side windows

of No. 775 face towards a flank wall and this already creates a sense of enclosure for the occupiers. The erection of the proposed 1.1 metre high lightweight glazed screen would not materially alter this outlook.

13. The occupiers of neighbouring properties have raised concerns about noise and disturbance associated with the proposed use of the roof terrace. However, the Council has not objected to the appeal on this basis and there are no reasons for me to adopt a contrary position, particularly where other roof terraces currently exist around the property.
14. Although the proposed screen would not be an overbearing form of development and the terrace would not cause unacceptable noise and disturbance, the appeal scheme would result in an unacceptable reduction in the level of privacy for the occupiers of neighbouring properties. Accordingly, on this issue, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would conflict with LP Policy DC4 and the guidance contained in the SPD. LP Policy HO11 appears to be directed at new homes rather than alterations and enlargements of existing residential properties.

Other Matters

15. Reference has been made by the appellant to a similar proposal at 55 Purser's Cross Road. However, the full circumstances and context of this other proposal has not been provided, including its relationship with any neighbouring windows. Further, this other scheme predates the more recent LP policies and SPD guidance. For these reasons, limited weight has been given to this other scheme in the determination of this appeal.

Conclusion

16. Although the proposed development would not cause unacceptable harm to the character and appearance of the host property and the surrounding area, this matter is demonstrably outweighed by the significant harm which would be caused to the living conditions of the occupiers of neighbouring properties. Accordingly, it is concluded that this appeal should be dismissed.

17.

D J Barnes

INSPECTOR