



Appeal Decision

Site visit made on 22 November 2022

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2022

Appeal Ref: APP/A5270/D/22/3306655

18 Steele Road, Ealing, Chiswick W4 5AF

- 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 Rebecca Knight against the decision of the Council of the London Borough of Ealing.
 - The application Ref 221659HH, dated 15 April 2022, was refused by notice dated 17 June 2022.
 - The development proposed is described as to 'add a small roof terrace at second floor level above the existing rear addition roof with a 1.7m high obscured glass screen. The new terrace will be accessed from the existing loft outrigger extension through a new set of patio doors, the terrace floor will be finished with timber decking.'
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Decision

1. The appeal is allowed and planning permission is granted for a roof terrace at second floor level above the existing rear outrigger; alteration to rear window opening, forming patio doors; obscured glazed screen surround 1.7m in height; and timber decking at 18 Steele Road, Ealing, Chiswick W4 5AF in accordance with the terms of the application, Ref 221659HH, dated 15 April 2022, subject to the following 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: RJK/1/LOC, RJK/1/BLK, RJK/1/X1 and RJK/1/OD1.
 - 3) Prior to the first use of the roof terrace hereby approved, it shall be enclosed by a 1.7 metre high obscure glazed screen, as set out on drawing no. RJK/1/OD1, which shall be permanently retained thereafter.

Procedural Matters

2. I have taken the description of the proposal in the banner above from the application form. However, in the interests of clarity and succinctness, in my formal decision I have used the description given on the appeal form, which is consistent with that on the decision notice.
3. Whilst the Council's decision refers to, amongst other things, Policy 'LV7.4' of the Ealing Development Management Development Plan Document 2013 ('EDMP'), that appears to be an error, and I have considered the scheme against EDMP Policy 7.4.
4. Finally, the appellant has provided me with the details of a recently approved,

nearby roof terrace at Flat 8, Cleveland Road (Ref: 223210FUL). The Council was given 5 working days in which to comment on that evidence, but no response was received.

Main Issues

5. The main issues are the effect of the proposed development on:
- the character and appearance of the area; and
 - the living conditions of neighbouring occupiers, with particular regards to noise and overlooking.

Reasons

Character and appearance

6. Apart from occasional apartment buildings, the streetscene in Steele Road and adjacent roads is predominantly characterised by similar two storey terraced houses, whose ornate detailing, bay windows, and often contrasting brickwork, give the area a pleasing sense of rhythm and cohesion. However, to the rear I observed much greater diversity, with many of the properties having been extended, including at roof level, or above their two storey outriggers.
7. The proposed roof terrace would be in an elevated position above the host property's two storey outrigger, and would be enclosed by a 1.7 metre high obscure glazed screen. Whilst the appellant points to examples of similar screens in the wider area, I did not observe any on this terrace.
8. Nevertheless, whilst the site is close to a junction, in this rearward location the proposed screen, with its lightweight glazed construction, would not draw the eye in the streetscene. Additionally, given its elevated position and the slight set in of its faces from the roof's edges, it would not be prominent from the short rear courtyards in this terrace. In the context of the diverse form and style of development to the rear of this row, it would not appear out of place.
9. Although the Council is concerned that others could follow suit should the appeal be allowed, as I am satisfied that the scheme would not harm the character and appearance of the area, no undesirable precedent would be set.
10. The scheme would not therefore conflict with those parts of Policy D3 of the London Plan 2021 ('LP') or EDMP Policies 7B and 7.4, which require high quality design, and proposals that complement the area, and respond to its special features and characteristics.
11. As LP Policy D4 primarily addresses the approach to design that should be taken by Borough Councils, it is of limited direct relevance to this issue.

Living conditions

12. The proposed roof terrace would be small, but would still provide sufficient space to sit outside. However, the proposed 1.7 metre obscurely glazed screen would significantly impede any outlook from there. In any event, any views would be mainly across to the blank flank walls of the adjacent apartment building and its parking area, rather than steeply down to this terrace's short private rear courtyards.

13. Neither adjacent property has a loft extension similar to the host's, and consequently neither has windows at this level immediately adjacent to the proposed terrace. As a result of that, and notwithstanding the terrace's elevated position, I am not persuaded that typical domestic use of this small space would have a significant impact on nearby occupiers due to noise disturbance.
14. On the basis of the evidence before me, the scheme would not therefore impact neighbouring occupiers' living conditions to a harmful degree. Thus, on this issue, it would not conflict with those parts of EDMP Policy 7B and LP Policy D14 which seek to achieve a high standard of amenity having regard to matters such as privacy, and which seek to avoid significant adverse noise impacts on health and quality of life.
15. Whilst the Council's Residential Extensions Supplementary Planning Document No 4 states that balconies associated with roof extensions are not encouraged, for the above reasons this scheme would not result in significant overlooking, and it would not offend its general principles regarding the provision of good living conditions.

Conditions and Conclusion

16. Turning to the matter of conditions, I have considered those suggested by the Council against the tests in the National Planning Policy Framework. I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans.
17. The Council has also suggested a condition requiring that the balcony balustrade shall contain only obscure glass. Whilst that is what is depicted on the approved plans, to which my second condition refers, in the interests of protecting nearby occupiers' amenities, a condition is necessary requiring it to be installed and permanently retained.
18. The Council has suggested a condition requiring that the materials used in the external surfaces of the development shall match those on the existing building. However, given its predominantly glass and timber construction, which contrasts with the host, and its appropriate white painted timber framed patio doors, as annotated on the approved plans, that is unnecessary.
19. Given that this scheme is clearly for a second floor roof terrace, and that there are no other roof areas at this height, I see no cogent reason for the Council's suggested condition preventing other parts of the roof from being used as, or altered to form, a balcony, roof garden, roof terrace or similar amenity area.
20. For the above reasons, I conclude that the scheme would not have an adverse impact on the character and appearance of the area, and that it would not impact adjacent occupiers' living conditions to a harmful degree. Having regard to all other matters raised, the appeal is therefore allowed.

Chris Couper

INSPECTOR