



Appeal Decision

Site visit made on 16 June 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2020

Appeal Ref: APP/E5335/W/19/3243276

41 Westcombe Hill, Blackheath, London, SE3 7DU

- 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 UHP Investments Ltd against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/1516/F, dated 23 April 2019, was refused by notice dated 18 July 2019.
 - The development proposed is described as retention of as built front light well with fire escape stairs and railings with hedge screening in connection with existing use of the basement area as a communal lounge.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development the subject of the appeal has already taken place. The floor plans submitted do not portray the staircase that has been constructed but the elevations show the railings at ground floor level.

Main Issues

3. The main issues are the effect of the development on (a) the character and appearance of the street scene and (b) on the character and appearance of the Westcombe Park Conservation Area.

Reasons

4. The appeal relates to a mid-terrace house in use as a house in multiple occupation within Use Class C4. The submitted plans show accommodation arranged over 4 floors including in the loft within the pitched roof and in an excavated basement. This comprises 7 bedrooms, a shared kitchen at ground floor level and a communal lounge in the basement. The front garden has been excavated to provide a light well to serve a front window and to construct a staircase leading from a basement door to the path from the footway to the ground floor front door. Black painted railings frame the staircase and have been erected over a low wall to the back edge of the footway.
5. The building forms part of a terrace of two storey houses built with a ground floor bay window. There are similar terraced houses to the south along the eastern side of Westcombe Hill and opposite on the western side of the road beyond a central parking area.

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Policy DH1 of the Royal Greenwich Local Plan Core Strategy with Detailed Policies (2014) (GLP) requires all development to be of high quality design and to provide a positive relationship with the existing urban context in relation to factors including existing townscape and the architecture of surrounding buildings, and to create attractive, manageable well-functioning spaces within the site. Policies 7.4 and 7.6 of the London Plan (2016) are similar in requiring development to have regard to local character and that its architecture should make a positive contribution to the public realm and streetscape.
7. The Greenwich Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document (2018) (SPD) is a material consideration. In respect of basements it states, *"The external appearance should be sensitively designed to respect the house and respond positively to the character of the area, the streetscape, landscape and surrounding heritage assets. Features such as light wells, railings and steps must be sensitively designed and discreetly located to ensure they do not contribute to visual clutter, introduce features that look out of place or interrupt the prevailing streetscape"*. The SPD states that light wells should be carefully designed to match the style of the original house and ensure minimum impact on street scene and that they should be as small as possible and not dominate the garden.
8. The front window to the basement reflects the architectural frame of the bay window above, but the excavation for the staircase takes up most of the front garden. The railings enclosing the staircase at ground floor level rise above the bold sill to the ground floor bay window, a key feature of these terraced houses, and detract from the appearance of the house. Black painted railings are common in the surrounding area but are generally lower than erected at the appeal site. Planter boxes have been laid between the staircase railings and the front garden wall as there appears to be insufficient land remaining within the front garden to provide a conventional soft landscaped area.
9. At the time of my site visit, the property appeared conspicuous in the street scene as tall shrubs in the planter boxes had all died, and due to the presence of wheely bins on the footway. Most neighbouring properties had bins largely concealed behind front garden hedges. The proposal includes a frontage hedge similar to those to neighbouring properties along this stretch of the terrace, but there is not the land to support such a hedge. The appellant claims that the provision of a full green hedge to the front boundary would have the benefits of effective and ample screening, enabling the light well and railings to remain discreet and to a large extent unseen, and that the hedge would provide continuity in the street scene. The present landscape arrangements fail to achieve these benefits.
10. Light wells are not an original feature to most nearby dwellings and adopted policies require their subsequent provision to be sensitively designed. However, the proposal does not provide a high quality design with a positive relationship with the existing urban context; it would therefore be contrary to Policy DH1 of the GLP and to London Plan Policies 7.4 and 7.6. The excavations to form the staircase and railings dominate the front garden and have resulted in features that look out of place and interrupt the prevailing street scene. The proposal thereby also conflicts with guidance in the SPD.

11. The appellant has referred to permissions for light wells to similar terraced houses nearby in Westcombe Hill. A light well has been constructed at no.117 following a grant of planning permission in 2006, but this is modest in area compared with the appeal proposals, does not dominate the front garden and has railings that tuck neatly below the window sill to the front bay window. Permission has been granted for a light well at no.101 but this had not been implemented at the time of my visit. I have not been provided with details of that light well but note that the SPD had not come fully into force at the time of the permission.
12. The appellant points out that the light well has the benefits of providing natural lighting to the front part of the basement and through ventilation in association with the rear light well. These benefits could have been achieved without such extensive excavations and related structures in the front garden. The basement also has access to the rear garden. The appellant claims the front staircase provides an alternative means of escape in case of fire. However, this is a matter for consideration under the Building Regulations, rather than a planning consideration.
13. The Council's refusal reason states that the proposal would detract from the character and appearance of the Westcombe Park Conservation Area. However, the site is not located within the conservation area, nor is it close to its boundary. The nearest properties to the appeal site within the conservation area are semi-detached houses to the south-west on the opposite side of Westcombe Hill and terraced houses in Humber Road to the west of the site. The proposal is not prominent in views from these locations, given the separating distances, and does not significantly impact on the character or appearance of the conservation area. There is no conflict with Policies DH3 or DH(h) of the GLP or with Policy 7.8 of the London Plan which collectively seek to safeguard heritage assets including conservation areas.

Conclusion

14. For the reasons given, the proposal is detrimental to the character and appearance of the street scene but not to the Westcombe Park Conservation Area. The appeal is therefore dismissed.

Rory MacLeod

INSPECTOR