
Appeal Decision

Site visit made on 19 June 2017

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 3rd July 2017

Appeal Ref: APP/N5660/W/17/3167298
167 Barcombe Avenue, London SW2 3BH

- 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 Ms Chantelle Kinghorn against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/05605/FUL, dated 27 September 2016, was refused by notice dated 22 November 2016.
 - The development proposed is described as 'Excavation of basement with the installation of stairs at the rear and replacement of windows to the side elevation at ground floor level.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is evident from the submitted plans that the proposal also involves a ground floor rear extension. The Council's decision notice describes the proposed development as 'Excavation of basement together with the erection of a rear extension at ground floor level. Installation of stairs at the rear and replacement of windows to the side elevation at ground floor level', and I note that the appellant has used this description on the appeal form. This revised description more appropriately describes the proposed development, and I have therefore considered the appeal on that basis as neither of the parties would be prejudiced or caused any injustice by me taking this course of action.
3. The appeal site is located within the Leigham Court Estate Conservation Area (the Conservation Area). The Council's officer report considers the effect of the proposed development upon the character and appearance of the Conservation Area. Although it does not form part of the reason for refusal of planning permission, I must nevertheless pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, and have therefore considered this matter after my assessment of the main issue.

Application for costs

4. An application for costs made by Ms Chantelle Kinghorn against the Council of the London Borough of Lambeth is the subject of a separate Decision.
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Main Issue

5. The main issue is the effect of the appeal proposal upon the living conditions of future occupants of the proposed development, with particular regard to outlook, sense of enclosure and levels of daylight.

Reasons

6. The appeal property is a modest ground floor flat with an L-shaped footprint situated in a 2 storey end of terrace building. The front section of the flat spans the full width of the site, whilst the rear projection is set in from the western boundary wall by around 1.5m.
7. The proposed development involves a ground floor extension which would infill the space beneath the existing first floor balcony at the back of the rear projection. A basement would be excavated underneath the majority of the existing flat, and externally the side return would be excavated and stairs installed leading down to the basement level.
8. In a previous appeal decision (Ref APP/N5660/W/16/3149453) relating to the proposed excavation of a basement at the appeal property, the Inspector resolved that the appeal should be determined on the basis of the drawings before him. In that case the rooms were labelled as bedrooms and it was reasonable for the Inspector to conclude that they would be likely to be used for that purpose. As set out in paragraphs 5 and 6 of his Decision, the Inspector found that the proposed bedrooms would have a restricted outlook and a strong sense of enclosure and the arrangement would severely limit the amount of light they received.
9. The appeal proposal before me features the same arrangement of extensions and fenestration. However, in this case the submitted plans indicate that the main basement rooms would be used as an entertainment cinema room and a gym/dance room. Although featuring a reasonable amount of glazing, due to their location entirely below ground level and set within a narrow north facing space flanked by substantial walls, both these rooms would have a very poor outlook and a significant sense of enclosure and would receive a limited amount of daylight.
10. Notwithstanding the use of the 2 main basement rooms indicated on the plans, due to the modest size of the appeal property there is a reasonable prospect that over time, if not by the appellant then by subsequent occupants, the rooms would be used for additional bedrooms or living rooms. Although the ground floor rooms would benefit from acceptable levels of outlook and daylight, these proposed basement rooms would not.
11. The appellant refers to an appeal decision (Ref APP/N5660/A/09/2101158) in which the Inspector concluded that 'as part of a unit with several other rooms allowing flexibility in how rooms are used it would be unduly restrictive to require each and every room to attain the minimum standards otherwise required.' However, that appeal involved the excavation of a basement beneath a 4 storey house, and is therefore not comparable to the appeal proposal which relates to a much smaller unit of accommodation where there is a reasonable likelihood that the basement rooms would be used as habitable rooms.

12. For the reasons set out above, I conclude that the appeal proposal would have a harmful effect upon the living conditions of future occupants of the proposed development, with particular regard to outlook, sense of enclosure and levels of daylight. As such, the appeal proposal would fail to accord with the amenity protection aims of Policy Q2 of the Lambeth Local Plan.

Other matters

13. The Conservation Area is characterised by 19th century residential terraces laid out in a grid iron pattern. The proposed development would not alter the footprint, strong rear building line or architectural composition of the appeal property and host terrace, and would therefore preserve the character and appearance of the Conservation Area. A finding of no harm in this regard is a neutral factor which does not weigh for or against the proposed development.

Conclusion

14. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

CL Humphrey

INSPECTOR