
Appeal Decision

Site visit made on 1 October 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2019

Appeal Ref: APP/H5960/W/19/3233348

8 Almeric Road, London SW11 1HL

- 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 Luca Maurelli against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2018/5831, dated 10 December 2018, was refused by notice dated 27 February 2019.
 - The development proposed is described as 'to extend the cellar and excavate below the existing house to create a new basement'.
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Decision

1. The appeal is allowed, and planning permission is granted to extend the cellar and excavate below the existing house to create a new basement, at 8 Almeric Road, London SW11 1HL, in accordance with the terms of the application, Ref 2018/5831, dated 10 December 2018, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. As neither party has provided written confirmation that a revised description of development has been agreed, I have used the one given on the original application.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the property and the area.

Reasons

4. The appeal site is a ground floor flat, within a terraced street of largely similar properties, many of which have lightwells of various depths and widths. The character and appearance of the street is defined by the rhythm and pattern of the bay windows and front elevations of the houses. This rhythm is repeated on both sides of the street. There is no particularly consistent approach to front boundary treatments, but there is a mixture of brick and render, with and without railings, with and without soft landscaping.

5. Many of the existing lightwells are on the same side of the street as the appeal site. This is largely due to the sloping nature of the area, and the relationship of the houses to the level of the road. As a result, although I consider the effect of the proposal on the area as a whole, I must acknowledge that there is a difference between each side of the street with respect to its character and appearance.
6. The appeal proposes a full-depth, full-width lightwell, which extends underneath, but will maintain, the path to the front door. In common with other similar lightwells in the street, the proposed elevation will mimic that above.
7. This depth and width of lightwell is not unusual on this side of the street, and I do not consider that it would create a conspicuous void to the front of the property, particularly given the location of the access stairs and the retention of the front boundary wall and railings.
8. Whilst I acknowledge therefore that the proposal would result in the loss of the front garden, an area which is capable of landscaping, I do not agree that it would result in harm to the character or appearance of the host property or the street-scene.
9. There is a tension within the relevant development plan policies in respect of this proposal. Policy DMS1 of the Wandsworth Local Plan Development Management Policies Document, adopted 2016 (the DMPD) requires that development be design-led, ensure a high level of physical integration and be of a scale and appearance which is high quality and contributes positively to local character.
10. Policy DMH5 of the DMPD also requires that alterations be well designed and sympathetic to the style of the building and the street-scene. However, that policy also requires that lightwells retain at least 50% of the original front garden depth.
11. The Wandsworth Local Plan Supplementary Planning Document – Housing, adopted November 2016, (the SPD) also notes the importance of good, sensitive design, which respects form and appearance. It too sets out that the loss of a front garden to a full-depth lightwell is unlikely to be acceptable where this is not the traditional pattern.
12. In resolving this tension, for this appeal proposal, I am mindful of both the existing lightwells and the Council comment that many of these pre-date the current development plan position and policies on lightwell depth.
13. However, I cannot ignore, and indeed, the policy does not allow me to ignore, the character and appearance of the area as it exists. I have set out above that there are a number of full-depth lightwells on the same side of the street as the appeal proposal. Their appearance is not unsatisfactory, and I do not consider that they give the impression of conspicuous voids or otherwise harm the character or appearance of the immediate area. For the same reasons, I do not consider that the appeal proposal would be unacceptable in this regard.

14. The proposal is well designed and responds to the character and appearance of both the host dwelling and the immediate area. As a result, although the proposal conflicts with elements of the development plan, insofar as it relates to the depth of lightwells, it also complies with it in respect of good design which relates well to the character and appearance of the area.
15. I note the comments of the Council regarding the “*creep*” of lightwells along the road. However, given the existing character and appearance of the area, and the number of existing lightwells on this side of this street, I do not consider that the appeal proposal would be unacceptable as a result. In any event, the character and appearance of the road changes as it approaches the junction with the main road. I note the concern of the Council over bin storage, however, the proposal shows storage space underneath the stairs.
16. I also do not consider that this decision could be used to justify other departures from the lightwell restrictions in the development plan policies, as each case is considered on its own merits, and my consideration above relates to the specific character and appearance of this property and this street.
17. I do not agree with the Council that the removal of an area capable of landscaping or being otherwise enhanced would result in harm to the character and appearance of the host property and the street-scene. As noted above, the rhythm and character of the street-scene is derived more from the appearance of the dwellings, with a much more mixed approach to front boundary treatments.
18. Although the proposal conflicts with elements of Policy DMH5 of the DMPD and the SPD with respect to the depth of lightwells, this conflict has limited weight in light of my conclusions that the development conforms to the requirements of Policies DMS1 and DMH5 of the DMPD, and the SPD, to ensure that development is of a high quality, good design that integrates well with its surroundings and respects the form, appearance and character of the property and area. The proposal also complies with the aim of the National Planning Policy Framework to achieve well-designed places.

Other Matters

19. I note from the submissions of the Council that third-party representations were received concerning the potential for noise and disturbance which might arise during construction. I agree that this would be adequately addressed through building control processes, and it does not change my conclusions.

Conditions

20. I have assessed the conditions suggested by the Council against the tests for conditions in the Planning Practice Guidance. I have imposed standard conditions requiring compliance with the submitted plans and the use of matching materials. These are necessary to ensure the satisfactory appearance of the completed development.

Conclusion

21. For the reasons given above I conclude that the appeal should be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1823/P/100, 1823/P/101, 1823/P/102, 1823/P/103, 1823/P/104.
3. The materials used in the external surfaces of the development hereby permitted shall match in terms of type, texture, tone, colour, size and profile those used in the existing building.