
Appeal Decision

Site visit made on 19 August 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025.

Section 78 Appeal Ref: APP/H5390/W/25/3366336

Development: Retrospective application for formation of raised terrace to rear garden at 58 Collingbourne Road, Hammersmith and Fulham, London W12 0JQ

Application Ref is 2024/02243/FUL.

Decision- the appeal is dismissed.

Preliminary Matters

1. The application is retrospective and the main parties refer to an enforcement notice at the appeal site for the installation of a raised carport/ terrace. This was upheld at appeal¹. My decision focuses on the planning merits of the Section 78 appeal before me and does not cover matters established in the enforcement appeal.

Reasons

Issue- effect on the living conditions of the occupiers of 56 Collingbourne Road.

2. The site comprises a terraced property. The application is for a raised platform which is covered with timber decking and surrounded by a timber balustrade. The platform is sited in the rear garden adjacent to the boundary shared with 56 Collingbourne Road. A tall boundary fence has been installed along the boundary between Nos 56 and 58 which largely contains views from the decking. The Council state that this fence is unlawful and is the subject of an enforcement notice requiring its removal. Thus, the screening afforded by it cannot be relied upon. Comments regarding the merits and lawfulness of this fence go beyond the scope of this appeal.
3. Without the benefit of the height of the existing fence, I consider that there would be opportunities for views of the rear elevation and amenity space of No 56 from the raised terrace. Whilst a degree of overlooking can be expected in urban areas such as this, including from existing terraces and windows, such a degree of overlooking would go beyond existing and reasonable levels. Though the scale of the decking would limit the number of people using it, and whilst noting the appellant's intention to site garden furniture on it, nonetheless, when in use it would result in a harmful increase in actual and perceived overlooking of otherwise largely private spaces, to the detriment of the living conditions of the occupants of No 56.

¹ APP/H5390/C/20/3250103

4. Although the proposal may have improved the appellant's living conditions, and whilst no objections have been raised by the Council in regard to the appearance of the raised platform, its design causes a material harm to the living conditions of the occupiers of No 56 Collingbourne Road with regard to loss of privacy. It therefore conflicts with the policies cited in the decision notice.

Conclusion

5. The proposal conflicts with the development plan as a whole, and nothing outweighs this.

N Robinson

INSPECTOR