
Appeal Decision

Site visit made on 23 May 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 05 June 2017

Appeal Ref: APP/T5150/W/17/3170720
86 Blenheim Gardens, London NW2 4NT

- 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 Sajjad Ahmad, Adilsons Group, against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/4165, dated 25 September 2016, was refused by notice dated 9 December 2016.
 - The development proposed is the enlargement of existing basement level as per approved scheme under planning application ref 16/1250, with associated light wells and balustrade to the front and rear area, a stairwell with light well and associated bin stores plus rear extensions plus creating a new basement flat for residential use.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the living conditions of future occupiers of the basement flat with particular regard to outlook and light entering rooms and ii) the character and appearance of the surrounding area.

Reasons

Living Conditions

3. The proposed basement extension would result in the creation of an independent unit of accommodation which would be entirely at that level. In order to gain sufficient natural light to habitable rooms, including bedrooms, the kitchen and main living area, it is proposed to incorporate three light wells at the front, middle and rear of the property. The outlook from windows serving those rooms would be into the very tightly confined spaces of the respective light wells. This would result in residents experiencing a very strong sense of enclosure from all areas of the basement accommodation. Accordingly, I am firmly of the view that the proposal would result in oppressive and unacceptable living conditions for future occupiers of the accommodation with regard to rooms that they would be likely to spend a significant amount of time using.
 4. I have taken into consideration that the Council recently granted planning permission for a basement extension which would have covered a similar area to that proposed in this case. However, a key distinction between that
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proposal and the one subject to this appeal is that the unit in the former case would have included the ground floor level of the building and would not therefore have been confined to basement level. Accordingly, the approved scheme was designed to allow for the possibility of a significantly better standard of outlook from key habitable rooms in the unit at ground floor level including bedrooms and a reception area. Therefore, I am in agreement with the Council, that although some of the habitable rooms at basement level would suffer a poor standard of outlook, it would be possible to achieve some relief from this within the ground floor level rooms.

5. I therefore find that the development would conflict with Policy DMP1 of the London Borough of Brent Development Management Policies 2016 (DMP) and the Council's Supplementary Planning Guidance 17 - Design Guide for New Development 2001 insofar as they seek to provide high levels of internal amenity space and to protect outlook for residents.
6. The appellant states that a technical assessment has concluded that the scheme would allow for adequate natural light to rooms, subject to the enlargement of proposed basement windows at the front and rear of the property. Though I have not been provided with details of this assessment, I note that the Council has not disputed the appellant's position in this regard. I too have no reason, on the basis of the information before me, to take a contrary view. However, the lighting of the rooms in question does not alter my negative findings in respect of the poor standard of outlook that would be available, as set out above.

Character and Appearance

7. The area is characterised by terraced residential properties with long and verdant rear gardens. The Council states that the site falls within an area of distinctive residential character and therefore constitutes a non-designated heritage asset. It has not, however, provided any evidence of this status.
8. The proposal would involve the sub-division of the rear garden in order to provide separate external amenity space for future occupiers of the proposed basement accommodation. Whilst this would result in the creation of narrower gardens, I am firmly of the view, having visited the site and taking into account the relatively limited height of the proposed fence, that this would not interrupt any strong sense of uniformity in terms of the character of garden layout.
9. I conclude that, even if the site falls within an area of distinctive residential character, which is not clear from the information before me, the proposed sub-division of the garden would not result in harm to the character and appearance of the area. Accordingly the proposal in this regard would not conflict with Policy DMP7 of the DMP insofar as it seeks development to sustain and enhance the significance of heritage assets and contribute to local distinctiveness, built form and character.

Conclusion

10. Although I have not found harm to the character and appearance of the area and acknowledge that the proposal would add a unit of accommodation to the housing supply, these factors are outweighed by my negative findings regarding the unacceptable living conditions that would result for future occupiers.

11. For the above reasons, and having taken into account all other points raised, the appeal should be dismissed.

Roy Merrett

INSPECTOR