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# Appeal Decision

Site visit made on 4 November 2011

**by C Gilbert MTCP(Hons) MRTPI**

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

**Decision date: 2 December 2011**

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## **Appeal Ref: APP/X5210/A/11/2153770**

### **Flat 1, 55 Greencroft Gardens, London NW6 3LL**

- 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. F Morandi against the decision of the Council of the London Borough of Camden.
  - The application Ref 2011/0894/P, dated 28 February 2011, was refused by notice dated 26 April 2011.
  - The development proposed is the formation of front and side lightwells to ground floor/basement flat.
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## **Decision**

1. The appeal is allowed and planning permission is granted for the formation of front and side light wells to the ground floor/basement flat, Flat 1, at 55 Greencroft Gardens, London NW6 3LL in accordance with the terms of the application, Ref 2011/0894/P, dated 28 February 2011, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following two approved plans: D\_11\_55GR\_001 and D\_11\_55GR\_001 Rev A.

## **Main Issue**

2. The main issue in this case is whether the front lightwell would preserve or enhance the character or appearance of the South Hampstead Conservation Area.

## **Reasons**

3. The appeal building is a large three-storey semi-detached property, which has been divided into flats. The proposal would involve excavating the floor of the basement to extend the existing basement accommodation and create three small lightwells – two to the side and one to the front of the property – to allow natural light in from ground to basement level.
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4. The Council's reason for refusal refers only to the proposed front lightwell. No objections to the proposed side lightwells have been raised by the Council or any other party and there is no other evidence before me to indicate that they would be unsatisfactory. The remainder of my reasoning therefore deals solely with the proposed front lightwell.
5. The property is located within the South Hampstead Conservation Area, which is characterised by substantial residential properties dating from the late Victorian era, many of which, such as the appeal property, have been divided into flats over the years. The special qualities of the front of the properties which contribute to the Conservation Area's significance and designation as a heritage asset are their general uniformity in elevational appearance within their various groups, featuring distinctive bay projections and recessions, attractive decorative architectural detailing, and set backs from the pavement forming front gardens.
6. In February 2011, the same month as the planning application was submitted, the Council adopted the South Hampstead Conservation Area Appraisal and Management Strategy. It seeks to protect and enhance the Conservation Area, and notably to prevent the Area from unsympathetic alterations to buildings which may, individually or cumulatively, harm its character or appearance. It explains that in recent years, South Hampstead Conservation Area has seen a proliferation of basement developments and extensions to existing basement accommodation, together with excavation of associated lightwells, some of which are overly large, spilling into and resulting in a loss of the verdant gardens that characterise the Area. The document does not prevent further basement development with associated garden lightwells, but rather seeks to resist further such developments that would be unsympathetic to the character and appearance of the Area and it sets out a number of factors that would lead to this.
7. The first relates to visual impact. Whilst there is a prevailing uniformity and rhythm in the elevational appearance of the properties along the section of Greencroft Gardens within which the appeal property sits, the same cannot be said of the front gardens. There is a considerable degree of variance in the treatment of the areas to the front of the properties, with hard and soft landscaping of various forms and different boundary treatments, giving each front garden a distinct and individual appearance.
8. The proposed front lightwell would be read as a horizontal feature on the ground immediately in front of the bay. The elevational alteration to the building would be fairly imperceptible, particularly as viewed from the street, given the position of the proposed opening entirely below ground level, together with the lightwell's modest size, and its proposed surfacing in glass and grating surrounded by a small upstand. In the context of the varying treatment of and features found in the row of front gardens, this additional small horizontal feature, with no railings or significant upstands, would not appear incongruous in the street scene or unsympathetic to the character of the Conservation Area.
9. Furthermore, the tall box hedging that wraps around the front and side boundaries of the front garden above the low wall, would predominantly shield views from the pavement, from all angles except where the hedge breaks immediately facing the front door of the property. This hedging is well

maintained, attractive and mature. It is also typical and characteristic of the front boundaries along the majority of properties along this stretch of Greencroft Gardens and there is no reason to assume that it will not be retained.

10. The proposal would not include any of the other factors that the Council's guidance describes as constituting unsympathetic development. The excavation would extend only minimally beyond the footprint of the building and would not be deeper than a single storey below ground level. The lightwell would be of modest scale, its width limited to that of the front of the bay and its forward projection minimal, predominantly comprising a small section of what is currently an unattractive concrete strip to the front of the property, a feature which is not original and does not make a positive contribution to the character or appearance of the Conservation Area.
11. Access to the path to the side of the property would still be possible via the pavement and the appellant has advised that the lightwell can be designed with the ability to be walked over. Even if a modest new path were created to the front of the lightwell, the proposal would take only a small area of grass and there would remain significantly more soft than hard landscaping to the front. The function of the garden in terms of amenity and biodiversity would be preserved.
12. In terms of potential light spillage in the hours of darkness, I note that the proposal does not involve rooflights to the basement in the garden. The lightwell, adjacent to the front of the property, would have no greater impact than a standard light to the frontage or a ground floor window and in this respect the proposal would not harm the character of the garden setting.
13. I acknowledge that there are no other properties in this stretch of Greencroft Gardens with lightwells to the front, but the Council's Conservation Area Character Appraisal makes it clear that basement extensions and associated lightwells are now a common characteristic of the Conservation Area as a whole, and I viewed a number of these in close proximity to the appeal property. Irrespective of this, I have found that the appeal proposal in its own right would be modest in scale, hardly noticeable from the public realm, and perceptible only as a ground feature in the front garden rather than as an alteration to the building; and therefore not unsympathetic to the character or appearance of the Area.
14. For the reasons given above, the proposal would preserve the character and appearance of the Conservation Area. It would not harm the significance of the heritage asset and would comply with the guidance in Planning Policy Statement 5: *Planning for the Historic Environment*. It would be in conformity with Policy CS14 of the Camden Local Development Framework: *Core Strategy* (adopted 2010), which promotes high quality places and the conservation of heritage assets and also with Policy DP25 of the Camden Local Development Framework: *Development Policies* (adopted 2010), which seeks to preserve the character and appearance of Camden's conservation areas and expects new development to take account of the relevant conservation area appraisal and management plan.

15. Accordingly, the appeal succeeds. I shall impose the two conditions suggested by the Council: the usual condition relating to the time limit for commencement of development and in the interests of good planning, a condition requiring development to be carried out in accordance with the submitted plans.

*C Gilbert*

INSPECTOR