

Appeal Decision

Site visit made on 1 May 2024

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2024.

Appeal Ref: APP/F5540/W/23/3328808

4a Hazledene Road, Chiswick, W4 3JB

- 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 Miss Huda Abou Al Nasr against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00584/4A/P2, dated 30 May 2023, was refused by notice dated 15 August 2023.
 - The proposed development is formation of second floor roof terrace with installation of an access door and a balustrade.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the Council's description of the development above taken from the decision notice which more accurately describes the proposal.

Main Issues

3. The main issues are the effect on
 - the character and appearance of the host dwelling and wider area; and
 - the living conditions of the occupiers of the adjacent properties.

Reasons

4. The appeal site comprises an upper floor flat situated over the first and second floors within a three storey, terraced building, the second floor being within the roofspace. It is located towards the southern end of a residential terrace of similar properties which appeared to be a mixture of flats and single dwellings. There is a parade of shops just to the north of the site along Fauconberg Road. The proposed terrace would be located on the flat roof of an existing first floor rear 'outrigger' addition. It would be accessed via a door inserted off the stairway that leads to the second floor with a few external steps down to the proposed roof terrace. A 1.2 metre high metal railing is proposed around the outer roof edge to enable the use of the whole of the roof area.

Character and appearance

5. At the site visit I could see that various extensions and alterations have been carried out at a number of properties to the rear of the appeal site, both within Hazledene Road and Compton Crescent to the rear. Whilst these included roof

dormer extensions with 'Juliet' style balcony windows and flat roofs on which planted pots and boxes had been placed, there did not appear to be any other 'formal' roof balconies such as that proposed with this appeal.

6. However, the current lack of any exactly similar roof terraces would not necessarily result in it being out of keeping with the area. The Council's Residential Extension Guidelines SPD (2017) (REG SPD) does not suggest that roof terraces will be unacceptable in principle and the railings are of a sympathetic design, in keeping with the traditional appearance of the dwelling and surrounding properties. The creation of roof terraces is not uncommon in areas where the original dwellings have been converted to flats to enable the occupants of the upper floors of those flats to have access to outdoor areas.
7. Overall, I find that the proposal would not harm the character and appearance of the area and thus, in this respect, it would accord with Policies SC7, CC1 and CC2 of the London Borough of Hounslow Local Plan 2015-2030 (2015) (LP) which seek to ensure that new development recognises the context and varied character of the borough's places by improving and promoting the appreciation of the character of the area, is of high quality, creates attractive, distinctive and liveable places, complements the original building and harmonises with adjoining properties. The objectives of the National Planning Policy Framework (the Framework) to achieve good design and development that is sympathetic to local character and the surrounding built environment would be met.

Living conditions

8. The REG SPD states that the use of a flat roof as a balcony, roof terrace or garden is likely to harm neighbour's privacy as a result of overlooking that could be introduced. The position of the proposed railing right up to the edge of the existing flat roof would result in the potential for a number of private rear garden areas of nearby, adjoining properties to be overlooked.
9. Whilst some overlooking is afforded from the rear windows of the existing flat, the proposed balcony would enable a much greater level of overlooking due to its size extending over the whole flat roof and position with railing right up to the edges of the existing roof. Whilst it may be possible to restrict overlooking of the immediately adjoining dwellings though the use of a more solid enclosure or screen, in the absence of details of such, it is not possible to conclude that they would be suitable and fit for purpose.
10. Overall, in this regard, the proposal would result in harm to the living conditions of the occupiers of neighbouring properties. It would thus fail to accord with LP Policies SC7 and CC2 which seek to ensure that development proposals minimise harm to neighbouring residents, function well and have a positive impact on current residents. It would also fail to accord with the aims and objectives of the REG SPD that seek to prevent unacceptable impacts on the amenity of neighbours. It would also fail to comply with the Framework which seeks a high standard of amenity for existing users.

Conclusions

11. Overall, I therefore conclude that this appeal should be dismissed.

P B Jarvis

INSPECTOR