



Appeal Decision

Site visit made on 20 August 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Appeal Ref: APP/Y5420/D/25/3365294

12 - 14 Clifton Gardens, N15 6AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Moshe Lorincz against the decision of the London Borough of Haringey Council.
 - The application Ref is HGY/2024/3250.
 - The development proposed is the erection of a basement extension with rear lightwells and a new staircase connecting the basement to the rear garden. Resubmission of the ground floor 6m rear extension to No. 12 following approval (Ref: HGY/2022/1138). Rear infill extension to the ground floor rear extension at No.14.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Moshe Lorincz against of the London Borough of Haringey Council and is the subject of a separate decision.

Main Issue

3. The main issue in this case is the quality of the basement floor as habitable accommodation.

Reasons

4. The subject site is a pair of two-storey residential dwellinghouses. It appears that the appeal proposals are additions to 2 separate properties, but the red line encompasses both Nos.12 and 14, and there are 2 separate basements shown on the application drawings. The basement areas are labelled as "playrooms", which is the intended use.
5. The appellant makes reference to a number of other decisions made by the council on proposals for basements. In some cases the council accepts that a condition restricting use to a non-habitable use should have been imposed, but was not. Accepting the principle in *North Wiltshire DC v Secretary of State* (1993) 65 P&CR 137 that "like cases should be decided alike unless material differences justify otherwise," as well as National Planning Policy Framework (NPPF) paragraphs 38 and 47, requiring fair, positive, and consistent decision-making, I will approach this case on its merits, since conflicting decisions on previous cases are not helpful.

6. A fundamental disagreement between the parties is whether or not a 'playroom' is a habitable room. I am clear that a playroom in normal domestic circumstances is like any other room in a house used for domestic activities such as a living room, bedroom and study. It is not akin to a bathroom or utility room. Its use would be, I assume, for children, whose needs in terms of environment are like any other person using a habitable room. Therefore, the council's approach in this respect is a proper one.
7. As a consequence, a playroom should be designed so as to benefit from some natural light, a degree of outlook as well as ventilation. It would appear that the Development Management Document policy DM18: 'Residential Basement development and light wells' should be the most relevant policy in this case. However, the only element that comes close to being relevant is part B, but this governs habitable rooms and other sensitive uses in areas prone to flooding. Clearly the issue in this case does not relate to flood risk.
8. Thus the decision in this case is whether the proposed basements would achieve a satisfactory environment for use as a habitable room. Each basement would have a length, from front to rear, of 9.8m, a width of 5.5m with an internal ceiling height of 2.3m. The natural light and ventilation would be provided by a lightwell 2m long covered by grilles, the natural ground level being 2.4m above the basements' floor levels.
9. I consider that this is inadequate to give a reasonable standard of light into a room that is almost 10m long. Ventilation would also probably be poor. In addition, there would be no reasonable outlook. The appellant's suggestion that a condition could be applied that the basements shall not be used as habitable space would mean that the basements could not be used for the stated purpose. Furthermore, it seems to me that such condition would not be enforceable because basements at the rear of the houses are not in the public gaze, and monitoring the use of such accommodation by the council is very unlikely to be feasible due, among other matters, to staff resources.
10. In the light of these factors, I conclude that the basements would not provide a satisfactory quality of environment as habitable accommodation. For this reason, the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR