

Matter 7: Light wells and railings

Issue 7.1: Whether CL7 h. is effective.

1. Criterion h requires that subterranean development should “not introduce light wells and railings to the front or side of the property unless they are already an established and positive feature of the local streetscape.” Thus there are two requirements each of which conceals a planning judgment
 - a. That the railings or light wells are an established feature of the local streetscape¹; and
 - b. This established feature is a positive feature.
2. We address criterion h in section 5 of our Representations [paragraphs 77-99] which deals with the question of the impact of proposed development on the street scene. We propose a simple planning judgment such as is applied by planning professionals every day of their working lives: does the development have an acceptable impact on the street scene? It is trite to remind the Council that development brings change but is not necessarily harmful, even in areas which are subject to designation as Conservation Areas.
3. We consider the Council’s response to our Representations underlines the good sense of our case. In contrast, the Council’s approach is muddled and prescriptive; it is anti-innovation and anti-sustainable development; it is, in short, inappropriate and ineffective and meets none of the requirements of soundness [for which see paragraph 182 of the NPPF].
4. The muddle is particularly apparent in the Council’s response to paragraphs 78-80 of our Representations [see BAS 06/02]. The draft Plan compares basement development to above ground development in paragraph 34.3.47 of the supporting text to the draft Policy but the Council now tells us that “it is not reasonable or relevant to draw comparisons with above ground policies” [BAS 06/02 paragraph 79].
5. It is notable that the supporting text referred to by the Council claims that subterranean development may have “much less long term visual impact” than above ground development. We would agree that it is not necessary to show this. Rather, what matters is whether the development has an acceptable impact on the local street scene.
6. Paragraph 39: We consider the proper aims of the criterion are best achieved by such as is proposed as criterion D in our Hearing Statement for Matter 11: “ Not cause material harm to the character or appearance of the area. [Lightwells, roof lights, plant, railings and means of escape are examples of features which need particular care.]”
7. Paragraph 40: Exceptions would be better than the prescriptive absolute which criterion h. Provides as currently drafted. However we consider the better approach is provided above.

¹ The Council’s response to paragraph 97 of our Representations confirms that this is a judgment which will lead to contention and lack of clarity.

- END OF HEARING STATEMENT -