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# Appeal Decision

Site visit made on 8 November 2011

**by Bern Hellier BA (Hons) MRTPI**

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

**Decision date: 24 November 2011**

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**Appeal Ref: APP/X5210/A/11/2157574**

**158-164 Royal College Street, London, NW1 0TA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Hallmark Property Group against the decision of the Council of the London Borough of Camden.
  - The application letter Ref 2011/0480/P, dated 31 January 2011, sought approval of details pursuant to condition No.6 of planning permission Ref 2009/5128/P, granted on 15 July 2010.
  - The application was refused by notice dated 29 March 2011.
  - The development proposed is the change of use of ground and basement floors from retail (Class A1) to six residential (Class C3) units (1x one bed, 2x two bed, 3x three bed) with associated external alterations, including erection of two-storey rear extensions, a front elevation lightwell and new windows on front, side and rear elevations.
  - The details for which approval is sought are railings above the front lightwells.
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## Decision

1. The appeal is allowed and the details of railings above the front lightwells submitted pursuant to condition No 6 attached to planning permission Ref 2009/5128/P, granted on 15 July 2010 in accordance with the application letter Ref 2011/0480/P, dated 31 January 2011 and the plans submitted with it are approved.

## Application for costs

2. An application for costs was made by the appellants against the Council. This application is the subject of a separate Decision.

## Background

3. The change of use has been completed and the six dwellings have been handed over to a housing association. Condition 6 of the parent 2010 permission states.

*Notwithstanding the details illustrated on the approved drawings, no railings shall be erected to partially enclose the front lightwells without the prior approval of the local planning authority. Instead, details of the design (including plan, section and external finishes) of a form of enclosure above the front lightwells shall be submitted to and approved by the Council. The approved lightwell enclosure shall be installed prior to the occupation of any of*

*the residential units and shall be permanently maintained and retained thereafter, unless otherwise agreed in writing by the Council.*

4. The appellants have already erected the railings around the lightwells so the application is retrospective. In refusing the application the Council indicated that a surface grille would be appropriate and subsequently planning permission has been granted for a grille set back from the footway behind a concrete upstand.

### **Main issue**

5. The main issue is whether the railings as constructed preserve or enhance the character or appearance of the Camden Broadway Conservation Area.

### **Reasons**

6. The front lightwells were part of the development approved in the 2010 permission. The normal method of protecting residential lightwells is metal railings. Elsewhere in the Conservation Area lightwells and railings are commonplace, no more so than in Royal College Street. Properties in the terrace to the south on the same side of the street numbered 118-144 almost all have railings. These are mainly residential but even on the retail parade to the north some of the forecourts are protected by railings.
7. In the Victorian era Nos.154-164 was a retail parade. A 1905 photograph shows traditional shops with sun blinds extended over a slightly raised forecourt between the shop and the footway. Within this forecourt were ventilation grilles reflecting the presence of basements below the shops. The two remaining shops at 154 and 156 still have these grilles. However the block of properties Nos.158-164 has been redeveloped so that there is no longer a row of traditional shops, living accommodation has been introduced to the basements and, as noted above, lightwells have replaced the original retail forecourt. In this context retaining the traditional ventilation grilles would render the basement floor uninhabitable. The more substantial flush grille advocated by the Council would not be a typical treatment in this part of Royal College Street and would be oppressive for occupiers of the basement flats.
8. The Council has referred to decisions at 172, 207 and 243 Royal College Street where lightwells and railings have been refused. However they relate to retail premises where there is no existing lightwell. They are not comparable with the circumstances of this appeal.
9. The railings to the front of the appeal site are functional, are a locally appropriate design feature and give visual interest to a bland stretch of street frontage. Whilst the detailing of the railings is rather basic it complements the plain facade of the appeal frontage and does not look out of place in the wider street scene. I find, therefore, that the railings as constructed successfully preserve the character and appearance of the Camden Broadway Conservation Area.
10. In relation to the local development framework<sup>1</sup> the proposal accords with Policy CS14 which requires design of the highest standard that respects local context and character and Policy DP25 which seeks to conserve local heritage and reinforces the statutory duty to protect conservation areas from harmful

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<sup>1</sup> Camden Core Strategy 2010-2025 and Camden Development Policies 2010-2015

development. The Council has recently adopted more detailed guidance on design<sup>1</sup> and on basements and lightwells<sup>2</sup>. This acknowledges that railings are acceptable where they form part of the established street scene.

11. For the reasons given above and having regard to all other matters before me, including representations against the proposal from Reed's and Rochester Place Neighbourhood Association, I conclude that the appeal should be allowed.

*Bern Hellier*

INSPECTOR

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<sup>1</sup> Camden Planning Guidance : Design 2011 (CPG1) paras 6.25 and 6.35-6.38

<sup>2</sup> Camden Planning Guidance : Basements and lightwells (CPG4) para 2.73