
Appeal Decision

Site visit made on 4 January 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 12 January 2017

Appeal Ref: APP/Y5420/W/16/3158020

3 Nightingale Mews (r/o 12 Priory Road N8 7RD), London N8 7RA

- 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 Kerk Davies against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/1057, dated 24 March 2016, was refused by notice dated 15 August 2016.
 - The development proposed is part single rear infill extension, single storey 1st floor addition and basement excavation to existing studio dwelling (C3) to create a larger 1 bedroom mews house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have amended the site address as specified above to reflect that given on the appellant's appeal form.

Main Issues

3. The main issues are the effect of the development on the living conditions of i) adjacent residents at 12a Priory Road with particular regard to outlook and light and ii) future occupiers with particular regard to outlook and light in relation to the proposed basement accommodation.

Reasons

Living Conditions – adjacent residents

4. The proposed first floor extension would be situated within very close proximity to the rear facing kitchen window serving the adjacent flat at 12a Priory Road. The appellant's drawings indicate that the height of the extension would not encroach beyond an angle of 25 degrees taken in the vertical plane from the adjacent kitchen window. This is a commonly used rule of thumb for interpreting whether acceptable amounts of skylight will continue to be available to existing rooms. I therefore have no reason to conclude that the proposal would result in harm to levels of natural light available to the neighbour's adjacent kitchen window.
 5. Notwithstanding this, the proposed extension because of its proximity would significantly increase the sense of enclosure experienced by residents in
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relation to the kitchen window, with open views restricted to very wide angles. Accordingly the proposal would result in more oppressive living conditions for those occupiers who would reasonably be expected to spend a significant amount of time using the kitchen area of the flat.

6. The appellant has made the point that the adjoining neighbours have not objected to the proposal. Notwithstanding this, I have a statutory duty to consider the impact of development including on future neighbours, even when no specific objection from third parties has been forthcoming.
7. I also acknowledge that the appellant has raised concerns that this reason for refusal was introduced by the Council late in the application process. Irrespective of this, it remains a matter that I must have regard to in determining the appeal.
8. I conclude that the first floor extension would harm the living conditions of the occupiers of 12a Priory Road in terms of outlook. The development would therefore be in conflict with Policy 7.6 of the London Plan 2015 (LP); Saved Policy UD3 of the Haringey Unitary Development Plan 2006 (UDP) and Policy DM1 of the Council's emerging Development Management Development Plan Document 2016 (DPD) insofar as they seek to protect the living conditions of residents by ensuring a high standard of amenity.

Living Conditions – future occupiers

9. The proposed basement extension would allow for a larger bedroom than would be available within the restricted physical confines of the current studio arrangements. Whilst I note that expansive glazing is proposed, because of its subterranean nature and north facing aspect, the proposed bedroom would not be expected to enjoy significant amounts of natural lighting. Similarly, there would be a poor standard of outlook available from the bedroom which would normally be a significant cause for concern.
10. However, when balanced against the very limited amount of living space associated with the present studio, I consider that the compromised outlook and reduced levels of natural light in relation to the basement bedroom would be outweighed by the benefits of increasing the overall amount of physical space available which would introduce additional comfort and convenience. My view is strengthened by the fact that a higher standard of outlook would continue to be available from the proposed ground level accommodation.
11. I therefore conclude, taking into account the specific circumstances of this case, that the proposal would not result in unacceptable living conditions for future occupiers with regard to the natural lighting of and outlook from the proposed basement accommodation. It would not therefore be in conflict with Policies 3.5 and 7.6 of the LP; Policy SP2 of the Haringey Local Plan 2013 and Policy DM1 of the DPD insofar as they seek to promote high quality design including indoor spaces. Policy HSG2 of the UDP is concerned with changes to residential use and is not therefore relevant to this decision.

Other Matter

12. The main issues set out above focus primarily on the reasons for refusal given on the Council's Decision Notice. However, the Council's written statement introduces a further concern that a basement impact assessment should have been provided to allow assessment of structural issues. Had the appeal been

acceptable in all other regards, I would have required further information on this matter.

Conclusion

13. Although I have not found the living conditions of future occupiers to be unacceptable, I have identified that the proposal would result in harm to the living conditions of adjacent residents.
14. For the above reasons, and having taken into account all other points raised, the proposal would not amount to the sustainable form of development sought by the National Planning Policy Framework and the appeal should therefore be dismissed.

Roy Merrett

INSPECTOR