



Appeal Decision

Site visit made on 27 November 2024

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2025

Appeal Ref: APP/H5960/D/24/3350335

46 Lavender Gardens, Wandsworth, London SW11 1DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Laura Kendell against the decision of the London Borough of Wandsworth Council.
 - The application Ref is 2024/0532.
 - The development proposed is the demolition of existing rear extension; new full-width rear extension; conversion and extension of existing basement floor including construction of front lightwell with metal grating cover; 4 no. new Velux roof lights to roof of main house.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing rear extension; new full-width rear extension; conversion and extension of existing basement floor including construction of front lightwell with metal grating cover; 4 no. new Velux roof lights to roof of main house at 46 Lavender Gardens, Wandsworth, London SW11 1DN in accordance with the terms of the application, Ref 2024/0532, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect on the character and appearance of the appeal dwelling and that of the local area with reference to the Clapham Common Conservation Area (the CA)

Reasons

3. The appeal dwelling is a double fronted two storey mid terrace house located on a street made up of similar properties. This falls within the boundary of the CA, which is mostly made up of a significant part of Clapham Common, but which in this part is formed by residential streets with large 19th Century terraced houses with extensive survival of original features and that contribute to the significance of the CA.
4. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the CA.
5. The Council's decision notice gives one reason for refusal that relates only to that part of the appeal proposal that involves the creation of a lightwell in the

front garden of the appeal dwelling. This garden is approximately 3 metres deep, reducing to approximately 2.25 metres in front of the bay windows. The proposed lightwell would be to the right of the front door, when viewed from the street, and would have a depth of approximately 1 to 1.8 metres from the appeal dwelling.

6. Policy LP6 of the Wandsworth Local Plan 2023-2038 (2023) (the Local Plan) requires that 2 metres depth of a front garden is retained where front lightwells are proposed in conservation areas. In this instance the proposal would only retain 1.2 metres depth of garden between the boundary wall to the footway and the proposed lightwell.
7. The proposed lightwell would only occupy that part of the front garden in front of one of the appeal dwelling's two bay windows. The front boundary wall would be retained with hedging behind that. A metal grill is proposed to the top of the proposed lightwell that would sit flush with garden level and would significantly screen the opening and reduce the visual presence of the proposal, which would not, therefore, read as an open lightwell or area to the front of the property.
8. A variety of lightwells of differing scale and age are present in the front gardens of properties in the street. Some have top metal grills that substantially screen the lightwell openings and some are open. However, due to boundary walls and planting to the front of most properties, these do not form a significant visual feature in the local streetscape.
9. Both the appellant and the Council have made reference to an allowed appeal at 45 Lavender Gardens¹ for similar lightwells to the front of that property that have now been implemented and that retain less than the 2 metres depth of front garden required by the Wandsworth Local Plan-Development Management Policies Document (2016) (DMPD), the local plan that was in force at that time, prior to the adoption of the current Local Plan.
10. However, the Inspector for that appeal found that the small front garden area would be screened behind a hedge behind the low boundary wall and that consequently, the front lightwells would result in no significant harm to the character and appearance of the property and would have a neutral effect on the street scene and succeed in preserving the character or appearance of the CA. Therefore, the Inspector concluded in that instance that the proposal that was the subject of the appeal satisfied the aims of DMPD Policies.
11. Similarly, I find that the proposed lightwell, despite only retaining 1.2 metres of front garden between it and the boundary, would be limited in scale, successfully screened by the proposed top grill and front wall and hedging, and would not form a highly visible, overly dominant, incongruous feature. The proposal would not, therefore result in any significant harm to the character and appearance of the host property and streetscene, or relate poorly and be harmful to the character and appearance of the CA.
12. I find, for the reasons given, that the proposal would result in no significant harm to the character and appearance of the property and streetscene and would preserve the character and appearance of the CA. Although a new local plan has been adopted since the appeal for a lightwell to the neighbouring

¹ Appeal ref: APP/H5960/W/16/3143813

property was allowed, I find that the proposal that is the subject of this appeal, would, when considered as a whole, satisfy the aims of Local Plan Policies LP1, LP3, LP5 and LP6. These collectively seek development that is of high quality design and relate positively to prevailing local character and respect the significance of heritage assets including conservation areas.

Conditions

13. I have had regard to the suggested condition proposed by the Council with regard to protecting the living conditions of future occupiers with regard to noise generated by air-conditioning units. I have imposed the suggested condition requiring submission of details and compliance with British standards. In the interests of brevity, I have reworded the suggested condition.
14. Along with the standard condition relating to the timing of implementation, I have attached conditions to ensure design quality which require compliance with the approved drawings, and materials to be used that match existing.

Conclusion

15. For the reasons given, I conclude that the appeal should be allowed

Victor Callister

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: GA.1.01, GA.1.07B, GA.1.08, GA.1.09C, GA.1.10A, GA.1.11A, FS.1.01, FS.1.02.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building.
- 4) The external air-conditioning units on the development hereby permitted shall not be operated until a scheme is submitted to and approved in writing by the local planning authority which demonstrates that the following noise criteria can be complied with, and thereafter be retained and operated as approved: The cumulative measured or calculated rating level of noise emitted shall be 5dB(A) below the existing background noise level at all times that it is in operation. The measured or calculated noise levels shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1 metre from the façade of the nearest first floor (or higher) noise sensitive premises, in accordance with British Standard 4142.

End of Schedule