
Appeal Decision

Site visit made on 6 October 2020 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2020

Appeal Ref: APP/H5960/D/20/3256878

5 Beechmore Road, London SW11 4ET

- 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 and Mrs Douek against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2020/0582, dated 13 February 2020, was refused by notice dated 7 May 2020.
 - The development proposed is described as 'Enlarged front ventilation grille to basement and revised front boundary treatment with railings added'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. At the time of my site visit the ventilation grille and alterations to the boundary treatment, minus the addition of the railings, were already in place. I have therefore considered those elements of the appeal on this basis.

Main Issue

4. Whether the proposal preserves or enhances the character or appearance of the Battersea Park Conservation Area.

Reasons

5. The appeal property is a mid-terrace dwelling with small garden to the front and it is of similar character and appearance to adjacent properties in the wider terrace. The site is located within the Battersea Park Conservation Area (the CA). Battersea Park makes an important contribution to the CA's significance however the inter-relationship of the surrounding streets, which are laid out in grid pattern, and characterful houses with typically narrow frontages and small front gardens, also contribute significantly to the CA's value. The appeal dwelling reflects these characteristics and thus contributes positively to the high quality of the townscape within the CA.

6. Planning permission has already been granted for various development at the property including for the creation of a lightwell to the front. The approved scheme indicates that the majority of the 'well' was to be covered, with only small ventilation grills to the sides of the bay window, such that from ground level it would appear as solid paved surface rather than a void. I observed that the installed grille is larger than those approved thus covering a greater area of the front garden and meaning that the extent of the void would be visually apparent.
7. Policy DMH 5 of the Wandsworth Local Plan, Development Management Policies Document (March 2016) (the DMPD) states that where lightwells are proposed, at least 50% of the original front garden depth will remain subject in conservation areas to a minimum depth of 2 metres (ms) of garden usually being retained, and to Policy DMS 2. Policy DMS 2 requires developments to have consideration for the conservation and enhancement of the space in between and around buildings as well as front, side and rear gardens, amongst other things.
8. Much of the surface between the bay window and the front boundary wall has been lost to the installed ventilation grille. There are discrepancies between the main parties over the percentage of original front garden depth which remains however, even taking the appellant's lower figure of 50%, the lightwell is positioned beyond the 2ms depth required of Policy DMH5. This has resulted in the grille appearing as a significantly intrusive and overly dominant feature to the already restricted front garden. It also adds visual clutter to the front of the host dwelling.
9. It is acknowledged that many properties within the CA could not obtain 2ms depth due to the restricted size of the front gardens and the appellant suggests that this figure is therefore discretionary. However, the Wandsworth Local Plan, Supplementary Planning Document, Housing (November 2016) (the SPD), at paragraph 4.60, provides further guidance on the 2ms depth, noting that it is a minimum and not an average depth and, if this cannot be achieved then a front lightwell would usually be an inappropriate solution.
10. The SPD also notes that a lightwell will only be deemed acceptable if it is well designed, unobtrusive and concealed by appropriate planting within the front garden. It advises that the remaining front garden should be well landscaped. Various hedging and dwarf trees have been planted behind the front boundary wall and it appears they could become well established and permanent due to the generous size of the planter and its construction. Nevertheless, even if the boundary planting matures to conceal the lightwell and the horizontal grille from public view, this would only go some way to softening the overall impact of the grille. Due to its considerable size, it remains that the lightwell and grille dominates the small front garden of the appeal site and has resulted in the loss of much of the paved space which is a common characteristic of properties in the locality. As such, there is limited opportunity to include further landscaping to the front garden, as advised in the SPD.
11. I note there are other examples of large lightwells within the CA and of those referenced by the appellant many do not appear to meet the minimum depth requirements. However, of the examples, only one appears to have been allowed under a similar policy context to this appeal, as the others pre-date the adoption of the DMPD. Nevertheless, I observed that these examples are highly

visible from the public realm and dominate the small front garden spaces thus failing to conserve the character of the host properties. As such, they are not necessarily good examples to follow. Of the remaining example at No 9 Kersley Street, the officers report states that it complies with Policies DMS2 and DMS5 as it is half the width of the front garden and retains a 2m depth. For these reasons, I do not therefore consider these examples to be directly comparable to the proposal before me.

12. Therefore, due to its size, design and location the grille appears as an obtrusive and unsightly feature to the appeal site and neither preserves nor enhances the character or appearance of the CA. In terms of the approach set out in the National Planning Policy Framework (the Framework) the proposal would cause less than substantial harm to the CA's significance as a designated heritage asset. The Framework is clear that irrespective of the level of harm, great weight should be given to the asset's conservation and, where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
13. I acknowledge that the alterations to the front boundary, including the installations of railings which are a traditional characteristic feature of the CA and which can be clearly seen from within the public realm, are a public benefit of the proposal. However, given the scale of the proposal, it is not considered that there are significant demonstrable public benefits that would outweigh the identified harm to the significance of the CA.
14. Accordingly, this proposal neither preserves nor enhances the character or appearance of the CA including the character and appearance of the host building. Consequently, it conflicts with Policies PL1 and IS3 of the Wandsworth Local Plan, Core Strategy (March 2016), Policies DMS1, DMS2 and DMH5 of the DMPD and the Framework which collectively seek, amongst other things, to ensure developments are well designed so as to protect and contribute positively to local character and conserve or enhance heritage assets. The proposal would also conflict with the guidance within the SPD as noted above.

Conclusion and Recommendation

15. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR