



Appeal Decision

Site visit made on 10 September 2019

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2019

Appeal Ref: APP/H5960/W/19/3232650

44 Jessica Road, London SW18 2QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Lee against the Council of the London Borough of Wandsworth.
 - The application Ref 2019/1664 is dated 12 April 2019.
 - The development proposed is alterations including erection of a rear roof extension (with French doors and safety railings) to main rear roof and extension above part of three storey back addition; excavation to enlarge basement including formation of front lightwell.
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Decision

1. The appeal is dismissed and planning permission is refused for alterations including erection of a rear roof extension (with French doors and safety railings) to main rear roof and extension above part of three storey back addition; excavation to enlarge basement including formation of front lightwell at 44 Jessica Road, London SW18 2QN.

Procedural Matter

2. The description of the development provided on the planning application form has been replaced by a fuller version on the appeal form. I consider that subsequent description to be more comprehensive and I have therefore used it within this decision.

Background and Main Issue

3. The Council Planning Officer's Report recommends that the application be refused and refers to a conflict between the depth of the lightwell and Policy DMH5 of the Development Management Policies Document 2016 (DMPD). However, the Report also includes contradictory statements including that the proposal is considered to sustain the character and appearance of the host property. That said, the Council has issued a draft Decision Notice which refers to a front lightwell which would cause harm to the appearance of the building and the wider streetscape.
4. I therefore consider that the main issue in this appeal is the effect of the proposed lightwell on the character and appearance of the host building and the streetscape.

Reasons

5. The appeal site is located at the end of an attractive terrace of properties. The front gardens of the terrace are relatively shallow and many (including the appeal site) are bounded by a low wall and railings which enable a view of the front gardens from the street.
6. Policy DMH5(viii) of the DMPD clearly states that where lightwells are proposed then at least 50% of the original front garden depth (my emphasis) will remain. The proposed lightwell would not comply with this policy as it would project over the full depth of the garden, from the front elevation up to the boundary wall. The Council's Housing Supplementary Planning Document 2016 (SPD) also emphasises that a shallow front garden could be mostly lost to a new lightwell which is unlikely to be acceptable in streets where this is not the traditional pattern.
7. Whilst the lightwell would cover less than 50% of the garden, I saw that lightwells of this depth were not a traditional feature within this terrace. I also saw that the extent of the lightwell would be visible from the footway to the front of the site due to the low wall and railings. Within this context, I consider that the proposed lightwell would appear as an incongruous and overdominant feature projecting the full depth of the shallow garden.
8. The appellant has proposed to use a cover grill which would complement the floor tiles and metal railings. However, in my view this would not mitigate the visual harm arising from the extent of the projection of the lightwell to the front. Reference has also been made to potential planting, but the extent of the lightwell would not be conducive to planting along the whole of the front boundary.
9. I am mindful that the proposal would maximise the amount of natural light and ventilation for the basement. However, there is no substantive evidence that this would be a significant improvement compared to a policy compliant lightwell.
10. In support of the appeal, my attention has been drawn to permissions granted for other lightwells in the area. However, the permissions for 38 Jessica Road and 48 Melody Road pre-date the DMPD and were therefore granted within a different policy context. The proposal at 64 Melody Road would have a depth exceeding 50% of the front garden and was granted following the adoption of the DMPD. However, the front garden at No 64 is larger than that of the appeal site and the lightwell at No 64 would be set back from the front boundary, which would reduce its impact on views of the front of No 64 and enable planting to the front to soften the appearance of the development. The circumstances that applied to these other proposals are therefore not directly comparable to the appeal before me, which I have in any event determined on its own merits.
11. I note that no objections have been made locally to the proposal and that the appeal site is not within a Conservation Area. However, these matters do not lead me to a different conclusion in respect of the harm arising from the proposed lightwell.
12. I conclude that the lightwell, due to its depth within this shallow front garden, would harm the character and appearance of the host building and the

streetscape. The proposal would conflict with Policy DMH5(viii) of the DMPD with regard to lightwells and front garden depth. There are no material considerations which indicate that this appeal should be determined otherwise than in accordance with the development plan. The proposal would also be contrary to the advice of the SPD with regard to the design of lightwells.

13. I note the frustrations expressed by the appellant in relation to the advice from the Council and the decision process leading up to this appeal, including the ambiguous wording of advice on the Council's website. However, this is not a matter for this appeal which I have determined on its planning merits including reference to the adopted development plan.
14. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR