



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: 1 July 2022

Appeal Ref: APP/H5390/W/22/3291525

Flat B, 35 Broughton Road, London SW6 2LE

- 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 Alexandre Stonor against the decision of the Council of London Borough of Hammersmith and Fulham.
 - The application Ref 2021/01626/FUL, dated 13 May 2021, was refused by notice dated 29 July 2021.
 - The development proposed is described on the application form as 'internal alteration and creation of a balcony at the rear'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the 'installation of new doors to replace the existing window in the rear roofslope; alterations to the roof of back addition to incorporate a flat roof and the erection of timber railings around the flat roof at second floor level to the rear elevation in connection with its use as a terrace; replacement of existing timber framed single glazed windows with new timber framed double glazed windows in the rear roofslope and at first floor level to the rear and side elevation'. The Council dealt with the proposal on this basis and so shall I.
3. The Council does not specifically object to the installation of new doors or the replacement of existing windows, and from my site visit those elements of the proposal would assimilate to an acceptable standard with the surrounding area.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and surrounding area; and
 - the effect of the proposed development on the living conditions of the occupants of neighbouring properties, with particular regard to privacy.

Reasons

Character and appearance

5. The appeal site comprises a mid-terraced building split into two flats in a street of similar properties. The rear of the property, as with many of its neighbours, has an historic two-storey outrigger. A previously approved roof extension already exists over the roof of the main property¹. It is over part of the outrigger that the proposed roof terrace would sit.
6. A range of roof extensions, alterations and roof terrace additions are apparent across the rear of adjoining properties, both along Broughton Road and Gilstead Road. From that perspective, there is no clear sense of harmony or order to the rear of the properties here and the proposed development would not be the first of its kind in the street.
7. Notwithstanding this, the majority of roof terraces that I was able to view during my site visit, including at adjoining 37 Broughton Road, are generally set within the historic roofslope of the outrigger, where they exist, rather than raised above it. The base of the proposed roof terrace would be built up above the roofslope of the outrigger, more in line with the parapet. This would appear significantly more bulky and dominant than the majority of those existing terraces.
8. Whilst I appreciate that proposed development is confined to the rear of the property, largely out of sight from any public vantage points, it would be highly visible from the rear of a number of properties along Broughton Road, Gilstead Road and Furness Road. From that perspective, the overall scale and bulk of the proposed development would appear as a poorly articulated and discordant feature which would not appear subordinate to the original house. Consequently, the outrigger and main dwelling would fail to appear as the primary or dominant feature of the rear elevation.
9. The Council sets out its design preference for roof terraces and extensions in its officer report, seeking to ensure that such additions extend no more than 50 percent into the depth of the historic outrigger. The projection of the roof terrace marginally beyond 50 percent of the depth of the outrigger would still maintain a reasonable portion of unaltered roofslope to the rear. For this reason, the projection of the roof terrace into the outrigger is acceptable. However, the fact that I find this element of the scheme to be acceptable does not outweigh the harm I have found in respect of the overall impact of the proposed development.
10. My attention is drawn to several examples of previously approved schemes, together with planning application and appeal² decisions. The appeal examples are located in other parts of the borough and their particular context and development proposals are not directly comparable to the scheme before me. Similarly, I have no details before me in respect of the terrace at 39 Broughton Road and note that the existing terrace at adjoining No 37 is historic. In any case, I have considered the development on the evidence presented, and site observations.

¹ Ref. 2004/00410/FUL

² APP/H5390/D/21/3276644 and APP/H5390/D/21/3280316

11. For the above reasons, I conclude that the proposed development would harm the character and appearance of the host property and surrounding area, contrary to the relevant provisions of Policies DC1 and DC4 of the Hammersmith and Fulham Local Plan (2018) (LP). These policies, amongst other things, seek to achieve high quality design in development that is compatible with the scale and character of existing development, neighbouring properties and their setting.

Living Conditions

12. The proposed roof terrace would be positioned close to the rear facing windows of adjoining 33 Broughton Road as well as the existing windows and roof terrace at No 37, with only a limited separation distance between them. This, together with the elevated position of the proposed terrace and low-level, open screening proposed, is such that it would be an unneighbourly form of development. Users of the terrace would be able to overlook these adjoining habitable rooms, resulting in a loss of privacy. Long range, and more limited views, would also be possible towards properties fronting Gilstead Road. However, I do not consider that properties in that street would be unacceptably affected by a further roof terrace at the appeal property due to the reasonable separation distance between properties on either side.
13. I acknowledge that a 1.8 metre-high structure described as 'timber balcony horizontal railings' is proposed along the party wall with No 37. However, this description suggests that the railings would be open like those to the rest of the terrace, still allowing views into the adjoining roof terrace. This would result in a loss of privacy to the occupiers of this property.
14. I acknowledge that a number of existing roof terraces exist within the wider area, allowing direct views into neighbouring properties through their lack of screening. However, as reasoned above, not all of these are directly comparable to the case before me and I am considering this appeal on its own individual merits. I noted during my site visit that a number of nearby roof terraces were surrounded by obscured glass screens and that the appellant would be prepared to accept a condition requesting details of such. I consider that were the same approach to be applied here that the privacy of neighbouring properties would likely be protected.
15. However, based on my reasoning above, with particular reference to the building up of the roof terrace level above the roofslope, such screens would be tall, needing to measure at least 1.7 metres high from the roof terrace surface in order to be effective. This would exacerbate the bulky and discordant design of the proposed development. In any case, I have no plans before me to fully consider the impact of such an addition.
16. For the above reasons, I conclude that proposed development would have a harmful impact on the living conditions of neighbouring properties, which would result in a loss of privacy and overlooking. The proposed development would therefore be contrary to the relevant provisions of LP Policies DC1, DC4 and HO11 and Planning Guidance Supplementary Planning Document (2018). These policies, amongst other things, seek to protect the amenity of neighbouring occupiers.

Other Matters

17. I acknowledge the appellant's comment that they are open to amendments via condition. However, the appeal process is not the appropriate procedure to amend proposals. I am considering the proposed development based on the plans before me.
18. The fact that the building is not listed and is not located within a conservation area, or subject to an Article 4 direction, does not outweigh the harm that I have found above.

Conclusion

19. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR