The Planning Inspectorate

# Appeal Decision

Site visit made on 7 December 2016

**by John Morrison BA (Hons) MSc MRTPI**

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

**Decision date: 19 December 2016**

**Appeal Ref: APP/Y5420/W/16/3158464**
**Ground Floor and Basement, 4 Vartry Road, Stamford Hill, London N15 6PT**

- 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 Ashok Popat against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2016/1556, dated 10 May 2016, was refused by notice dated 6 July 2016.
- The development proposed is the conversion of basement for habitable space for ground floor flat, with front window and rear lightwell.

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. I have taken the description of development as it appears on the appeal form as, whilst differing from that shown on the application form; it most accurately describes the development to which this appeal relates. It is clear that the Council are content with this approach since the same description appears on their decision notice. I have determined the appeal on this basis.

## Main Issue

3. The main issue is the effect of the proposed development on the living conditions of future occupiers, with specific regard to outlook and light.

## Reasons

4. The appeal site comprises a terraced building which is currently undergoing work to establish it as a number of self-contained flats. The proposed development seeks to use the basement space as part of the ground floor flat, providing for an additional bedroom, a bathroom and a playroom.

5. No part of the basement section of the ground floor flat would have a vertical window and consequently none of its rooms would have an outlook. Lightwells would be provided in three places; via a void space in the rear corner of the playroom, adjacent to the rear door into the ground floor and at the front via a new window. Whilst I accept that owing to the angle of the new window relative to the bedroom adequate light would be provided to the front of the basement section, the void space and rear door lightwells would be against

high sided vertical walls and a restrictive and enclosed rear courtyard garden respectively. The light into them would therefore be somewhat restricted.

6. Owing to the lack of outlook and significantly restricted light for the most part, the use of the basement space for habitable accommodation would not be appropriate. The new accommodation provided would be oppressive and dark and would likely therefore have to rely significantly on artificial lighting. Whilst not a determinative factor or the cause of harm in isolation, I am also of the view that the low ceiling height would exacerbate the harm that I have identified.

7. I note that the use of the basement level would be part of the ground floor flat which, as a whole, would benefit from a reasonable outlook to more than one elevation and more than sufficient natural light. Nevertheless, if I were to be considering this scheme as one entire flat including the basement level my conclusions would be the same. As such the fact that the proposed development is in effect an extension of an existing flat should not to my mind be assessed differently.

8. The extension of the ground floor flat into the basement level would mean it would appeal to a broader range of occupiers, adding to housing mix and choice. It would also meet the minimum space requirements for such accommodation and all external alterations would be acceptable on a visual level. Furthermore, the flat would be sited in close proximity to a range of services that could be accessed via sustainable means.

9. Whilst these matters weigh in favour of the proposed development, they are not sufficient to outweigh the harm that would be caused to the living conditions of future occupiers in the manner I have set out above. To my mind, bedroom spaces are as important a part of the overall living accommodation as the living spaces themselves and as such should be considered no less important.

10. Therefore, the proposed development would fail to comply with Policy 3.5 of the London Plan[1], and Saved Policies UD3 and HSG2 of the UDP[2]. These Policies seek to ensure that, amongst other things and along with one of the core principles of the Framework[3], new development should provide satisfactory living conditions and does not harm the amenities of existing or future occupiers of land and buildings.

11. I note the Council's reference to Policy SP11 of the Local Plan[4]. However, it is more relevant the Council's expectation for high quality and contextually appropriate architecture and design that reflects local character.

**Conclusion**

12. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

*John Morrison*

INSPECTOR

[1] The London Plan 2015
[2] Haringey Unitary Development Plan 2006
[3] The National Planning Policy Framework 2012
[4] Haringey's Local Plan 2013