



Appeal Decision

Site visit made on 16 September 2019

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/A5840/W/19/3232084
373A Lordship Lane, London, SE22 8JJ

- 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 Harry Davis against the decision of the Council of the London Borough of Southwark.
 - The application Ref 19/AP/0139, dated 17 January 2019, was refused by notice dated 29 May 2019.
 - The development proposed is installation of window to north elevation onto Landells Road and replacement of a single door with new double doors leading into the courtyard at basement level. Change of use of the 'nul use' basement to form part of the existing C3 flat on the first and second floors.
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Decision

1. The appeal is allowed and planning permission is granted for installation of window to north elevation onto Landells Road and replacement of a single door with new double doors leading into the courtyard at basement level. Change of use of the 'nul use' basement to form part of the existing C3 flat on the first and second floors in accordance with the application Ref 19/AP/0139, dated 17/01/2019, but subject to the attached schedule of conditions.

Reasons

2. I have used the description of development from the decision notice. This reflects the fact that the proposal also involves a material change of use to the basement, which the Council advise is currently subject to a prohibition order, meaning it currently has a nul use. I note that this is also the description of development used by the appellant on the appeal form.
3. The main issue in the appeal is the effect of the proposed change of use and associated works at basement level on the living conditions of future residential occupants, with particular regard to whether or not the enlarged residential accommodation on the site would have an acceptable layout, natural light and outlook.
4. In terms of the layout, the new room would be accessed through the same front door as the remainder of the unit. Access and communication between the rooms would not be hindered by the commercial unit that occupies part of the ground floor level, as the rooms in the enlarged flat would all be accessed from the same vertical staircase. Whilst unusual, such an arrangement would not be unduly convoluted.

5. Considering the natural light and outlook in the basement room, there would be patio door openings in the basement leading on to a lightwell. Whilst partition walls would restrict the flow of light around the room, the overall level of natural light and ventilation would be appropriate given the intended use of the room as a gym. Such rooms are typically used for relatively short periods of time and the provision of outlook, whilst desirable, is of little importance in terms of the overall functionality of the room. In consequence, future users would not experience an unacceptable sense of enclosure.
6. The Council refer to a document entitled Southwark Council: 2015 Technical Update to the Residential Design Standards (2011) ("Residential Design Standards SPD"). This sets out detailed standards that the Council apply where new residential development in the Borough is proposed. The proposed basement room would be likely to fail a number of these standards. This is due, amongst other things, to the limited amount of glazing provided in the room and the height and depth of the lightwell on to which the doors face.
7. However, as discussed above, the proposed room would be used as a secondary living area, with the remainder of the flat continuing to provide good living conditions. The habitable rooms on the upper floors of the building all have good light and outlook and there is a roof terrace providing external amenity space. The provision of extra internal space in the basement would effectively serve a similar function to an outbuilding or workshop, both of which are common in residential properties.
8. In these circumstances it is reasonable to apply a flexible and pragmatic approach to compliance with the standards set out in the Residential Standards SPD. Given the secondary nature of the proposed room and the good quality living conditions provided by the rest of the flat, the levels of natural light and outlook in this basement room would be appropriate. Overall, the living conditions provided in the extended unit, when considered as a whole, would be acceptable in all respects. The proposal therefore complies with the most relevant development plan policies cited by the Council on its decision notice, namely Strategic Policy 13 of the Southwark Core Strategy (2011), together with saved policies 3.2 and 4.2 of the Southwark Plan (2007) all of which seek to, amongst other things, achieve good quality living conditions where new development is proposed.
9. Accordingly, the proposal complies with the development plan and there are no other considerations that outweigh this finding. The appeal should succeed subject to conditions necessary for legal reasons and in the interests of certainty.

Neil Holdsworth

INSPECTOR

Schedule of 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: A-000, A-001, A-002, A-003.

End of Schedule