



Appeal Decision

Site visit made on 17 January, 2017

by **S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA**

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

Decision date: 9th February, 2017

Appeal Ref: APP/H5960/W/16/3160330

264 Upper Richmond Road, Wandsworth, London, SW15 6TQ

- 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 Jawad Rana against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/1541, dated 15 March, 2016 was refused by notice dated 10 June, 2016.
 - The development proposed is change of use of basement shop to two-bedroom flat involving extension of the existing basement and creation of lower level rear garden and projecting roof light.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposed dwelling would provide adequate living conditions for future occupiers in respect of sunlight, daylight and outlook.

Procedural matter

3. The description of development on the heading above has been taken from the planning application form. However in Part E of the appeal form it is stated that the description of development has not been changed, but, nevertheless a different wording was used by the Council in its decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly I have used the one given on the original description.

Reasons

4. No 264 Upper Richmond Road is one of a pair of modern infill properties in a traditional terrace of small shops. The appeal proposal would make use of an existing access stair from the pavement to the front of the basement area to create a self-contained flat. The flat would run the length of the building, through space currently occupied by a bomb shelter, and would have a sunken garden to the rear.
 5. The orientation of the building means that the front of the flat and its entrance would be south facing. However, natural light at the front of the flat would be
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gained only through the front light well, which would be partially occluded by the staircase.

6. While the front elevation of the flat would incorporate a high proportion of glazing, most of this would comprise a window to bedroom 1, and as this would be likely to be screened with curtains or blinds to preserve the privacy of occupiers from overlooking down from the pavement above, this would further reduce light or sunlight reaching the interior of the flat. As a result, levels of natural light reaching this end of the flat would be low. The effect of this would be exacerbated by the relatively low ceiling heights.
7. Although the rear elevation of the flat would be largely glazed and there would be two large, angled rooflights, due to its north-facing orientation and the presence of very high walls on the boundary with adjacent land to the rear and sides, this end of the flat and the sunken garden would receive relatively low levels of sunlight and daylight.
8. The length of the proposed flat and the low levels of light which would reach the accommodation at either end would mean that central parts of the flat would be entirely dependent on artificial light. For these reasons I conclude that the proposal would result in inadequate living conditions for future occupiers in respect of sunlight and daylight.
9. Bedroom 1, to the front of the flat, would look out onto the interior of the lightwell and the access stair, both at close quarters. This room would therefore have a poor outlook, and, as habitable room, this would have a harmful effect on future occupiers of the flat. The rear outlook would be on to the sunken garden, but, as discussed above, this would receive low levels of natural light, and would be dominated by the high rear boundary wall, which would impair the outlook. I conclude therefore that the appeal proposal would fail to provide an adequate standard of accommodation for future occupiers in respect of outlook.
10. For these reasons I conclude that the appeal proposal would fail to comply with policy DMS1(c) of the Development Management Policies Document 2016 (the DMP) which seeks developments which do not harm the amenity of occupiers through unsatisfactory outlook or sunlight/daylight, and with Policy DMH4 (vi) of the DMP which seeks new residential development where adequate daylight to habitable rooms is achieved.

Other Matters

11. The proposed flat, while it would meet floor space requirements, would have a ceiling height of 2.1 metres in the front section of the flat, and across the majority of its floor space. It would therefore fail to meet the standard of a height of 2.5m for 75% of its floor space, set out in the London Plan Housing SPG 2016. I note that the appellant has indicated his willingness to dig out the basement area to allow greater headroom. However, the proposal which I have before me fails to comply with this standard.

Conclusion

12. For the reasons given above, and taking into account matters raised, I conclude that the appeal should be dismissed.

S J Buckingham INSPECTOR