



Appeal Decision

Site visit made on 7 November 2011

by Simon Miles BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 November 2011

Appeal Ref: APP/X5210/A/11/2155448

118 Boundary Road, London NW8 0RH

- 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 Adrian Marks against the decision of the London Borough of Camden Council.
 - The application Ref 2011/1712/P dated 1 April 2011, was refused by notice dated 27 May 2011.
 - The development proposed is change of from mixed use commercial (Classes A1, A2 and A3) to a one-bedroom self-contained residential flat (Class C3) at lower ground floor level, including rear infill extension at lower ground floor level, demolition of existing rear ground floor level WC, creation of open front lightwell enclosed by railings at ground floor level and installation of windows/doors at lower ground floor level within lightwell.
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Procedural Matter

1. The description of the proposed development, as given above, is taken from the Council's decision notice, as this is more accurate than that given on the application form.

Decision

2. The appeal is dismissed.

Main Issue

3. This is whether the proposed development would preserve or enhance the character or appearance of the St John's Wood Conservation Area.

Reasons

4. The appeal relates to a terraced property within the St John's Wood Conservation Area, which derives much of its special character from its fine stock of period buildings. The traditional terrace, of which the appeal property is part, is typical in this regard and includes various commercial uses with traditional shopfronts at ground floor level.
 5. I saw on my visit that a number of existing properties include basement lightwells and/or front railings. The evidence before me indicates that these pre-date the adopted policies of the London Borough of Camden Local
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Development Framework Core Strategy 2010-2025 (CS) and Development Policies 2010-2025 (DP). These include Policy DP27, which deals specifically with basements and lightwells. This policy sets out various criteria that must be satisfied. In particular, consideration must be given to the architectural character of the building, its appearance and setting and the character of the area.

6. Nevertheless, railings are found throughout the immediate locality and, since they form an established part of the street scene, their presence cannot simply be discounted. Although there are fewer basement lightwells, these are neither prominent nor obtrusive because of the wide pavements. These allow ample space for the various existing railings to be accommodated without giving the street scene an unduly cramped or cluttered appearance. I see no reason why the appellant's proposal should appear any different. Neither does the street scene include any significant landscape features, such as open front gardens, trees or shrubs, which Policy DP27 is particularly concerned to preserve.
7. Thus far I find that the character and appearance of the area would be preserved. However, I share the Council's concern about the excessive use of glazing to the front elevation of the exposed basement. This allows for insufficient physical separation between basement and ground floor windows, whilst providing an inappropriate design solution. Indeed, the design has more in common with a ground level shopfront than an ancillary basement. Although this would only be apparent at close quarters, it would nevertheless detract from the architectural character and integrity of the building and its contribution to the character and appearance of the conservation area.
8. This leads me to conclude, on the main issue, that the proposed development would not preserve the character and appearance of the St John's Wood Conservation Area. It follows that the proposal is contrary to CS Policy CS14, DP Policies DP24, DP25 and DP27 and the adopted Camden Planning Guidance dealing with various matters, including basements and lightwells, insofar as these seek to promote the highest standard of design, whilst preserving and enhancing the character, heritage and setting of conservation areas. The proposal is also contrary to the draft National Planning Policy Framework, which is a material consideration, to the extent that this is concerned to protect the built and historic environment.
9. In other respects, I note the Council's concern about the living conditions at the proposed basement flat, in terms of light and outlook. My observations indicate that the design and layout, as proposed, would be acceptable, the main habitable spaces being arranged to the front and rear and having a reasonable degree of natural light. Particularly in view of my concern about the design of the basement front elevation, I acknowledge that the amount of natural light might fall below the Council's guidelines. However, in all probability, any such deficiency would be slight. Although the outlook would be restricted, this is not unusual in the case of basement flats. Overall, I do not regard any deficiencies in the quality of the accommodation as sufficient reason to withhold permission.
10. The Council is also concerned that, in the absence of a suitable means of ensuring that the development would be car-free, the proposal would increase parking pressure on local roads. Given the density of residential development in

the area, the limited space for parking on the street frontage and the parking controls that are in place, this is necessary and reasonable to enable the development to proceed. The parties agree, and I concur, that this should be dealt with by means of a S106 planning obligation. The lack of a completed planning obligation must therefore be taken into account and weighs further against approval.

11. In conclusion, whilst the proposal is not without merit, I find that the balance weighs against approval. The considerations that have led me to this conclusion are not outweighed by the advantage of making more efficient use of the site, as this should be achieved without compromising the quality of the environment. Neither do the economic development benefits of the proposal outweigh the harm that I have identified above. I take this view particularly as I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Therefore the appeal does not succeed.

Simon Miles

INSPECTOR