

Appeal Decision

Site visit made on 17 January 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 6 February 2017

Appeal Ref: APP/H5960/W/16/3160847

26 Ritherdon Road, Wandsworth, London SW17 8QD

- 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 John Newman against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/1634, dated 10 March 2016, was refused by notice dated 18 May 2016.
 - The development proposed is conversion of the basement into an independent one bedroom flat. Form 2 front lightwells. Demolition of existing front boundary wall and erection of replacement dwarf wall with railings above and gate, placement of bin stores within front garden.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are the effect the proposal would have on the living conditions of future occupiers of the proposed flat, with particular reference to levels of outlook and light, and the effect it would have on the mix of housing in the Borough.

Reasons

Living conditions

3. The appeal relates to the basement beneath a substantial property which has been divided into flats. It comprises two larger rooms separated by a much smaller one and a modest area including stairs leading from the flat above. There are no windows serving the basement. The proposal would include the creation of new windows and a door looking out onto two light wells surmounted with glass balustrades.
 4. These south facing windows would be the only source of natural light to the single aspect flat. However, the light wells would not extend very far from the front face of the windows in contrast to the rooms they would serve which would be deep in plan. Notwithstanding the size, positioning and orientation of the windows, this arrangement would have the effect that levels of natural light would be likely to be considerably restricted within much of the proposed flat. As a result the occupiers would be likely to have to rely on artificial light much of the time.
-

5. The restricted size of the light wells combined with their considerable vertical depth would mean that occupiers would have a view of little else when in the flat, although glimpses of sky may be possible immediately adjacent to the windows. The outlook from, and levels of light entering, the proposed kitchen/reception room would be further limited by the access steps occupying a considerable part of the associated light well.
6. The combined effect of this would be that future occupiers would live in a dwelling with little access to natural light and with an oppressive outlook. Even allowing for a degree of limitation to the outlook and light occupiers of basement flats might expect to enjoy, that offered by the appeal proposal would be considerably and harmfully below that which would be acceptable. This would materially harm future occupiers' living conditions.
7. As such the proposal would not comply with Wandsworth Local Plan Development Management Policies Document, 2016 (DMPD) Policies DMS 1 and DMH 4. These seek to ensure that development does not harm the amenity of occupiers through unsatisfactory outlook or inadequate daylight to habitable rooms, amongst other criteria. The proposal would also fail to accord with the National Planning Policy Framework's (the Framework) core planning principle of always seeking a good standard of amenity for all future occupants.
8. The appellant considers that prospective tenants would not rent the property if they considered it substandard. However, there may well be circumstances where tenants might choose to live in accommodation despite harmful effects it may have on their living conditions and therefore this does not lead me to a different conclusion.

Housing mix

9. The basement is currently subterranean, has no windows, has unfinished walls and in the main no ceilings with the floor joists and floor boards of rooms above exposed. Whilst the two main rooms are of a size which could theoretically provide habitable accommodation considerable works would be necessary to turn them into such. I therefore do not agree with the Council's assessment that the basement is "underutilised existing habitable floorspace" given that it could not easily be used as such, particularly as a result of the lack of windows.
10. Its conversion would not, therefore, result in the loss of habitable accommodation which is part of the existing ground floor flat. Rather it would leave the ground floor flat more or less as it is albeit without the basement storage area. Consequently the proposal would not result in any harm to the supply of a mix of residential accommodation, including that suitable for families, but would contribute to that mix through the creation of a small flat and the retention of an existing larger one.
11. The Council's figures show that the combined floor area of the existing two bedroom ground floor flat and the basement exceeds 150m². DMPD Policy DMH 2 seeks to maintain a mix of housing including family-sized units which the Glossary to the DMPD defines as a unit having three bedrooms or more. DMPD Policy DMH 2 only permits conversions of dwellings over this threshold of existing habitable floorspace subject to certain criteria, including that at least one family-sized unit with access to a dedicated rear garden is provided.

12. For the above reasons, however, the existing arrangement could not reasonably be considered as a dwelling of 150m² or more of existing habitable floorspace. Consequently the requirements of criterion b. of DMPD Policy DMH 2 would not be triggered, the loss of a family-sized unit would not result and the proposal would not be contrary to that policy. However, lack of harm in this respect does not amount to a positive consideration and the benefits of delivering an additional flat would not outweigh the harm to future occupiers' living conditions.

Other Matters

13. The site lies within the Heaver Estate Conservation Area which covers an area of largely residential streets to the south and east of the site. It derives much of its character, and hence significance, from the attractive streetscapes made up of largely well preserved buildings which incorporate many architectural features and details of interest.
14. Whilst the proposal would introduce two light wells to the front of the building these would be modest and well set back from the street. Provided the details were well considered, the introduction of simple glass balustrades could have a limited visual effect and not give rise to any harm. Although interested parties have raised concerns over the introduction of these features, on balance I consider they would have a neutral, preserving effect. Furthermore, the proposed re-introduction of appropriately specified railings to match the traditional design typical of the area would result in an improvement to the appearance of the building and the area, reinforcing their local distinctiveness.
15. Having paid special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area, I consider that the overall effect of the appeal proposal would be a positive one which would enhance the significance of the heritage asset. In reaching this conclusion I note that the Council have raised no objections in this regard. However, this overall positive contribution to the asset's significance would be limited in its effect and would not be so great as to outweigh the harm to future occupiers' living conditions.

Conclusion

16. For the above reasons, and having had regard to all other matters raised, the proposed development would harm the living conditions of future occupiers of the proposed flat, contrary to the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR