
Appeal Decision

Site visit made on 25 April 2017

by **S Jones MA(Oxon) DipLP**

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

Decision date: 8th May 2017

Appeal Ref: APP/A5840/W/17/3168431

Basement, 85 Melbourne Grove, London SE22 8RR

- 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 M Ajaz against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/3266, dated 9 August 2016, was refused by notice dated 6 January 2017.
 - The development proposed is conversion of basement to 1 studio flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the living conditions of occupiers of the converted basement at 85 Melbourne Grove.

Reasons

3. The property lies in a pleasant suburban area of South London with street trees and domestic gardens. On this stretch of Melbourne Grove there are semis and detached houses. No 85 sits at the end of a short terrace fronting onto the corner of Chesterfield Grove and Melbourne Grove, with its 3 storeys already converted into 3 flats.
 4. The converted basement would create a fourth flat accessed from a separate side door facing onto Chesterfield Grove. Light into the basement would be provided from the public pavement lightwells, one facing North and one facing West, comprising glass bricks inset into the pavement, and ventilation provided from an installed air conditioner above that doorway, with no access to outside or to direct natural light or air.
 5. The lightwells are not fully clear glass, and therefore only a low degree of natural light is able to penetrate the front basement area even on a clear bright day such as the day I visited. I note that bins from the 3 flats are stored on that pavement area, and bins, dirt, leaves, or other obstructions could easily obscure the lightwells. Since the lightwells are within the highway where the public have a right to pass and repass, it appears that adequate access to light from the lightwells cannot be secured by condition or other means given the configuration of the property.
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6. Although basement flats may have a more limited outlook, in this instance apart from any possibility of seeing upwards at a steep angle through the lightwells as described, there would be no outlook from the property, which is otherwise entirely underground and fully enclosed.
7. There was evidence of existing damp in the empty basement, and condensation and water exposure might reasonably increase with the installation of a kitchen and bathroom with occupation. In addition, whilst access to outside air would be available via the doorway and the proposed ventilation system, there would be insufficient access to or circulation of natural air to secure the long term living condition of prospective residents. Even if planning conditions could address the issue of ventilation, this would not overcome my concerns about natural light and lack of outlook.
8. In principal, the property size and location may have the potential to provide adequate living space, but this is outweighed by my concerns about adequate access to light and outlook. As such, the proposed development would be contrary to policy 4.2 (saved) of the 2007 Southwark Plan and the 2015 Technical Update to the 2011 Supplementary Planning Document on Residential Design Standards, and the National Planning Policy Framework including Section 6, which collectively seek to secure long term viability and high quality dwellings with good quality living conditions.
9. The development does not however conflict with policy 3.5 of the 2015 London Plan because it meets the minimum space standards set out in the policy. I also consider that the 2011 Core Strategy Strategic Policy 7, which relates to family homes and larger developments, does not apply here because this is a studio flat for one person.
10. It is agreed that relevant policies also seek to increase the supply of a variety of housing, but I consider that the addition of one studio flat will not make a significant contribution and cannot overcome the difficulties with the development.
11. I appreciate that there are other basement conversions, including that referred to at 87A Melbourne Grove, however this is a materially different situation because the flat appears to include a ground floor level.

Conclusion

12. For the reasons given above, and having regard to all other matters, I conclude that the appeal should be dismissed.

S Jones

INSPECTOR