



Appeal Decision

Site visit made on 22 September 2021 by Max Webb BA (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/H5390/D/21/3276644

16 Linver Road, London SW6 3RB

- 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 Henning Cosman against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2021/00637/FUL, dated 26 February 2021, was refused by notice dated 22 April 2021.
 - The development is a roof terrace, associated railings and double doors.
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Decision

1. The appeal is allowed and planning permission is granted for a roof terrace, associated railings and double doors at 16 Linver Road, London SW6 3RB in accordance with the terms of application Ref 2021/00637/FUL, dated 26 February 2021 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: DWL 01, DWL 02 and DWL 03.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The original planning application was made on a part-retrospective basis, with the roof terrace and associated railings already in place, but with the double doors yet to be installed. The appeal will therefore be considered on this basis.
4. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). I have had regard to this as a material consideration however, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. The issues most relevant to this appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

5. The main issues in the appeal are the effect of the development on:

- the character and appearance of the host dwelling and the surrounding area; and
- the living conditions of the occupiers of 14 and 18 Linver Road and 16 Alderville Road, with particular regard to privacy.

Reasons for the Recommendation

6. The appeal dwelling forms part of a terraced street that backs onto another terraced street, with tightly packed rear amenity space. Many properties in this area have flat roofed rear projections, many of which contain roof terrace areas. These roof terraces have a mixture of railings and glass balustrades. Due to the proximity of the two terraced streets, there is a substantial level of overlooking from rear windows and existing roof terraces towards other rear windows and rear amenity spaces.

Character and Appearance

7. The roof terrace and railings are located to the rear of the appeal dwelling. They are thus not visible from the street scene and are only seen in the context of other roof terraces. Therefore, the appeal development does not appear out of keeping, or as a discordant addition.
8. The railings are relatively low in height and the roof terrace is of a similar size to the neighbouring roof terrace. Although it covers more than 50% of the flat roofed projection, this is at a lower level than the main roof of the property. Therefore, the terrace and associated railings do not dominate the host dwelling or appear too large for the surrounding area.
9. The appeal development thus does not harm the character or appearance of the host dwelling and the surrounding area. It complies with Policies DC1 and DC4 of the Hammersmith & Fulham Local Plan (2018), which together aim to ensure high quality alterations that are compatible with the scale and character of existing development and its setting.

Living Conditions

10. Views from the appeal roof terrace towards the rear windows of both 14 and 18 Linver Road would be at an oblique angle that would not allow any significant overlooking into the neighbouring windows. In any case, a roof terrace exists on an opposing property that allows significantly higher levels of overlooking towards the rear windows and amenity spaces of No.14 and No.18. Therefore, the appeal development would not result in a clear increase in the opportunity for overlooking towards either No.14 or No.18 and would preserve the privacy of the occupiers of these dwellings.
11. The roof terrace would overlook the amenity space and rear windows of 16 Alderville Road. However, due to the close-knit character of these streets, the level of privacy offered to the amenity space and windows of this property is limited by rear windows on Linver Road and the existence of numerous other roof terraces. The roof terrace on the appeal property would thus not result in a net increase in the opportunity for overlooking towards No.16. Though the appeal property projects slightly further towards No.16 than the neighbouring projection with a roof terrace, this is only very slightly. It is therefore not enough to significantly alter the levels of overlooking compared to the roof terrace on the neighbouring property or others in the vicinity. The appeal development would therefore not substantially decrease the level of privacy available to the occupiers of No.16.

12. Even if the use by the current occupier causes greater noise and overlooking than may take place from occupiers with other nearby roof terraces, planning matters generally relate to the building and not a specific occupier. For the above reasons, the appeal development would not significantly increase the levels of possible overlooking to any other properties in the vicinity. There would also not be potential for greater levels of noise than is possible from the existing amenity space and I am in agreement with the Council that, due to its size and position at a high level, there would not be additional noise disturbance.
13. Overall, the appeal development would not harm the living conditions of the occupiers of 14 and 18 Linver Road or 16 Alderville Road. It would therefore conform with Policies DC4 and HO11 of the Hammersmith & Fulham Local Plan (2018), which together seek to protect the residential amenity of neighbouring properties, with particular regard to privacy. It would also comply with Policy HS8 of the Hammersmith & Fulham Planning Guidance Supplementary Planning Document (2018), which specifies that roof terraces should not result in additional opportunities for overlooking and consequent loss of privacy.

Other Matters

14. The Council refer to a condition on a previously granted planning permission that limits the use of the flat roof on the appeal property as amenity space. This does not, however, alter the lack of harm I have found from the appeal roof terrace to both character and appearance of the host dwelling and surrounding area and the living conditions of the occupiers of the neighbouring properties.
15. Concerns around property values have been raised, however this is a matter which is not central to the main planning issues in this appeal. This matter carries very limited weight and does not outweigh the conclusions above.

Conditions

16. The condition regarding plans has been recommended for reasons of certainty around the yet to be completed part of the development. The materials condition has been recommended to ensure the double doors are of an appropriate appearance for the dwelling.

Conclusion and Recommendation

17. For the reasons given above and having had regard to the Development Plan when it is considered as a whole, I recommend that the appeal is allowed.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

K Taylor

INSPECTOR