
Appeal Decision

Site visit made on 31 January 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 09 February 2017

Appeal Ref: APP/Y5420/W/16/3160569

Basement, 30 Church Crescent, London N10 3NE

- 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 David Powley against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/2123, dated 29 June 2016, was refused by notice dated 22 August 2016.
 - The development proposed is alterations to include third bedroom and courtyard in basement flat.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to include third bedroom and courtyard in basement flat at 30 Church Crescent, London N10 3NE in accordance with the terms of the application, Ref HGY/2016/2123, dated 29 June 2016, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following document and approved plans: Design, Access and Heritage Statement dated June 2016; 30.CC.LP; 30.CC.06 Rev A; 30.CC.19; 30.CC.30 Rev A; 30.CC.31 Rev A

Main Issue

2. The main issue in this appeal is whether the proposed development would provide acceptable living conditions for future occupiers, with regard to privacy and daylight.

Reasons

3. The basement flat has not yet been constructed. In relation to earlier permissions for a two bedroom basement flat, three previous applications to add a third bedroom were refused and dismissed on appeal. Planning permission last year was once more granted for the creation of a two bedroom basement flat. The proposed development in this appeal seeks to alter this scheme by adding to the rear of the flat a courtyard and third bedroom.
 4. Of the various development plan policies and guidance referred to by the Council in its reason for refusal, I consider policy 7.6 of the London Plan, policy SP11 of the Haringey Local Plan 2013, saved policy UD3 of the Haringey Unitary Development Plan (UDP) and the Mayor of London 'Housing' supplementary planning guidance (SPG) to be the most relevant. Policy DM1
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and the modified policy DM16 of the emerging Development Management Development Plan Document (DPD) are also relevant. Given that the SPD has been submitted for examination and the consistency of policy DM1 and the modified policy DM16 of this document with the National Planning Policy Framework, I attach moderate weight to them.

Privacy

5. The proposed third bedroom, located below ground level and separated by a small courtyard from the rear of the property, would be connected to the building by a glazed link. Owing to the closeness of the proposed bedroom to the rear elevation of the building, the line of sight between the ground floor balcony of the property and the basement bedroom would be acute. With the incorporation of the proposed obscurely glazed glass canopy over the front of the bedroom and installation of windows that would be short in height, I am satisfied that there would be no material overlooking of the proposed bedroom. In this regard, I note that the spiral staircase that would link the courtyard of the basement flat to the garden above would interfere with the available views thereby reinforcing privacy.

Daylight

6. The bedroom would be below ground level and its windows would face north westwards towards the rear elevation of the property. As a result, reliance on windows alone would be likely to result in lower levels of natural light than it is reasonable to expect within this room. The proposed development would address this problem by including two 'Solatube' sun tunnels in the ceiling of the room in order to allow daylight to enter. On the basis of the supplied 'Solatube' technical specification, I am satisfied that this would result in good levels of daylight in the bedroom.
7. For all of these reasons, I therefore conclude that the proposed development would result in good living conditions for future occupiers of the proposed flat. It would therefore comply with policy 7.6 of the London Plan, policy SP11 of the Local Plan, saved policy UD3 of the UDP, policies DM1 and DM16 of the DPD and the SPG which seek to ensure a good standard of residential amenity.

Other matters

Conservation Area

8. The appeal site is located within the Muswell Hill Conservation Area. In the exercising of planning functions, the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The Conservation Area covers those parts of Muswell Hill that contain well designed older buildings. Typically, these buildings date from around the Edwardian era, are brick built with slated roofs and have attractive detailing. The significance of the Conservation Area therefore is architectural and historical.
9. The proposed alterations to the extant permission for a two bedroom basement flat relate to the creation of a small courtyard and third bedroom to the rear below ground level. As neither would be visible from public vantage points, these changes would not alter the contribution that the house makes to the character and appearance of the Conservation Area. As a result, the statutory test of preservation would be passed.

Noise

10. The appeal property is located in a residential area. No 30 is subdivided into a number of flats and, as I have noted, permission has already been granted for a two bedroom basement flat. In my judgement, given these considerations the addition of a further bedroom below ground level would not result in an increase in the level of occupancy to the extent that unacceptable levels of noise and disturbance would occur. With the provision of a garden area above the basement bedroom adequate amenity space provision would also be made to the proposed basement flat. As a consequence, the proposal would not result in a poor standard of housing.

Parking

11. No off road parking is proposed to serve the flat and I saw that there were few unoccupied on road parking spaces in the area. However, the appeal site is located within easy walking distance of the centre of Muswell Hill and the services, facilities and public transport that it has to offer. As a result, it is in an accessible location where future occupiers would not need to be dependent on a car to meet their day to day needs. In such circumstances, I find that the proposed increase in the size of the already approved flat from two bedrooms to three would not materially increase parking pressures in the area.

Structural stability

12. Concerns have been expressed about the effect of the proposed development on the structural stability of neighbouring buildings. In such situations controls, such as The Party Wall Act and Building Regulations, prevent structural harm from occurring.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, the appeal should therefore be allowed. For the avoidance of doubt, and in the interests of proper planning, the development needs to be carried out in accordance with the approved plans. I have required this matter by condition.

Ian Radcliffe

Inspector