



Appeal Decision

Site visit made on 29 June by S. Wilson LLB, MSC, LRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2022

Appeal Ref: APP/H5390/D/22/3294762

14 Bowerdean Street, London, SW6 3TW

- 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 H. Rauber against the decision of The Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2021/04084/FUL, dated 21 December 2021, was refused by notice dated 16 February 2022.
 - The development proposed is described as 'The creation of a terrace at second floor level over the existing back addition. Raising the rear elevation brickwork to match the neighbours at No.16 Bowerdean Street and installing a 1.7m tall, obscured glass railing to the north side of the terrace facing No.12 Bowerdean Street. A new door from the existing second floor pod extension out to the terrace.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the appeal property; whether the proposal would preserve or enhance the character or appearance of the Studdridge Street Conservation Area (SSCA); and the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to privacy.

Reasons for the Recommendation

Character and appearance

4. The significance of the SSCA, as set out in the Studdridge Street Character Profile (2004) (SSCP), is largely drawn from the uniformity of the better than average Late Victorian/Edwardian architecture and its relatively unspoilt character.
5. No 14 is part of a traditional brick, shared gable Victorian/Edwardian terrace, which comprises two storey properties, with dual pitched, slate covered roofs, where the original exists. Mansard roof extensions with Velux rooflights are so commonplace that they form part of the character of the area. To the rear are matching and paired rear two-storey projections with single pitch roofs and shared gables.

6. The relative uniformity of the rear projections and their shared gables is consistent throughout most of the terrace, creating a symmetry, rhythm and pattern to the rear elevations and contributing positively to the character and appearance of the terrace and the SSCA. There are several mansard roof extensions to the rear projections along the terrace and several ground floor rear extensions in the vicinity. However, these additions are subservient in scale to their host dwellings and do not detract from the symmetry and rhythm of the original rear projections. Where balustrades exist, they are formed using masonry, timber, or traditional metalwork.
7. The appeal property has a roof extension across part of the rear projection, similar to that at No 12 opposite, and an extension at ground floor level. No 16, attached, has created a roof terrace on top of the rear projection that is incongruous in this terrace. Consequently, this pair is not symmetrical at the rear. Nevertheless, the original rear roof profile of the projection can still be appreciated at No 14, therefore the appeal property contributes positively to the character and appearance of the SSCA.
8. The appeal proposal would result in the loss of the remainder of the rear projection roof slope, replacing it with a flat roof terrace with parapet walls and glazed screening. This would interrupt the pattern and rhythm of the terrace's rear projections and develop the rear projection to the extent where it would no longer be easily recognised from its original form. Furthermore, the use of obscured glass to one side, proposed to achieve screening to No 12, would introduce an uncharacteristic balustrade material into the conservation area.
9. Whilst the rear elevations of the terrace are not visible from the public realm, they can be appreciated from neighbouring properties and their gardens, and as such form an integral part of the SSCA. The rear of the appeal property is clearly visible from both neighbouring properties and properties on Perrymead Street. Trees in several gardens provide some screening; however, these are insufficient in number and coverage to obscure all views of the rear of the appeal property, particularly from upper floors. Consequently, the proposal would appear visually incongruous and harm the character and appearance of the host dwelling and the terrace, and the contribution that they make to the SSCA.
10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Given the location of the harmful elements proposed, the harm to the significance of the SSCA would be less than substantial in the terms of the National Planning Policy Framework. Nevertheless, it is a matter of considerable importance and weight. Whilst this proposal would make No 14 and No 16 symmetrical, it would do so by introducing further incongruity into the terrace and is therefore of no public benefit. Therefore, there is no public benefit that would outweigh the harm caused to the appeal property and to the SSCA.
11. In conclusion, the proposal would harm the character and appearance of the appeal property and consequently would fail to preserve or enhance the character and appearance of the SSCA. It would not conserve the heritage asset in a manner appropriate to its significance. Accordingly, it would fail to comply with Policies DC1, DC4, DC8 of the Hammersmith and Fulham Local

Plan (adopted 2018) (Local Plan) insofar as they require a high standard of design that conserves the significance of the heritage assets.

Living Conditions

12. The appeal proposal would create a new, high level outside amenity area. There is some existing overlooking between rear windows of properties in both Bowerdean Street and Perrymead Street and from an existing roof terrace at No 16 Bowerdean Street. It is also possible to see into parts of the rear gardens and some habitable rooms of neighbours to the rear from the elevated rear windows of No 14, and into one window and part of the rear garden of No 12. There is therefore some mutual overlooking already, which is normal in a built-up area of this type.
13. The terrace would however extend further towards the properties to the rear than existing windows, presenting a closer view of habitable rooms and rear amenity space. It would also present a new opportunity to overlook the rear outdoor space of No 16 and more of the garden of No 12. Furthermore, the terrace would be large enough to sit out, and therefore would likely be used as an amenity outdoor space for significant periods of time. Therefore, the formation of a terrace would create a significantly greater degree of harmful overlooking than the existing situation.
14. The proposed glazed screen to No 12 would restrict the ability to look towards that dwelling. However, the brickwork balustrades to the rear and side would not be of sufficient height to prevent overlooking of the terrace of No 16 and the gardens of both No 12 and properties to the rear. Trees along the rear boundary do provide some screening, but would not be enough to mitigate the additional overlooking that would result, particularly when they are not in leaf. The proposal would therefore result in harmful loss of privacy to neighbouring properties to the rear and to No 16.
15. This overlooking could be mitigated by requiring 1.7m high screens to the rear and side, however any privacy screening added to the rear wall would unbalance the appearance of the pair of terraces. Additionally, it would introduce additional uncharacteristic balustrade materials into the SSAC, further harming its character and appearance. Consequently, it would not be appropriate to secure additional screening by condition.
16. In conclusion, the proposal would have harmful effects on the living conditions of the occupiers of 16 Bowerdean Street and other neighbouring properties to the rear, in respect of privacy. Accordingly, it would fail to comply with Policies DC1, DC4, DC8 and HO11 of the Local Plan insofar as they require development to achieve inclusive design and respect the principles of good neighbourliness. It would also conflict with Key principle HS8 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document (adopted 2018) which seeks to avoid harm from loss of privacy.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

L McKay

INSPECTOR