



Appeal Decision

Site Visit made on 20 September 2021

by **Mark Ollerenshaw BSc (Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 October 2021

Appeal Ref: APP/A5270/W/21/3272710

3 Studio Place, Church Path, Chiswick W4 5BJ

- 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 B Staines against the decision of the Council of the London Borough of Ealing.
 - The application Ref 205077FUL, dated 26 November 2020, was refused by notice dated 5 February 2021.
 - The development proposed is described as 'addition of privacy screens on a rooftop to convert the space to a roof terrace'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, a revised version of the National Planning Policy Framework (the Framework) was published. The main parties were given the opportunity to comment on the relevance of this to the appeal. I have had regard to any comments received and the revised Framework in my decision.
3. The main parties have also been given opportunity to comment on the new London Plan 2021 which replaces the 2016 iteration. I have determined the appeal with regard to the new London Plan, taking into account any comments made thereon.

Main Issues

4. The main issues are the effect of the development proposed on the character and appearance of the host property and the surrounding area, and its effect on the living conditions of neighbouring occupiers at Nos 8-12 Steele Road, with particular regard to privacy, noise and disturbance.

Reasons

Character and Appearance

5. The appeal relates to a part two, part three storey apartment block and specifically to Flat 3, which is located in the north-western section of that building. The surrounding area is predominantly residential and is characterised by a variety of building sizes and styles, particularly in relation to height and rooflines. Properties range from terraced housing to modern apartment blocks, such as the appeal building, and Beaumont House to the east. The contrast between the more traditional linear form of the surrounding terraces and the

modern apartment blocks positively contributes to a varied and pleasing residential character.

6. The appeal building is of relatively simple and symmetrical form with a flat roof design, clean lines and large window openings to the front. The north-western part of the building steps forward and occupies a prominent position in the street scene. Both ends of the roof are surrounded by parapet walls which continue around to the front of the building. There are two existing balconies to the front serving Flats 2 and 3.
7. The proposed terrace would be enclosed by screens positioned on the inside of the parapet roof. That section of the screen on the side and rear of the roof terrace would comprise obscure glass to a height of some 1.17 metres above the level of the parapet wall, whilst to the front of the terrace a handrail and balustrade would be erected to match the existing balconies to Flats 2 and 3. Due to its height and length, and opaque material, the proposed screen to the side and front corner of the roof would be a highly visible addition to the roof of the building. Moreover, the proposed screens would be located above that part of the building that projects further forward which would increase the prominence of the proposal from public vantage points, particularly from Church Path.
8. The existing balconies are of a much more modest scale than the appeal proposal and the existing balustrades are lower than the proposed privacy screen. The existing balconies are positioned centrally on the building, which maintains a balanced appearance to the front of the building. By contrast, the siting of the proposed screens around the rooftop on this side of the building would have an unbalancing effect on the building when viewed from the front and thereby detract from its symmetry. The proposal would therefore result in an incongruous feature at a high level on the building, which would be harmful to the street scene.
9. I acknowledge the existence of other roof terraces with screens within the local area. However, the existing terraces and screens at Beaumont House and 61 Church Path are smaller than the appeal proposal and do not have a street presence in the same way that the appeal proposal would do. Similarly, the roof terraces approved at 15, 17 and 19A Antrobus Road and 8 Cleveland Road would appear to be situated to the rear of those properties and consequently would not be as prominently located as the appeal proposal. As a result, whilst having due regard to the other examples as a material consideration in determining this appeal, I have assessed the appeal scheme on its own merits in accordance with the requirements of the current development plan and the other examples do not justify the harm I have found.
10. I conclude that the development proposed would be significantly harmful to the character and appearance of the area. It would conflict with Policies D3 and D4 of the London Plan and Policy 7.4 of the Ealing Development Management Development Plan Document (2013) (DPD). Amongst other things, these seek to ensure that development is of a high standard of design which complements local character.

Living Conditions

11. The appeal site is within close proximity of the rear of terraced properties on the south side of Steele Road, particularly Nos. 8-12. There are refuse storage

and parking areas between the north-western side of the appeal building and these neighbouring properties.

12. Due to the elevated position of the proposed terrace relative to the rear of the properties on Steele Road, the terrace would allow views towards the neighbours' rear windows and gardens. However, with the installation of the proposed obscure glass screen along the full length of the side of the terrace, views towards the neighbouring properties would be significantly reduced. Therefore, the provision of the screen would reduce the impact of the proposal on the neighbours' privacy to an acceptable level and would also partly screen the views that are currently possible from the side windows of the appeal property to the rear windows of these neighbouring properties.
13. The proposal would be a large outdoor amenity area with the potential to generate noise and disturbance at a high level, particularly if used late at night when the neighbours can reasonably expect a certain level of peace and quiet. Moreover, the size of the terrace means it would be capable of accommodating a number of people. Outdoor conversations would be likely to be audible from the neighbours' rear windows, especially during warm and dry weather, when the neighbours are more likely to have their windows open. The proposed screens would reduce noise experienced at nearby properties to some extent, but would be unlikely to fully reflect noise back towards the source or adequately mitigate the impact. I therefore consider that the use of the proposal would be likely to be noticeable and intrusive to neighbouring occupiers, particularly those at Nos 8-12 Steele Road.
14. To conclude on this main issue, I consider that the proposal would not give rise to significant effects in relation to privacy; however, it would result in significant harm to the living conditions of the neighbouring occupiers of Nos 8-12 Steele Road by reason of noise and disturbance. The proposal would therefore conflict with Policy D3 of the London Plan which, amongst other things, requires development to deliver appropriate amenity and prevent or mitigate the impacts of noise.

Other Matters

15. Whilst I appreciate that the proposal would provide larger outdoor amenity space for the occupiers of the host property, this consideration would not outweigh the harm I have identified above.

Conclusion

16. For the above reasons, having had regard to all other matters, and having considered proposal against the development plan as a whole, I conclude that the appeal should be dismissed.

Mark Ollerenshaw

INSPECTOR