



Appeal Decision

Site visit made on 1 May 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/H5390/W/25/3358623

Flat 3, 9 Greyhound Road, Hammersmith and Fulham, London W6 8NH

- 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 Miss Natasha Patel against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2024/02009/FUL.
 - The development proposed was described as '*conversion of part of flat roof to roof terrace*'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development was described in the terms set out in the banner heading, above. However, the decision notice adopted a more detailed description of the development which I consider more accurately reflects the proposal and its various elements as shown on the submitted plans and elevations drawings. I have determined the appeal accordingly.
3. In order to obtain a view of the rear of the appeal property and the location of the appeal proposal, and in response to a request to view from an occupier of an adjacent property, I was able to view the proposal from the top floor flat within 10 Aspenlea Road. From this property I was able to access an area of flat roof on an existing outrigger which gave me a good view of the appeal site, the location of the proposal, the properties on either side of it and the rear elevations of surrounding development on both Greyhound Road and Aspenlea Road.

Main Issues

4. The main issues are the effects of the proposed development upon:
 - The character and appearance of the appeal property and the surrounding area; and
 - The living conditions of occupiers of adjacent properties at 7 Greyhound Road and 8 Aspenlea Road, with particular regard to outlook and privacy.

Reasons

Character and appearance

5. The appeal property is a mid-terraced building of three storeys plus an additional floor within a mansard roof. At the rear is three storey outrigger which is paired with the adjoining building on one side with a 'light-well' on the other in the recess between outriggers. It is evident from viewing the rear of the terraced blocks of Greyhound Road and Aspenlea Road that they back closely on to one another,

and that the outrigger at Nos 9 and 11 is one of the larger ones present along the rear of Greyhound Road.

6. The appeal property's outrigger is flat roofed. A low brick parapet wall splits the outrigger in two along its length, within which is a low brick-built chimney stack. The proposed timber floored terrace deck would be laid across the outrigger's flat roofed area, projecting as far as the existing chimney stack.
7. The use of the roof area as an outdoor terrace would not, in itself, be particularly harmful to the character or appearance of the appeal property or the surrounding area. There are other examples clearly evident elsewhere within the street of both a formal and a more informal nature. Nor would the suspended synthetic timber decking that the appellant proposes to lay on top of the flat roof or the insertion of 'French' doors to replace an existing window, from which access to the roof terrace would be taken cause harm to the character or appearance of the appeal property or to that of the surrounding area.
8. However, to enclose the deck area it is proposed to install what is described as 'timber batten fencing' to a height of 1.8 metres. Although the elevation drawings are somewhat indistinct in terms of the detailed materials, construction and appearance of the fencing, at 1.8 metres in height it would not be insubstantial and would have the appearance of a fence more typically associated with a garden or yard fence. Reference has been made within the appellant's Design Statement to the fencing as being a hit-and-miss batten design. Whilst implying some degree of spacing between the timber slats, this would not reduce its overall height and would be unlikely to significantly or materially reduce or mitigate its massing when viewed from distance.
9. Thus, at roof level of an already substantial outrigger, the height and extent of timber fencing would be both incongruous and out of place. It would also, as the Council suggest, be akin to an additional floor added atop the outrigger in its massing and bulk given both its projection from the rear of the main building, and its height.
10. The construction of roof terraces and balconies is not expressly prohibited by the policies of the Hammersmith & Fulham Local Plan (the LP) that the Council have referred to in the reasons for refusal¹. Nor are they by the guidance set out in the Key Principles of the 'Planning Guidance' Supplementary Planning Document (the Guidance) (2018). Thus, LP Policies DC1 and DC4 set out the Council's approach to securing high quality development that respects and enhances its townscape context and which is compatible with the scale and character of the existing building, its neighbours and the surrounding area.
11. Thus, the height and extent of the fencing and its position around the terrace area on top of the outrigger's flat roof would be akin to an extension to create an additional floor in bulk and massing, whilst the materials would be incongruous and out of keeping with the prevailing character of buildings in the surrounding area. Although LP Policies DC1 and DC4 are not specific to roof terraces or balconies, the proposal before me, with particular regard to the timber fencing to enclose it, would nevertheless fail to accord with the aims and provisions of LP Policies DC1 and DC4, which together seek to secure high quality development that is compatible in scale and character with the building, its neighbours and the surrounding area.

¹ LP Policies DC1, DC4 and HO11

12. Both main parties refer to a guidance figure of 50% regarding roof terraces, but it is not entirely clear where this is drawn from. Nor have I been provided with extracts of what the Council refer to as 'preferred design guidance' regarding roof terraces, with particular regard to screen materials and heights.
13. In any event, there also appears to be a difference in the application of this figure; the Council referring to 50% in terms of projection across the roof of a back addition, whilst the appellant seeks to apply it in terms of terrace floor area. What is not in dispute between the parties is that the fencing height and the area of the terrace both exceed their respective guideline figures. However, as I have already found harm in respect of character and appearance for the reasons set out, these particular matters have not been determinative in reaching that conclusion.

Living conditions

14. The appeal property's outrigger is paired with that of No. 11. As is typical of such outriggers, it does not extend the whole width of the property, thereby effectively leaving a recessed lightwell to windows on the rear face of the main building. The pattern is repeated (to varying degrees) along the terrace such that the adjoining property at No. 7 has a similar recessed with a smaller outrigger on the far side of its rear elevation.
15. The additional height of the timber fencing atop the flat roofed outrigger at No. 9 would not be dissimilar in height to the addition of an extra storey. The materials employed in its construction might differ from that of a more substantial masonry extension but the effects in terms of the additional height and projection would be similar.
16. There is a window at a lower level on the rear face of the neighbouring property, over which the timber fence would loom, adding height to the already substantial elevations of the outrigger. The effect of the additional height of the timber enclosure would be greater still from the limited outdoor areas at ground level around the neighbouring outrigger. The additional height would increase the physical scale of the outrigger, adding to the sense of enclosure experienced between the outriggers at the rear of Nos 7 and 9, and restricting outlook from the neighbouring windows at No. 7.
17. I accept that the nature of the built form around the appeal property is such that there are inevitably constraints to outlook from, and between, properties in a dense urban setting. However, where a proposal would lead to further unacceptable compromise of these already limited aspects, such a scheme would fail to accord with the aims and principles of LP Policies DC4 and HO11 and the guidance set out in the SPD Key Principles HS6, HS7 and HS8. As these seek high standards of design that give consideration to good neighbourliness by way, amongst other things, of ensuring there is no detrimental impact upon daylight to, and outlook from, rooms and windows of adjoining properties, the appeal proposal falls short in these respects and is contrary to these policies.
18. The Council has also cited concerns regarding the harmful effect of the proposed roof terrace on privacy. Although the height of the fenced enclosure would be sufficient, at 1.8 metres, to largely prevent direct line of sight over it, its manner of construction remains somewhat problematic. Hit-and-miss timber batten fencing would by its very nature allow for glimpses through the fence between the slats,

whilst for neighbours those using the roof terrace would be visible through the hit-and-miss slats. Whilst these views may be inadvertent and limited, they are also inevitable given the nature of the proposed screen. The consequence, particularly given the close quarters between neighbouring properties, is that occupiers of neighbouring properties will feel overlooked and conscious of people on the deck, thereby reinforcing the sense of a loss of privacy.

19. The appellant has sought to downplay the extent to which this would be harmful or unexpected. However, the submitted photographs showing the view from existing windows at the appeal property instead highlight the extent to which the decked roof terrace would extend onto the flat roof area and, thus, how much closer the additional vantage points offered by the deck would be to neighbouring properties, particularly those on Aspenlea Road.
20. Given the already elevated level of the roof above the rears of properties on Aspenlea Road, and having viewed the rear of the appeal property from roof level at 8 Aspenlea Road, glimpses between the hit-and-miss battens at such close quarters would inevitably cause harm to the living conditions of occupiers of neighbouring, and opposing, properties. It is therefore clear that concerns regarding privacy and overlooking are well-founded given these short distances between opposing properties.
21. SPD Key Principle HS8 advises that sensitively designed screening may be acceptable where a roof terrace or balcony results in harmful additional noise and disturbance or overlooking and loss of privacy. What form such sensitively designed screening may take is not described or defined in the SPD or LP policies, but what has been proposed and is now before me combines a height, bulk, massing and extent that would fail to adequately prevent harmful degrees of overlooking and loss of privacy.
22. For these reasons, I am not satisfied that the proposed enclosure of the roof deck area would ensure sufficient privacy for occupiers of neighbouring properties and, with particular regard to those on both Greyhound Road (No. 7) and Aspenlea Road (No. 8), material harm to the living conditions of occupiers of those properties would occur. The appeal scheme therefore fails to accord with the provisions of LP Policies DC4 and HO11 and the guidance set out in the SPD Key Principles HS6, HS7 and HS8.

Other Matters

23. It has been suggested by the appellant that the proposed hit-and-miss batten fencing would support the growth of climbing plants. This would, in turn, provide both a pleasant green rooftop environment but also contribute towards the biodiversity objectives of the Council.
24. I agree that such slatted fencing panels may provide scope for climbing plants. However, they are not the only means of achieving this, and suitably placed planters and pots, and appropriate plant-species could achieve a similar end result. This is not therefore sufficient to alter my conclusions in respect of the main issues and the harm that I have identified would arise or otherwise allow me to find in favour of the scheme.

Conclusion

25. For the reasons set out, and having considered all other matters, I conclude that the appeal be dismissed.

G Robbie

INSPECTOR