



Appeal Decision

Site visit made on 5 January 2022

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/H5390/W/21/3278389

Flat First floor, 72 Masbro Road, London W14 0LT

- 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 Isobel Apter against the decision of the London Borough of Hammersmith and Fulham.
 - The application Ref 2021/00242/FUL, dated 15 February 2021, was refused by notice dated 16 April 2021.
 - The development proposed is the erection of a rear dormer with a door to replace the existing window in the rear roofslope; erection of screening and a balustrade in connection with the formation of a roof terrace at second floor level to the rear elevation; erection of a rear extension at first floor level, on top of the existing back addition to enclose the existing balcony area; installation of 1no. rooflight to the front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear dormer with a door to replace the existing window in the rear roofslope; erection of screening and a balustrade in connection with the formation of a roof terrace at second floor level to the rear elevation; erection of a rear extension at first floor level, on top of the existing back addition to enclose the existing balcony area; installation of 1no. rooflight to the front elevation at Flat First floor, 72 Masbro Road, London W14 0LT in accordance with the terms of the application, Ref 2021/00242/FUL, dated 15 February 2021, and subject to the conditions set out in the attached schedule.

Preliminary Matter

2. I have taken the date of the application from the revised form which was submitted to the Local Planning Authority and which specified that the scheme was an application for full planning permission.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host building and area, in particular, whether the proposal would preserve or enhance the character or appearance of the Lakeside/Sinclair/Blythe Road Conservation Area (the CA).

Reasons

4. The CA covers a fairly sizeable area including many Victorian residential buildings within long and distinctive terraces. The appeal site lies within the CA and the Lakeside/Sinclair/Blythe Road Conservation Area Character Profile explains that the Masbro Road area is the oldest part of the CA where small

plots were often developed in a piecemeal fashion. As a consequence, there is a variety of appearances between the groups of buildings.

5. The appeal site, 72 Masbro Road, consists of a three storey brick building now divided into three flats. The property forms part of a small terrace of four similarly sized and designed properties. This short terrace adjoins with other buildings in this row which have a mix of heights and architectural detailing. The appeal property with its proportions, traditional materials and detailing, together with the others in this row, contribute positively to the CA. Their significance includes the Victorian character and appearance of the front facades that combine to create a locally distinctive and attractive street scene.
6. The rear of these properties in this section of Masbro Road is, however, often much altered. There is a variety of extensions and alterations which are generally all different in size and form and are such that there is little consistent or a locally distinctive appearance to the rear of this part of Masbro Road. The fairly sizeable three storey rear projection to the buildings to the broadly south is, in particular, a feature that disrupts the views along the rear gardens. Because of the various additions and alterations, the rear elevations of this run of properties make little positive contribution to the character and appearance of the CA and its significance.
7. 72 Masbro Road is one of the properties which has been altered to its rear. The most recent rear alteration resulted from a planning permission in 2015 which allowed the infill of a space at second floor level. The effect is that no meaningful section of the original rear wall of the main part of the building is apparent. Furthermore, the property has a mansard-like rear addition to the roof with two dormers which face out onto the flat roof such that the rear elevation is one of a number along this row which does not have a consistent appearance or regular pattern to the built form.
8. The proposal to extend out over the existing balcony area and square off the flat roofed section of this part of the rear of the building would result in a minor change. The recessed section is presently modest and makes little contribution to the form of the building. The original rear elevation to the main part of the building has already been obscured by the previous addition and the legibility of the original property would not be materially affected by the scheme. With the mixed form and appearance of the buildings in this row, as well as the range and extent of flat roofed additions, the proposed second floor extension with its Juliet windows would not be a harmful change to the character and appearance of the host building or to this run of buildings.
9. The previous approval, in September 2020¹, allowed the extension and alteration to one of the dormers to form a doorway onto the flat roof and for the existing flat roofed area to be enclosed and used as a roof terrace. This would, if implemented, be much the same as with the present application, although as now proposed the extent of flat roofed area would be modestly increased. Visually this would be acceptable and roof terraces at upper floor levels are a feature of some of the surrounding properties, including to some of the rear elevations of the residential properties in Faroe Road, which can be seen across the gardens.

¹ Council reference 2019/03772/FUL

10. I am mindful of the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any land or buildings in a Conservation Area². For the reasons explained above, I conclude that the proposal would preserve the character and appearance of the host building, the area and the CA, and the scheme would not adversely affect the significance of the CA as a designated heritage asset. The scheme would, therefore, comply with Policies DC1, DC4 and DC8 of the Hammersmith and Fulham Local Plan (2018) and Key Principle CAG3 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2018) which seek, amongst other things, that extensions are compatible with the scale and character of existing development, neighbouring properties and their setting.

Other Matters

11. 74 Masbro Road is an adjoining residential property in the terrace. It has a bedroom window within the original main rear wall of the property which is recessed compared with the projection at No 72. The occupiers of No 74 have raised objection to the scheme because of the impact on their property and including the effect on the living conditions for occupants when they are using the rear bedroom. At my site visit I accessed the existing flat roofed area, which would form the majority of the roof terrace, and saw the relationship between properties.
12. The extension to form the doorway to access the roof terrace area would help screen some views towards the neighbouring windows and the setting in from the side parapet wall of the obscure glazed screen would further assist in this regard. I note the concerns with the proposed height of the glazed screen. However, the combination of the height and set back of the screen from the side, the effect of the dormer extension, and the lower position of the neighbouring window at No 74, would be sufficient such that any views from the proposed roof terrace area would not materially affect the amenities of the occupants of the neighbouring property.
13. Indeed, the previous scheme allowed a roof terrace proposal with a fairly similar relationship and the present scheme was not refused by the Council because of the effect on the living conditions of any neighbouring property. I am satisfied that the scheme would not materially affect the living conditions of the occupiers of the neighbouring properties, in particular, it would not unacceptably increase noise disturbance, overlooking, or loss of light, and this would especially be the case when considering that a reasonably similar scheme has the benefit of an unimplemented planning permission.

Conditions

14. I have had regard to the conditions suggested by the Council, the advice in the Planning Practice Guidance and the comments from the appellant. I have amended the wording where necessary in the interests of clarity or to meet the six tests in the Guidance. The statutory time limit is required and a condition specifying the approved plans is necessary in the interests of certainty.
15. A condition is necessary to ensure that the scheme is constructed in accordance with the external materials, where specified. As the details of the materials and finish to the doors are not specified on the application form, and

² Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

taking into account the appellant's comments in respect of this matter, I consider that it is necessary for these details to be submitted to and approved by the Local Planning Authority. Accordingly it is necessary that they be made the subject of a condition in the interests of the visual amenities of the CA. As the scheme would not involve any windows (other than the rooflight), it is not necessary for a reference to be made to the window materials as suggested by the Local Planning Authority.

16. The information indicates that the Local Planning Authority has previously accepted a zinc finish to the dormer extension and therefore it is necessary in the interests of consistency and appearance for this to be specified in a condition. The application form simply states brick to match and, therefore, to ensure an appropriate bond pattern and mortar colour to the brickwork, a condition is necessary to ensure that the extension takes place with all these matching elements.
17. A condition is necessary to ensure that the Juliet balcony details are constructed in accordance with the approved plans and thereafter so maintained with inward opening doors in the interests of the visual amenities of the CA. A condition is necessary to ensure that the roof of the dormer extension is not used as a terrace area, nor additions such as planters added, in the interests of the visual amenities of the area. Similarly a condition regarding water tanks is necessary.
18. A condition is necessary to limit the extent of the roof terrace, in particular to ensure that it does not extend to the parapet wall edge adjoining No 74, in the interests of protecting neighbouring amenity. Equally the plans are not especially detailed in terms of the roof terrace screening and this is an important element of the scheme. Consequently, a condition is necessary to ensure that these details are submitted, approved and then implemented in accordance with the details.
19. The plans show the rooflight to be added to the front roof slope would be flush with the roof slope and that it would match the other rooflights. A condition seeking details of the rooflight is therefore not necessary. A condition which would remove any rights for the ability to erect plant equipment, such as air conditioning units, would not be reasonable or necessary. Such plant is not directly related to the development the subject of the appeal and a condition could only reasonably apply to the limited parts of the extensions the subject of the development.

Conclusion

20. The scheme would preserve the character and appearance of the host building and area, including the CA. It would accord with the policies of the development plan when considered as a whole and there are no material considerations that indicate otherwise. I therefore conclude that, subject to the specified conditions, the appeal should be allowed.

David Wyborn

INSPECTOR

Schedule of Conditions.

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250, Proposed Floor Plans Dwg No 293-PROP-04, Proposed Elevations Dwg No 293-PROP-05 and Proposed Elevation and Section Dwg No 293-PROP-06.
- 3) The development hereby approved shall be carried out and completed in accordance with the materials (including colour and finish) specified on the drawings hereby approved. The development shall be permanently retained in accordance with the approved details. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.
- 4) The roof of the dormer extension hereby approved shall not be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roof. No railings or other means of enclosure shall be erected on the roof, and no alterations shall be carried out to any elevation of the application property to form access onto the roof.
- 5) The roof terrace shall not exceed the dimensions indicated on approved Drawing No 293-PROP-04. The roof terrace shall not be subsequently enlarged.
- 6) The roof terrace shall not be used or occupied until a sample of the obscure glazed screening, to be a height of at least 1.7m above finished floor level, has been submitted to, and approved in writing by the Local Planning Authority. The screening shall be installed in accordance with the approved details and in the position indicated on Drawing Nos 2893-PROP-04 and 2893-PROP-05. The screening shall be permanently retained in this form thereafter.
- 7) No water tanks, water tank enclosures or other structures shall be erected upon the flat roof of the extensions hereby permitted.
- 8) The proposed dormer extension to the rear shall be finished in zinc seam cladding and shall thereafter be permanently retained in this form thereafter.
- 9) The balustrade of the new Juliet balcony at first floor level hereby permitted shall be fixed flush with the rear elevation of the building. The doors to the Juliet balcony shall open inwards only and thereafter be retained in this form.
- 10) Prior to the installation of the doors to the development hereby permitted, details of their material and finish shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the doors shall be installed in accordance with the agreed materials and finish and thereafter so retained.
- 11) The walls of the rear extension shall be finished in London stock brick to match the existing building in terms of brick colour, bond pattern and mortar colour. The extension shall be permanently retained in this form thereafter.

End of Schedule