



Appeal Decision

Site visit made on 20 May 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Appeal Ref: APP/H5390/W/21/3288933

349 A & B Fulham Palace Road, London SW6 6TB

- 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 Amin against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2021/02752/FUL, dated 20 August 2021, was refused by notice dated 26 October 2021.
 - The development proposed is the erection of a 1.7 metre high glazed privacy screen at first floor level, in connection with its use as a roof terrace. Including bi-fold doors and a skylight.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 1.7 metre high glazed privacy screen at first floor level, in connection with its use as a roof terrace. Including bi-fold doors and a skylight at 349 A & B Fulham Palace Road, London SW6 6TB in accordance with the terms of the application, Ref 2021/02752/FUL, dated 20 August 2021, subject to the conditions appended to this decision.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the living conditions of the occupants of neighbouring properties, with particular regard to noise and disturbance to the occupants of 347 and 349 Fulham Palace Road; and
 - The effect of the proposed development on the character and appearance of the property and surrounding area.

Reasons

Living Conditions

3. The proposed roof terrace would be positioned over part of an existing flat roof area, to the side of the historic outrigger. Windows serving the host property would look out over the terrace over two floors, with the neighbouring property, No 347, also fairly close.
4. Despite this close relationship, the proposed terrace would be positioned away from the rear elevation of the main building and surrounded by a 1.7 metre high opaque glass screen. Although it is likely that activity on the terrace could be heard from neighbouring residential properties, this would not be dissimilar to the impact of the use of neighbouring gardens and high level terraces, of which there are several in the immediate vicinity. Moreover, the limited size of

the terrace, at approximately 8sqm, is such that only small numbers of people would be able to gather at any one time here. The effect would not therefore result in an unacceptable increase in noise or disturbance or form an unneighbourly development.

5. Consequently, the proposed development would have an acceptable impact on the living conditions of neighbouring occupiers, including at Nos 347 and 349, with particular regard to noise and disturbance. This is compliant with the relevant provisions of Policies DC1 and DC4 of the Local Plan (2018) and Key Principle HS8 of the Planning Guidance Supplementary Planning Document (2018). These, amongst other things, seek to protect the living conditions of the occupants of neighbouring properties.

Character and Appearance

6. The appeal property comprises a mid-terrace property split into two flats, with a separate commercial unit to the ground floor. Similarly sized properties surround the site. The rear of the appeal property, as with many of its neighbours, has an historic outrigger, with a single-storey extension infilling the property's side return. It is over part of the roof of this single-storey side extension that the roof terrace is proposed.
7. By reason of the orientation and densely packed nature of the surrounding buildings, views of the proposed development would be limited from neighbouring properties. Glimpsed views of the terrace screening would be obtained from Gowan Avenue however these would be fleeting. In any case, numerous alterations and extensions have taken place to the rear of surrounding properties and the proposed development would appear neither discordant nor out of keeping with the architectural character and appearance of the appeal property or wider terrace.
8. I do not consider the introduction of a roof terrace here would amount to overdevelopment, or unacceptably infill the gap or sense of openness between outriggers, as the main outrigger structure would remain the dominant feature at the rear, with a break between properties still apparent. The new door and rooflight openings would assimilate to an acceptable standard with this altered building and with the surrounding area.
9. Consequently, the proposed development would have an acceptable impact upon the character and appearance of the host property, wider terrace and surrounding area, in compliance with the relevant provisions of Policies DC1 and C4 of the Local Plan (2018). These policies, amongst other things, seek high quality design in development.

Conditions

10. I have assessed the wording of the suggested conditions with reference to the advice in the Framework and Planning Practice Guidance. I have amended the wording of some, and combined provisions of others without altering their fundamental aims in the interests of clarity and enforceability.
11. In addition to requiring commencement within the relevant period, I have imposed a condition requiring adherence to the relevant plans for certainty. A condition requiring the installation of screening has been included as it is necessary to ensure appropriate living conditions in respect of privacy for neighbouring occupants are preserved and mirror the intentions of the

proposed development. I have also required the use of materials, in the interests of the character and appearance of the area, to be as they have been specified.

Conclusion

12. The appeal scheme would comply with the development plan as a whole. The appeal should therefore be allowed, subject to the attached conditions.

A Price

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: LP01, BP01, 122, 124, 125.
- 3) The terrace hereby approved shall not be first used until the privacy screening has been installed as shown on approved plans 124 and 125. The privacy screen shall have a height of 1.7m above the finished floor level of the terrace along all elevations. The privacy screen shall be maintained in accordance with these details thereafter.
- 4) The development hereby approved shall be carried out in accordance with the materials details specified on the planning application form and retained thereafter. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.