



Appeal Decision

Site visit made on 24 July 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 27th July 2017

Appeal Ref: APP/N5660/W/17/3172492

Flat 1, 103 Broxholm Road, London SE27 0BJ

- 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 Tony Paschina against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/06954/FUL, dated 14 December 2016, was refused by notice dated 8 February 2017.
 - The development proposed is basement excavation to create additional living accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for basement excavation to create additional living accommodation at Flat 1, 103 Broxholm Road, London SE27 0BJ in accordance with the terms of the application, Ref 16/06954/FUL, dated 14 December 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 approved plans: 'As Existing' drawing no 0.01A and 'Floor Plans Elevations and Sections' drawing no 1.01C.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) No development shall commence until a Basement Construction Method Statement has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Basement Construction Method Statement.

Procedural Matters

2. In seeking to overcome the Council's second reason for refusal the appellant submitted a revised plan ref 1.01C with the appeal incorporating a roof light above the proposed kitchen area. As the revised plan includes the above changes only, I am satisfied that no one's interests would be prejudiced by my considering the appeal on the basis of this plan.

Main Issues

3. The main issues are the effect of the proposal on:

- The character and appearance of the host property and the area
- The living conditions of the occupiers of 101 Broxholm Road, with particular regard to privacy and;
- The living conditions of future occupiers, with particular regard to outlook and light.

Reasons

Character and Appearance

4. The appeal property is a two storey terrace with basement and three storey rear projection which has been subdivided into flats. The appeal relates to the ground floor flat. The land falls steeply away from the property at the rear with parts of the garden at a significantly lower level. Whilst the surrounding area is characterised by properties of a similar period, they have been subject to various alterations and additions to both the front and rear elevations.
5. The property already has an existing basement, the rear wall of which is visible from the rear garden due to the change in levels. The proposal comprises the extension of the basement area to the side and rear of the existing property. Terraced areas are proposed at both ground and lower ground floor level. The Council has raised no objection to the impact of the front light well on the character and appearance of the host property or the street scene. Having visited the site I have no reason to conclude otherwise.
6. The appellant has drawn my attention to a number of properties within Broxholm Road where they contend that a variety of extensions have been allowed by the Council including both basement excavations and projecting extensions to the rear including roof terraces. Whilst I did not have access to these properties, photographs and elevation plans were provided to me. These confirm, at the very least, that many of the properties in this area have undergone significant changes in respect of the rear elevations. This includes the adjacent property, 105 Broxholm Road, where an extension of similar depth to that which is proposed has been constructed.
7. By virtue of the sloping site, the basement extension would, to all intents and purposes, have the appearance of single storey ground floor extension. The proposed basement extension would not appear disproportionate in scale when viewed from the rear when it would be read in the context of the three storey rear projection. Despite its extra depth and width, the existing building would remain dominant and the basement would appear subservient. Given the presence of an existing roof terrace at the appeal property and that constructed at No 105, I do not agree that the proposed terraces would be uncharacteristic and would not have an unduly harmful impact. Furthermore, whilst the proposal would change views of the building when seen from the rear, the extension would not be seen from the public realm and any views from neighbouring gardens would be considerably screened by the existing trees.

8. I therefore conclude that the proposal would not have an unacceptable impact on the character and appearance of the host property or the surrounding area and I find no conflict with Policies Q5 and Q11 of the Lambeth Local Plan (2015) (LP) and guidance within the Lambeth Building Alterations and Extensions Supplementary Planning Document (2015) (SPD). These seek, amongst other things, that the design of development responds to positive aspects of the local context and the host building, that extensions should be subordinate and that the excavation of basements should not harm the character of the locality or undermine the appearance of the host property.

Living conditions- neighbouring properties

9. Due to the significant change in level between the properties and the rear gardens, there is already much mutual overlooking of adjoining back gardens. A large terrace which sits on stilts currently extends from the ground floor of the flat. This affords users views down in to the garden of 101 Broxholm Road. The proposed ground floor roof terrace would occupy the same position as this existing terrace. Consequently I do not consider it would result in an unacceptable loss of privacy. The lower ground floor terrace would also occupy a position in the garden where there is currently mutual overlooking albeit at lower level. The addition of a terrace in this location would not result in a degree of overlooking that would be unduly significant when compared to the existing situation.
10. For the above reasons, I conclude that the proposal would not have a materially harmful effect on the living conditions of 101 Broxholm Road and I find no conflict with Policy Q2 of the LP in this regard which states, amongst other things, that development will only be supported if acceptable standards of privacy can be provided.

Living conditions – future occupiers

11. The kitchen dining area would be located towards the rear of a room approximately 8 metres in depth. The original submitted plans showed only one opening at the opposite end of the room. I share the Council's concerns that at this depth, there would be restricted access to daylight and sunlight. However, the appellant has submitted amended plans which now incorporate a large roof light which would increase levels of light reaching this part of the room. I am satisfied that this would allow sufficient levels of light into this part of the flat.
12. The front bedroom would have a large floor to ceiling window lit by the excavation of a lightwell. The lightwell is of sufficient depth and the window of sufficient size to ensure the outlook from this bedroom would not be enclosing and to allow clear views of the sky. Given the size of the room, I consider that an opening of this size would also provide adequate levels of light. I am therefore satisfied that this bedroom would not suffer from an overbearing sense of enclosure or insufficient levels of light.
13. The rear bedroom and utility would be lit by the creation of a sunken courtyard. The bedroom would have French doors opening onto the courtyard which would provide sufficient space for a small table and chairs. From the courtyard there would be unobstructed views of the sky and when taken together with the ability to open the fully glazed French doors into this area, I am satisfied that the outlook from this room would not be oppressive, nor suffer from an overbearing sense of enclosure. I am also satisfied that given the use of fully

glazed doors and the depth of the room, there would be adequate levels of light. It follows, that as the utility room overlooks the same courtyard, there would be no adverse impacts in terms of outlook or light, but as a non-habitable space I find the Council's concerns in this regard unfounded.

14. I therefore find the proposal would not have a detrimental impact on the living conditions of future occupiers and find no conflict with Policy Q2 of the LP in this regard, which seeks, that adequate outlooks are provided avoiding wherever possible any undue sense of enclosure or unacceptable impacts on levels of daylight and sunlight.

Conditions

15. The Council have not provided any conditions for me to consider. I have therefore had regard to those suggested within the Council's officer report. I have specified the approved plans as this provides certainty. A condition requiring matching materials is necessary in order to ensure a satisfactory appearance. I have imposed a condition requiring a Basement Construction Method Statement in the interests of land stability.

Conclusion

16. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Caroline Jones

INSPECTOR