
Appeal Decision

Site visit made on 31 May 2017

by Ian McHugh Dip TP MRTPI

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

Decision date: 15th June 2017

Appeal Ref: APP/V5570/D/17/3171942
28 Mercers Road, Islington, London, N19 4PJ

- 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 Colin Teague against the decision of The Council of the London Borough of Islington.
 - The application Ref P2016/4832/FUL, dated 8 December 2016, was refused by notice dated 11 March 2017.
 - The development proposed is the creation of a lightwell to the front garden to provide light to the basement kitchen.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a lightwell to the front garden to provide light to the basement kitchen at 28 Mercers Road, Islington, London, N19 4PJ, in accordance with the terms of the application Ref P2016/4832/FUL, dated 8 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale Location Plan; MR(02)_02; MR(02)_03; and F01 C.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building

Procedural Matter

2. At my site visit I observed that a lightwell has been constructed at the front of the property. This differs from the lightwell shown on the appeal plans as it is wider and the steel grill has not been painted black. The appellant has confirmed that the existing lightwell does differ from the appeal proposal. Notwithstanding this matter, I have determined the appeal on the basis of the submitted plans and the existing lightwell has no bearing on my decision.
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Main Issue

3. The main issue is whether the appeal proposal would preserve or enhance the character or appearance of the Mercers Road/Tavistock Terrace Conservation Area (CA).

Reasons

4. The appeal property is a semi-detached Victorian dwelling with a basement. The building exhibits fine architectural features, including ornate door, window and eaves detailing. These are distinctive characteristics of the appeal building and, overall, the property makes a positive contribution to the character and appearance of the CA. I also note that the property is locally listed.
5. The proposal is to construct a lightwell at the front of the property, which would provide daylight to the basement. The proposed lightwell would sit flush with the original garden level and would be covered by a black-painted steel grill. I noted during my site visit that lightwells at the front of dwellings are not uncommon along Mercer Road (some examples of which have been drawn to my attention by the appellant). These lightwells vary in terms of their size and appearance. However, I have determined this appeal proposal on its own merits.
6. There is a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reflected in Policy DM2.3 of the Islington Development Plan Policies 2013 (DPP), and Policy CS9 of the Islington Core Strategy (which I consider to be the most relevant policies in relation to the appeal proposal). Policy DM2.3 of the DPP also seeks to protect locally listed buildings from harmful development. In addition, the Council's Supplementary Document – Basement Development (SPD) advises that lightwells should generally be positioned at the rear of properties. Furthermore, Section 12 of the National Planning Policy Framework (the Framework) seeks to ensure that the historic environment is conserved and enhanced.
7. I acknowledge that there would be some conflict between the appeal proposal and the Council's SPD (because of its siting at the front of the dwelling). Although the lightwell would be visible from the drive entrance into the property, in my opinion, it would not be visually intrusive, due to its relatively small size and its positioning relative to the front garden level. I consider that it would have a neutral impact on the character and appearance of the dwelling and the CA.
8. Accordingly, I consider that the proposal would preserve the character and appearance of the CA. Therefore, it would not conflict with the Development Plan or with the Framework, as referred to above.

Conditions

9. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.

10. To ensure a satisfactory appearance, a condition is also imposed requiring that the materials to be used in the construction of the lightwell match the existing dwelling.

Conclusion

11. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR