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## Appeal Decision

Site visit made on 17 February 2025

by **Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 18 March 2025**

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**Appeal Ref: APP/H5390/D/24/3351042**

**4 Ingersoll Road, London W12 7BD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Amarjit Kamboh against the decision of the London Borough of Hammersmith & Fulham Council.
  - The application Ref is 2023/02954/FUL.
  - The development proposed is the installation of rear terrace with obscure glazed railing on roof of rear extension.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Subsequent to the decision made by the Council, the Government published a revised National Planning Policy Framework (December 2024) (the Framework). I consider that there have been no major changes relevant to the main issues in this appeal. It will therefore not prejudice any party by making my decision with regard to the revised Framework.

### Main Issues

3. The main issues are the effect on:
  - The character and appearance of the appeal dwelling and that of the local area, with reference to the Ingersoll and Armingher Conservation Area (the CA); and
  - The living conditions of neighbouring residential occupiers.

### Reasons

#### *Character and Appearance*

4. The appeal dwelling is a two storey late 19<sup>th</sup> Century mid-terrace house with small front and rear gardens, which is located in a street made up of similar terraced properties. The street is central to the significance of the CA, which rests primarily in the cohesive townscape provided by the late Victorian residential properties that retain much of their original architectural details and features.
5. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance

and weight to the desirability of preserving or enhancing the character or appearance of the CA.

6. The appeal proposal is to utilise the flat roof of a recent single storey extension, on the rear of the original two storey outrigger as a roof terrace, which would be enclosed by a 1.7 metre tall obscure glazed balustrade. The original planning permission<sup>1</sup> for a rear extension included a proposed roof terrace on the roof with a 1.7 metre tall, glazed balustrade. However, subsequent to the extension being built taller than permitted, planning permission<sup>2</sup> was given for variation of the plans condition attached to the original permission for the extension without the terrace and balustrade. I note that this proposal without roof terrace and balustrade followed enforcement discussions with the Council, however, my considerations of the application proposal has been on the basis of its individual merits, which is a key tenet of the planning system.
7. There are a number of similar roof terraces on rear extensions to other properties in the terrace and CA, many of which do not appear to have planning permission, including examples with tall screening balustrades, including examples with obscure glazing. However, from my site visit it was evident that these were on rear extensions that are not as tall as the rear extension at the appeal dwelling. As such these tall balustrades do not reach so far up the rear elevations of their host dwellings or outriggers, as the proposed balustrade would reach up the rear of the original outrigger.
8. The height of the proposed balustrade on top of the height of the existing rear extension and its box like massing would result in it appearing as a bulky and dominating addition to the appeal dwelling that would obscure window arch details of the outrigger. This would be detrimental to the character and appearance of the appeal dwelling.
9. In wider views of the rear of the appeal dwelling from surrounding properties, the proposal would be seen in these views with the surrounding terrace balustrades on the rear of neighbouring properties. The height and bulk of the proposed balustrade would be greater than those surrounding and would result in it appearing as a bulky addition and unduly prominent in these views. As such, it would result in it appearing as incongruous within the local townscape, detracting from the contribution that the appeal dwelling makes to the significance of the CA.
10. For these reasons the proposal does not accord with Key Principles CAG2 and CAG3 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2018), which seek development that is sympathetic to the character of their context and positively contribute to the townscape of conservation areas, including roof forms

### *Living Conditions*

11. The adjacent terraced house at 2 Ingersoll Road (No.2) has a single storey flat roofed rear extension that projects rearwards from the main house to the same extent as the two storey outrigger to the appeal dwelling. Given the height of the proposed balustrade and the proximity to the window at No.2, this would result in a significant sense of enclosure to its occupiers, that would be experienced as

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<sup>1</sup> Planning Ref: 2019/01676/FUL

<sup>2</sup> Planning ref: 2021/01823/VAR

oppressive, leading to a detrimental loss of outlook. This would only be further exacerbated by a loss of light to the window at No.2 that would result from the bulk and height of the appeal proposal, its rearward extent and its proximity.

12. For the reasons given above, I find that the proposal would be harmful to the character and appearance of the appeal dwelling and that of the local area, as well as to significance of the CA. I further find that the proposal would result in harm to the living conditions of neighbouring residential occupiers. This would not accord with Policies DC1, DC4, DC8 and HO11 of the Hammersmith and Fulham Local Plan (2018). Collectively, these seek to ensure that development, including extensions, is of high quality design, respects its townscape context, has due regard to the importance of preserving or enhancing the significance of heritage assets and has no detrimental impact the neighbouring outlook or daylight.

### **Planning Balance and Conclusion**

13. The harm to the living conditions of neighbouring occupiers would be substantial and harm to the character and appearance of the appeal dwelling and the terrace of which it forms part would be moderate, although the harm to the significance of the CA would be less than substantial. In accordance with the Framework, great weight should be given to the conservation of the heritage asset.
14. The proposal, whilst increasing the apparent size of the appeal dwelling and improving the amenity of occupiers this would be of primarily private benefit. I must give considerable importance and weight to the effect on the significance of the CA. I consider that these benefits do not outweigh the harm I have identified.
15. For the reasons given, I conclude that the appeal should be dismissed.

*Victor Callister*

INSPECTOR