
Appeal Decision

Site Visit made on 16 November 2021

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2021

Appeal Ref: APP/F5540/W/21/3267994

Flat First Floor, 19 Mafeking Avenue, Brentford TW8 0NJ

- 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 Carmen Parfenie against the decision of London Borough of Hounslow.
 - The application Ref 00721/19(FF)/P1, dated 12 October 2020, was refused by notice dated 8 December 2020.
 - The development proposed is described on the application form as 'Dormer loft extension over rear roof of property with terrace over outrigger'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published in July 2021 and has replaced the 2019 iteration. The main parties were given the opportunity to comment upon the implications of the revised Framework. I also note that a new iteration of the London Plan was adopted in March 2021.
3. The appellant has submitted amended plans illustrating a two bed dwelling in place of original drawings which showed a one bed dwelling. This would be involve using the existing kitchen, which was shown on the plans considered by the Council as a study, as a bedroom. Given that the development is not significantly changed by that revision, it is fair to me to have regard to those plans.¹

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular regard to privacy, noise and disturbance.

¹ With regard to the principles established via *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]

Reasons

Character and appearance

5. The appeal property is a first floor flat located within a row of two storey terraced dwellings. It forms part of a group of buildings where design detail and a consistent roofscape, create rhythm, and contribute positively to a defined uniform character and appearance.
6. The appeal relates to the erection of a dormer window on the rear roof slope of the property and the replacement of part of the existing outrigger roof by an outdoor terrace, enclosed by a 1.7 metre high wall. The Hounslow Residential Extensions Guidelines SPD 2017 (SPD) at Section 4.10 states that the Council will normally accept a flat roof for a rear dormer. It also indicates that 'as a guide' any roof extension to the rear of a terraced house should be set 0.3 m below the ridge level, at least 0.5 metres above eaves level and at least 0.5 metres from the sides of the roof.
7. The Council accept that the dormer would be set adequately down from the ridge. I do not disagree with them in this respect. That said, I note that it would have minimal set back from the eaves and would be set in from the sides of the roof by only a limited amount. It would therefore obscure the majority of the rear roof slope of the property. Whilst I recognise that it would incorporate matching materials, it would nevertheless appear as an unduly bulky and dominant addition.
8. Moreover, whilst acknowledging that the walls surrounding the roof terrace would be only marginally above the ridge line of the outrigger, they would significantly alter the roof shape. The combined effect of the walls around the terrace, and the proposed dormer, would be the introduction of an incongruous feature that does not presently feature in the area.
9. I noted on my site visit that the proposed development would not be readily visible from the public realm, however it would be possible to see it from gardens within Mafeking Road and the properties to the east in Ealing Road. From these locations, it would interrupt the pleasant homogeneity of the group of buildings to which it belongs.
10. I attach some weight to the appellant's desire to improve the quality of their accommodation and secure an area of outdoor private space. However, there is no robust evidence before me that the particular scheme before me is the sole means of achieving that. Against the substantial weight I would ascribe to the harm and conflict with the development plan I have found, this would not therefore be sufficient for me to allow the appeal.
11. In conclusion, the proposal would result in harm to the character and appearance of the area in the terms that I have described. This would be contrary to Policies CC1, CC2 and SC7 of the London Borough of Hounslow Local Plan 2015 - 2030 and the London Borough of Hounslow, Residential Extensions Guidelines SPD 2017. These jointly seek, amongst other matters, to secure high quality design that strikes a balance between keeping a good quality and attractive street scene and meeting applicants' reasonable expectations for increased accommodation. Similarly, the scheme would conflict with paragraph 130 of the Framework which seeks deliver

developments that are visually attractive, resulting from good architecture, and are sympathetic to local character.

Living conditions

12. I note that the terrace would have high walls on its north east and north west sides, and consequently any overlooking would be restricted. Furthermore, I noted that a number of the properties in Mafeking Avenue already had rear facing first floor windows, and doors to external staircases giving access to first floor flats. Consequently, the rear gardens, some of which are communal, are already subject to a significant level of overlooking commensurate with a relatively dense urban location.
13. Similarly, given the size of the outdoor terrace and its enclosing walls, I am not convinced that there would be any significant increase in noise levels above those that would normally be expected in a residential area (for example compared to that likely to arise in any event when windows are open). Consequently, any disturbance would be limited.
14. In light of the above, I conclude that the proposal would not unacceptably affect the living conditions of occupiers of neighbouring properties. Consequently, it would accord with Policies CC1, CC2 and SC7 of the London Borough of Hounslow Local Plan 2015 - 2030 and the London Borough of Hounslow, Residential Extensions Guidelines SPD 2017. In summary these require, amongst other matters, that new developments should respect the amenity of current and future residents.

Other Matters

15. I acknowledge that since the adoption of SPD in 2017 there have been changes to the General Permitted Development Order extending the scope of works that can be carried out without planning permission. However, the proposal before me does not fall within one of those categories. I also accept that the scheme would provide for a two bed property, in respect of which the appellant argues there is a proportionately greater need than for a single flat. However, any benefits in that respect would be fractional.
16. I have also taken into account other similar extensions that the appellants have drawn my attention to in the locality. However, I have been provided with no evidence indicating the context in which those developments took place. They do not provide justification for development that would fail to add to the overall quality of the area in the immediate vicinity of the appeal site.

Conclusion

17. I find that the absence of harm to the amenity of neighbouring residents would not outweigh the significant harm to the character and appearance of the area. There are no other relevant material considerations that indicate the application should be determined other than in accordance with the development plan as a whole. For the reasons given above I therefore conclude that the appeal should be dismissed.

John Gunn

INSPECTOR