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# Appeal Decision

Site visit made on 2 May 2023

**by J Bowyer BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 May 2023**

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**Appeal Ref: APP/H5390/W/22/3309369**

**Maisonette First and Second Floors 39 Purcell Crescent, London SW6 7PB**

- 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 Yingxi Zhao against the decision of the Council of the London Borough of Hammersmith and Fulham.
  - The application Ref 2022/01481/FUL, dated 30 May 2022, was refused by notice dated 26 July 2022.
  - The development proposed is 'insulating and strengthening an existing flat roof of the rear extension of the property. Atop of the newly strengthened roof, erecting a roof terrace with composite decking surrounded by metal handrails with clear glass panelling.'
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Council's decision notice gives a different development description to that stated on the application form. However, I have no confirmation that the appellant agreed to the change. The Council's description provides additional details of the proposal including the height of the handrail and balustrade, but these particulars are illustrated by the plans and I consider it unnecessary to refer specifically to them in the description. The description given on the planning application form adequately sets out what is proposed, and I have therefore used this in the banner heading above.
3. The Council's evidence indicated that the site was within the Crabtree Conservation Area ('the CA'), and its first reason for refusal refers to the effect of the proposal on the CA. However, it has subsequently confirmed that the property is not within the CA, albeit that it is in close proximity. I have determined the appeal accordingly.

## Main Issues

4. The main issues are:
  - i) the effect of the proposal on the living conditions of the occupiers of 37 and 41 Purcell Crescent with particular regard to outlook and privacy; and
  - ii) the effect of the proposal on the character and appearance of the host building and area, and on the setting of the Crabtree Conservation Area.

## Reasons

### *Living Conditions*

5. The appeal site includes a two-storey mid-terrace building with a dormer roof extension and a further 'pod' extension above part of a two-storey rear projection. The proposed terrace would occupy the area of the remaining flat roof to the rear of the pod extension.
6. The evidence before me includes details of planning permission granted for development to the adjoining neighbour at 37 Purcell Crescent including a mansard roof extension, alterations to the roof of the rear projection to create a flat roof and the use of the flat roof at second floor level as a terrace, and I saw at my visit that building works were ongoing. The proposed terrace and balustrade would not project deeper or higher than the privacy screen which is to be provided along the boundary as part of the neighbouring development. It would not therefore be readily appreciable from No 37 so as to cause an increase in enclosure or loss of outlook for occupiers of this neighbour.
7. The terrace would be visible from 41 Purcell Crescent. However, the balustrade would be of modest height and depth and the glazed panels would give it a very lightweight appearance. In my view, the terrace would have only a very minor impact on the apparent bulk and scale of the building. In addition, it would be set in from the boundary with No 41, and would also be seen against the backdrop of the higher privacy screen to be provided along the boundary with No 37 as part of the adjacent development in any views from windows to the side of No 41's rear projection. Having regard to these factors, I find that the impression of enclosure experienced by occupiers of No 41 would not be meaningfully increased, and the proposal would not cause a harmful loss of outlook in comparison to the existing situation.
8. The terrace would allow views down onto the neighbouring gardens, but I saw at my visit that there are clear views of these spaces from existing windows to the side and rear of the appeal dwelling. Although views from the terrace would be from greater height, there would not be new or different overlooking and I find given the existing relationship that the development would not cause a harmful loss of privacy for the gardens. The screening which is to be provided along the boundary with No 37 would also prevent overlooking of windows to the rear of this neighbour.
9. However, while views of windows to No 41 are currently possible from the appeal dwelling, potential views of the windows to the rear of the shallower part of this neighbour are largely restricted to a small window to the side of the first-floor at a very tight angle. In contrast, the proposal would make clear views back towards the rear windows of No 41 much more readily available to anyone standing at the rear of the terrace, and there would also be views into the side windows from a higher level. I find that such views over sustained periods at times when the terrace was in use would lead to a significant increase in overlooking and a consequent loss of privacy for occupiers of the rooms served.
10. The appellant has suggested that a planning condition could require provision of a privacy screen along the side of the terrace to prevent overlooking to No 41. I note that such screening was required as part of the development at No 37. However, the details before me indicate that the screening at No 37 was

illustrated on the plans submitted as part of that application. I am concerned that alterations to the development currently shown on the plans before me to provide sufficient screening could raise fresh considerations that should be the subject of consultation with interested parties. I am not therefore satisfied that the overlooking that I have identified could in this case be appropriately mitigated by way of a planning condition.

11. Drawing matters together, I conclude that the proposal would not give rise to a harmful loss of outlook or to unacceptable overlooking to occupiers of 37 Purcell Crescent, but there would nevertheless be unacceptable harm to the living conditions of the occupiers of 41 Purcell Crescent through loss of privacy. This would result in conflict with Policies DC4 and HO11 of the Local Plan 2018 which seek, amongst other things, to ensure acceptable effects on neighbouring properties and that extensions do not have a detrimental impact on privacy enjoyed by neighbours in adjoining properties. The proposal would also be contrary to HS8 of the Planning Guidance Supplementary Planning Document 2018 ('the SPD') which sets out that permission will not be granted for roof terraces or balconies resulting in additional opportunities or a significantly greater degree of overlooking.

### *Character and Appearance*

12. The appeal building is part of a terrace of properties which are arranged in a broad crescent with comparable set backs from the street. Together with common features including ground floor bay windows, recessed entrances and regular patterns of fenestration to individual buildings within the terrace, this provides for a strong sense of rhythm and uniformity to this part of the street scene. However, there is notably greater diversity to the rear of the terrace including as a result of varied dormers, 'pod' extensions and terraces which are visible to roofs, including from the Lillie Road Recreation Ground to the rear of the site which is part of the Crabtree CA.
13. The proposed terrace in combination with the existing pod extension would cover far more than 50% of the area of the roof of the two-storey rear projection to the appeal building. However, the terrace would be of modest depth. The metal handrails and glass panels around the terrace would be of lightweight appearance, and would be much lower than the pod extension and the roof and dormer to the host building, and lower too than the screening to be provided along the boundary with No 37. As a result, the terrace would have a limited visual presence, and the development would not add significant bulk or mass to the building. In my assessment, the terrace would be appreciated as a clearly subordinate feature, and while it would result in a further increase in the scale of development on the site, I am satisfied that it would not dominate or overwhelm the host building, even in combination with the existing extensions.
14. Furthermore, I have already noted the variety to the rear of buildings on this part of Purcell Crescent which include extensions of mixed scale and designs and some terraces. The proposal would not therefore harmfully erode an existing impression of uniformity to the rear of the group. The Council suggests that no other properties include a pod extension as well as a terrace, but the permission granted at No 37 includes a pod extension and terrace over the full depth of the rear addition to that building which would actually project slightly deeper in total than the terrace before me. I acknowledge that there are some

differences in the design and form of the roof additions to No 37 compared to the development on the appeal site, but I find in the context of this variety that the proposal would not appear striking or incongruous.

15. There would be some views of the development from the recreation ground to the rear as well as from neighbouring properties, but I find for the reasons above that it would be a sympathetic addition. I conclude that the proposal would not harm the character or appearance of the host building or area, and nor would it cause detriment to how the CA would be experienced. The significance of the CA would not be harmed by the development within its setting, and I find no conflict with Policies DC1, DC4 or DC8 of the Local Plan. These policies include requirements broadly for development of high quality that respects and enhances townscape context; subservient extensions and alterations that integrate well with existing and neighbouring buildings and their setting; as well as the conservation and enhancement of heritage assets.
16. The Council has made reference to CAG3 of the SPD, but this principle concerns new development in Conservation Areas, and therefore does not seem to me to be directly relevant to the proposal here which is not in the CA.

### **Conclusion**

17. Although I have found that the proposal would not harm the living conditions of the occupiers of 37 Purcell Crescent or the character or appearance of the host building or area, there would be unacceptable harm to the living conditions of the occupiers of 41 Purcell Crescent through loss of privacy. In my judgement, this harm would not be outweighed by the benefit to the living conditions of occupiers of the appeal site through provision of external amenity space.
18. I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

*J Bowyer*

INSPECTOR