



Appeal Decision

Site visit made on 9 December 2025

by **F P Tinsley MA (Hons) MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Appeal Ref: APP/H5390/W/25/3374073

8 Disbrowe Road, London W6 8QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Khang against the decision of the Council of the London Borough of Hammersmith and Fulham.
- The application reference is Ref: 2024/03245/FUL
- The permitted development is 'Erection of a part one and part two storey extension to the side and rear of the existing back addition; enclosure of an existing front lightwell with glass blocks and paving in connection with the enlargement of the existing basement; alterations to the existing windows to the rear elevation at first and second floor level'.
- The conditions in dispute are No7 which states "*The roof of the lower ground and upper ground floor extensions shall not be converted into or used as a terrace or other open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs of the extensions hereby approved. No railings or other means of enclosure shall be erected around the roofs and no alterations shall be carried out to the property, including the extensions hereby approved, to form an access onto the roofs.*" And also No8 which states "*The balustrade of the Juliet balcony at first floor level in the south elevation [9000-DRG-02-003 Rev P14] hereby permitted shall be fixed flush with the rear elevation of the building at the same time as the associated doors are installed. The doors to the Juliet balconies shall open inwards only. The doors and balustrades shall be permanently retained in this form for the lifetime of the development.*"
- The reasons given for the conditions are (No7) "*The use of the roof as a terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of overlooking, noise and disturbance, contrary to Policies HO11 and CC11 of the Local Plan (2018).*" And (No8) "*To ensure a satisfactory external appearance and to protect the amenities of adjoining occupiers in terms of privacy and overlooking, in accordance with Policies DC1, DC4 and HO11 of the Local Plan (2018).*"

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted an additional drawing (9000-DRG-02-007-P1) with the appeal submission. I have accepted this drawing which proposes additional screening and balustrading but does not propose fundamental changes to the scheme and has been made available to other parties to the appeal for comment. I have had regard to this drawing in my determination of the appeal.
3. There is a degree of discrepancy in the description of each of the three levels within the building as set out in the appeal documentation. Where necessary, I have referred to these as the lower ground floor level, upper ground floor level,

and first-floor level, which are located in ascending order within the building. This corresponds with the terminology used in the relevant conditions.

Background and Main Issue

4. Planning permission has been granted for the erection of a part one- and part two-storey extension to the side and rear of the existing back addition; the enclosure of an existing front lightwell with glass blocks and paving in connection with the enlargement of the existing basement; and alterations to the existing windows on the rear elevation at first- and second-floor level.
5. The appeal seeks permission to carry out the development without complying with Condition No. 7, which, amongst other things, requires that the roof of the lower ground and upper ground floor extensions shall not be converted into or used as a terrace or other open amenity space. It also seeks to remove Condition No. 8, which requires, amongst other things, that the balustrade of the Juliet balcony at first-floor level on the south elevation shall be fixed flush with the rear elevation of the building at the same time as the associated doors are installed.
6. The main issue is the effect of removing the conditions on the living conditions of the occupants of neighbouring properties (Nos. 6 and 10 Disbrowe Road) with particular regard to privacy and noise.

Reasons

7. Removing Condition No. 7 would allow the roof area of the lower ground floor extension to be used as an accessible terrace area for residents of No. 8 Disbrowe Road (No 8). This terrace would directly abut the boundary with No. 6 and would be positioned at an elevated level above the garden areas of both No 6 and No 8. This would result in potential for harm to the occupiers of No. 6 in terms of loss of privacy and noise. If this area were to be used as a terrace, people would be likely to sit in the space and use it for prolonged periods. This is more likely to be in warmer conditions when neighbouring residents are likely to be seeking to enjoy their garden. The proximity of such a terrace at an elevated height would facilitate direct views into the rear garden area of No.6. This would be unreasonably intrusive to a more private area of garden and would harmfully erode the neighbour's enjoyment of their property. Moreover, terraces can often be used for domestic socialising meaning that several people could congregate. Associated with this would be a level of noise and activity, which when coupled with its elevated height and relationship with no.6 would interfere with peaceful use of the neighbouring garden and cause unacceptable disturbance.
8. In seeking to remove Condition No. 7, the appellants argue that any impacts on No. 6 in terms of harm due to loss of privacy through overlooking, and potential noise and disturbance from use of the terrace, would be mitigated to an acceptable level.
9. I am not satisfied that the existing vegetation along the site boundary can be relied upon in perpetuity to provide screening between the two properties. Vegetation is subject to variance as it is natural and will change according to season and health condition, as well as maintenance regimes. Moreover, the vegetation could be removed at some future point, resulting in the loss of screening. While I note the appellants' submission that the planting could be enhanced and agree that replacement planting could be introduced, this does not remove the potential for

loss of vegetation in the future. The harm resulting from this loss upon the privacy of No 6 would be significant. In any event, there is no evidence to show it would effectively counter noise disturbance.

10. Furthermore, any replacement or enhanced planting would likely take a significant period to establish and become effective even if the degraded existing trellising were to be replaced as is proposed. For these reasons, I am not satisfied that vegetation can be relied upon to address the harmful effects identified.
11. The proposal to provide a 1.7-metre-high privacy screen at the end of the terrace closest to No. 6 would improve screening between the properties. However, direct overlooking from the proposed terrace into the garden of No. 6 would still be possible beyond the extent of the screen resulting in harm. I note the appellants' suggestion that a privacy screen could be extended beyond the parapet of the proposed terrace. However, this would introduce a very significant and overbearing feature, which would likely have a negative knock-on impacts on the use of the garden at No. 6. As such, this would not address my concerns.
12. I am satisfied that, as the proposed terrace would be at approximately the same level as the garden at No. 10 Disbrowe Road, there would be very limited potential for harm to the occupiers of that property in this regard.
13. For similar reasons, the requirement to install the Juliet balcony at the same time as the inward-opening doors at upper ground floor level, as stipulated by Condition No. 8, is both necessary and reasonable. This measure will ensure that there is no potential for informal use of the roof area of the lower ground floor as an amenity space and will reduce the impact on the living conditions of neighbouring occupiers at No 6. It also dispenses with the need for any glazed balustrading which assists in avoiding unnecessary clutter to the external appearance of the rear of the dwelling.
14. I therefore conclude that the disputed conditions are reasonable and necessary in the interests of protecting the living conditions of the occupants of No 6 with particular regard to privacy and noise. The disputed conditions are required to ensure the development complies with Policies DC1, DC4, HO11 and CC11 of the Hammersmith and Fulham Local Plan (2018) (the Local Plan). These policies seek to ensure, amongst other things, that development does not adversely affect the amenity of occupiers of adjoining residential properties and promote high quality urban environments.

Other Matters

15. The appellants' proposal to install a 2-metre-high fence along the rear boundary of the property, as detailed in the drawing submitted at appeal stage would not lead me to a different view on the main issue.
16. Condition No. 7 also refers to the roof of the upper ground floor extension. I note that this is a sloped roof, and the opportunity for access and use as an amenity space is therefore negligible. I have not amended the wording of the condition as it relates to the roof of the upper ground floor extension, as the condition remains relevant in respect of the installations referred to within it, which could affect the external appearance of the building and the living conditions of surrounding occupiers.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

F P Tinsley
INSPECTOR