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## Appeal Decision

Site visit made on 16 May 2023

**by Chris Couper BA (Hons) Dip TP MRTPI**

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

**Decision date: 2 June 2023**

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**Appeal Ref: APP/F5540/W/22/3311414**

**First and second floor flat, 74 Chiswick Lane, Chiswick, Hounslow, London W4 2LA**

- 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 Guy Symmonds against the decision of the Council of the London Borough of Hounslow.
  - The application Ref 00249/74/P1, dated 21 June 2022, was refused by notice dated 9 September 2022.
  - The development proposed is described as a terrace to the flat roof at second floor level to the rear of the property.
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### Decision

1. The appeal is allowed and planning permission is granted for a terrace to the flat roof at second floor level to the rear of the property at the first and second floor flat, 74 Chiswick Lane, Chiswick, Hounslow, London W4 2LA in accordance with the terms of the application, Ref 00249/74/P1, dated 21 June 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: 1741 01, 1741 02, 1741/03, 1741 04 Rev A and 1741 05 Rev A.
  - 3) Details of the proposed glazed screens and balustrade shall be submitted to, and approved in writing by, the Local Planning Authority. Prior to the first use of the roof terrace, the approved screens and balustrade shall be installed, and they shall thereafter be retained in accordance with the approved details.

### Procedural Matters

2. I have taken the property address and the description of the proposal from the application form, although I note that on the appeal form the flat is described as No 74A, and that the description of the development was amended to include reference to related works comprising of the formation of a new dormer for an access door, and screening.
3. The spelling of the appellant's surname is also taken from the application form.

### Main Issues

4. 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 regard to outlook and overlooking.

## Reasons

### *Character and appearance*

5. The host property forms part of a terraced row, and sits at the junction of Chiswick Lane and Cornwall Grove, from where its rear elevation is clearly visible. The properties here have attractive front faces with ornamental brickwork and other detailing typical of their era, but plainer rear faces, many of which have been extended or altered.
6. In particular, and as evidenced at paragraph 1.10 of the appellant's statement, I observed that looking along the rear face of this row from Cornwall Grove most of the properties have elevated terraces. These, and those on other nearby terraces, are enclosed by a mix of metal railings, timber fences and, in the case of 60 and 62 Chiswick Lane, glazed panels.
7. Unlike the scheme for a terrace in this location permitted in 2007 (Ref: 00249/74/P3) ('the approved scheme'), in this case the proposed screening would extend to the edges of the roof. However, the proposed balustrading facing Cornwall Grove would be just 1.1 metre high, and its design would appear to be broadly similar to others nearby, such as the roof terrace at 76 Chiswick Lane ('No 76'), on the opposite side of the road junction.
8. Whilst the screens to the rear boundary and facing 72 Chiswick Lane, would be taller, they would be made of glass, which would limit their visual impact. That material would be similar to some other screens nearby. Although the Council states that the roof terraces at 70 and 72 Chiswick Lane have no planning history, and that others are historic or do not have planning permission, as evidenced by the officer report accompanying the approved scheme, roof terraces and associated screens form part of the area's established character.
9. The dormer above the access door would be very modest in scale and its finish would match the existing dormer. As a result, in this elevated position and with the proposed screens in place, it would not be prominent in the streetscene.
10. Consequently, the proposal would not harm the character and appearance of the area. On this issue it would not therefore conflict with those parts of Policies CC1, CC2 and SC7 of the Hounslow Local Plan 2015-2030 (2015) ('HLP') which support high quality urban design, and which expect proposals to consider their context and respond to local character, having regard to matters such as materials, finishes and detailing. Nor would it conflict with the aim of achieving well-designed places in the National Planning Policy Framework ('Framework').

### *Living conditions*

11. Given the frequency of roof terraces in the area, typical domestic use of this one would not significantly impact the area's prevailing amenities. It would not give rise to a harmful impact on nearby occupiers as a result of noise or general disturbance.

12. The proposed 1.9 metre high obscurely glazed screens to the rear and the north-west elevations would be of sufficient height to appropriately protect the occupiers of adjacent properties from significant overlooking. Given their lightweight material and their limited height they would not have a significant overbearing impact. Whilst a lower balustrade is proposed for the south-eastern elevation, there is an intervening highway between the site and No 76.
13. Consequently, subject to appropriate obscure glazing, which could be required by a condition, the scheme would not impact nearby occupiers' living conditions to a harmful degree. Thus, whilst the Hounslow Residential Extension Guidelines Supplementary Planning Document 2017 states that the use of a flat roof as a terrace will normally be refused, for the above reasons this one would not harm neighbours' privacy.
14. The scheme would not therefore conflict with those parts of HLP Policies CC2 and SC7 which require development to consider the amenity of residents and to minimise harm to them as a result of direct overlooking, or an unacceptable sense of enclosure. Neither would it conflict with the Framework's stance that development should ensure a high standard of amenity. As HLP Policy CC1 primarily addresses matters of design and character, it is of little, if any, relevance on this issue.

### **Conditions and Conclusion**

15. Turning to the matter of conditions, 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.
16. Additionally, in the interests of ensuring appropriate living conditions for nearby occupiers and in the interests of good design, a condition is necessary requiring details of the proposed screens and balustrade to be submitted to, and approved in writing by, the Council prior to the first use of the roof terrace.
17. With that condition in place, and given the depiction on the proposed plans, to which my second condition refers, a matching materials condition is unnecessary. Given the modest extent of the proposed works, I am not persuaded that a condition limiting the hours of demolition and construction is necessary to protect adjoining amenities.
18. For the above reasons, I conclude that the scheme would not harm the character and appearance of the area, and that it would not impact neighbouring occupiers' living conditions to a harmful degree. Consequently, having regard to all other matters raised, the appeal is allowed.

*Chris Couper*

INSPECTOR