

Appeal Decision

Site visit made on 8 February 2017

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23rd February 2017

Appeal Ref: APP/H5960/D/17/3166692
59 Louisville Road, London SW17 8RL

- 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 Mr Andrew Tull against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref: 2016/5986, dated 13 October 2016, was refused by notice dated 29 November 2016.
 - The development proposed is excavation to enlarge the basement, including formation of front and rear lightwells with grille over.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The development is described on the planning application form as 'Excavation of basement below footprint of property to create living accommodation auxiliary to existing dwelling house. To include the installation of a front elevation lightwell matching sash windows and double French door opening, and rear elevation lightwell with sash window. Both lightwells to be covered with metal grille'. On the decision notice issued by the Council it is described as 'Excavation to enlarge basement including formation of front and rear lightwells with grille over'. The Council's description is succinct and accurately outlines the proposed development, and I note that the appellant has adopted this on the appeal form. I have therefore used this description for the purposes of the appeal.

Main Issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the Heaver Estate Conservation Area.

Reasons

4. It is common ground between the parties that the enlargement of the existing cellar of the building to create a basement under the building and the creation a small lightwell at the rear of the building would not, of itself, be inherently objectionable. I am also mindful that planning permission has previously been granted for an essentially similar proposal, albeit with a smaller lightwell at the front of the property. The principal matter in dispute is the effect that the lightwell, as currently proposed, at the front of the property would have on the character and appearance of the Heaver Estate Conservation Area.
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5. The Heaver Estate Conservation Area is a predominantly residential area consisting generally of streets of terraced and semi-detached, two and three storey houses, dating from the late Nineteenth or Early Twentieth Century. Within the conservation area there are some more modern insertions on a number of the streets in the form of blocks of flats or two storey houses. Although there are different designs of houses, a shared architectural style and detailing, and common materials, combined with regular setbacks from the footway and largely enclosed small front gardens, give the area a strongly cohesive appearance despite the later interventions into the built fabric. The small, and fairly uniformly sized, front garden areas separating the house frontages from the footway are very characteristic of suburban development of this age.
6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a conservation area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. This is reinforced by Paragraph 132 of the National Planning Policy Framework (the Framework) which requires that when considering the impact of a proposed development on the significance of a designated heritage asset the great weight should be given to the assets conservation.
7. When read together Policies DMS1 and DMS2 of the Wandsworth Local Plan Development Management Policies Document 2016 (DMPD) seek to ensure, among other matters, that new development is of a high standard of design that responds to its context and which conserves and, where appropriate, enhances the significance, appearance and character of heritage assets. Policy DMS2 additionally requires the conservation of spaces between and around buildings including front rear and side gardens. Policy DMH5 of the DMPD relates specifically to alterations and extensions to residential properties. In respect of the creation of lightwells it requires that at least 50% of the original front garden depth shall be retained, and within conservation areas that a minimum garden depth of 2 metres should be retained.
8. The appeal building has a short front garden area, approximately 3 metres deep, enclosed by a low brick wall and hedge to the front and an open metal post and rail fence to each side. The proposal to create an enlarged basement area would result in the formation of a lightwell, extending 2 metres from the front of the dwelling and retaining 1 metre of garden between the lightwell and the front boundary wall. This would not comply with the requirements of Policy DMH5.
9. I saw when I visited the site that within the street on the same side as the appeal building, from number 65 upwards, the houses appear to have been originally constructed with a small lightwell within the front garden area. On the opposite side of the street, from number 66 upwards, small lightwells also appear to have been an original feature of the design of the houses. I saw that a number of these original lightwells have subsequently been enlarged, and that, of these, there are a small number that have similar dimensions to the appeal proposal.
10. Although lightwells are a characteristic of the street, large lightwells of the size proposed are very much in the minority. I note that the Council state that the larger lightwells that are present were either permitted under a different policy

regime or are historic alterations that are now immune from enforcement action under the planning acts.

11. My attention has also been drawn to a lightwell with a grille over it which has been constructed at number 68 Louisville Road. I saw that, whilst this has very similar proportions to the appeal proposal in terms of the amount of garden area retained, the incorporation of a metal grille over a large part of the front garden area introduces a very stark feature into the garden frontage which is alien to the street scene and erodes the quality of the house frontage and its contribution to the street scene. As Policy DMH5 was only adopted last year, it is also likely that this lightwell was permitted before the adoption of this policy. Within this context, I do not consider that this development should be used as justification for a similar development at number 59.
12. Whilst there is currently a hedge on the frontage of the property which partly screens the front garden area, there is no certainty that this would be retained in the future and, in any event, oblique views into the garden area would still occur from the footway. I have had regard to the appellant's point that the presence of railings around other lightwells makes them more obvious features in the house frontages. However, on properties of this age, lightwells typically had railings for protection against falls until these were removed during the Second World War.
13. As a result of the extent of the lightwell, and the consequent size of the metal grille that would be introduced into the house frontage, the proposed development would cause harm to the character and appearance of this part of the conservation area. However, due to the scale of the development relative to the size of the conservation area, this harm would be less than substantial.
14. The Framework requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. No public benefits have been identified in the evidence before me. Whilst the size of the lightwell would slightly increase the amount of light received by the basement of the property, this is not a public benefit and would not overcome the great weight that the framework requires to be given to the conservation of heritage assets.
15. I therefore find that the proposed development would cause harm to the character and appearance of the Heaver Estate Conservation Area. It would be contrary to the relevant requirements of Policies DMS1, DMS2 and DMH5 of the DMPD which seek to ensure that new development is of a high standard of design that has regard to its context and which preserves the character and appearance of heritage assets.

Conclusion

16. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR