
Appeal Decision

Site visit made on 28 September 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/H5390/W/21/3276931

33 Disbrowe Road, London W6 8QG

- 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 Ms Hannah Lea against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2021/00393/FUL, dated 8 February 2021, was refused by notice dated 16 April 2021.
 - The development proposed is described on the application form as 'Creation of a small roof terrace set back from the perimeter of the roof: Installation of steel supports to the flat roof above the first floor rear bedroom that will support an area of new timber decking and timber balustrading installed to three sides surrounding the patio doors to create a small roof terrace, set back on all sides from the edge of the roof'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021 and the main parties were given the opportunity to submit comments. The 2021 version of the Framework is referred to in the decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the host building and the wider terrace; and
 - the effect on the living conditions of neighbouring occupiers with particular regard to privacy.

Reasons

Character and appearance

4. 31-37 Disbrowe Road comprise four flats accommodated within a building that is attached to the eastern end of a terrace of houses. While the neighbouring houses have fairly shallow mono pitched two storey rear projections that are paired, Nos 31-37 have a deeper two storey flat roof rear addition. No 33 is a first floor flat and has additional accommodation in the roof derived from a loft conversion and roof extension over part of the western side of the two storey rear addition.

5. The 1.1m high perimeter balustrade of the proposed roof terrace would be lower than the height of the existing roof extension. Its timber construction would also enable it to be distinguished from the fabric of the building. Nevertheless, it would visually read as adding considerable bulk and the Council calculate that in combination with the existing roof extension, it would cover in excess of 70% of the western side of the rear addition. Consequently, alongside the existing extension, the cumulative bulk would unduly dominate the relevant half of the rear addition. The finding in this regard is reinforced by the Council's stated approach of restricting development atop the roof of a rear addition to no more than 50%, to ensure such extensions remain visually subservient.
6. Moreover, given the rear addition is deeper than the rear projections of the neighbouring houses, the cumulative scale of the high level bulk would prominently appear incongruous within the roofscape of the wider terrace. Although the arising harm would not be visible in public views, it would be discernible in private views from the rear of many of the surrounding residential properties. It is also apparent that changing the balustrade to a pitched slate form would not overcome the arising harm.
7. In light of the above, the proposed development would have an unacceptably harmful effect on the character and appearance of the host building and the wider terrace. As such, it would conflict with Policies DC1 and DC4 of the 2018 adopted Hammersmith & Fulham Local Plan (LP). Amongst other things, these policies promote high quality urban environments and seek to ensure that any alterations and extensions are compatible with the scale and character of existing development and neighbouring properties.

Living conditions

8. The proposed roof terrace would be set back from the end of the rear addition and to lesser degrees on either side. Furthermore, there are views of the rear of the properties behind on Humbolt Road from the existing Juliet balcony in the rear extension and the rear window in the roof of the main part of the building. There are also views down into the rear garden of 29 Disbrowe Road from the latter window.
9. Nevertheless, owing to a combination of the depth of the proposed terrace and the 1.1m height of the balustrade, it would allow for additional views. These would include views into habitable room windows in the rear of the main part of the building at No 29 and a view of the northern part of the first floor roof terrace and an adjoining doorway at 69 Humbolt Road. The modest separation distance in these cases would result in unacceptable harm to the privacy of the respective elements of Nos 29 and 69.
10. Accordingly, the proposed development would have an unacceptably harmful effect on the living conditions of neighbouring occupiers with particular regard to privacy. As such, it would conflict with Policies DC1 and DC4 of the LP which, amongst other things, promote good design and seek to ensure good neighbourliness in relation to the amenities of properties most directly affected by a proposal. For similar reasons, it would also conflict with Key principles HS7 and HS8 of the Council's 2018 Planning Guidance Supplementary Planning Document.

Other Matters

11. Although there are several existing roof terraces visible from the appeal property, including a particularly large example on the roof of the two storey rear addition at 71 Humbolt Road, many appear to be historic additions and it is unclear whether they were considered against current planning policy. Consequently, they attract limited weight in the determination of the appeal and the proposed scheme has been duly considered on its own merits and with regard to its particular circumstances.
12. While the proposal's positive quality of life benefit in providing a private outdoor space at a three bedroom dwelling is recognised, and this is afforded some weight, it is insufficient to outweigh the identified harms to the urban environment and the living conditions of neighbouring occupiers.

Conclusion

13. The proposal would conflict with the development plan as a whole and there are no material considerations, including relevant parts of the Framework, which indicate that the decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

C J Ford

INSPECTOR