
Appeal Decision

Site visit made on 23 July 2020

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal Ref: APP/Y5420/W/19/3243645

Ground Floor Flat, 582 Lordship Lane, Wood Green, London N22 5BY

- 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 Trevor Williamson against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2019/2589, dated 11 September 2019, was refused by notice dated 20 November 2019.
 - The development proposed is the separation of previously approved basement conversion in to a self contained independent housing unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The conversion of the basement into habitable accommodation was granted permission on appeal¹ in November 2012. The permission included extending an existing cellar beyond the house's front and rear building lines, incorporating structural glass roofs and a new staircase to allow direct access to the basement from the front garden.
3. At the time of my site visit, the proposed use of the basement as a self-contained dwelling had already occurred and I am, therefore, considering the proposal retrospectively.

Main Issues

4. The main issues are:
 - the effect of the proposal on the living conditions of occupiers of the basement flat with particular regard to daylight and outlook;
 - whether the proposal is acceptable or not in terms of flood risk.

Reasons

Living Conditions

5. The appeal relates to a one-bedroom basement flat located on the northern side of Lordship Lane. The bedroom is located at the southern end of the basement and includes a clear glazed walk-on glass roof and 2 high-level clear glazed windows facing onto the front garden area. The bedroom also includes

¹ Appeal Ref: APP/Y5420/A/12/2180133

an obscure glazed door and a full-height obscure glazed window that open onto the exterior entrance stairs. The open-plan living and kitchen/dining area are served by high-level windows on the eastern elevation facing onto a side path. Another clear glazed walk-on glass roof and 2 high-level clear glazed windows are located at the northern end of the open-plan living area, facing into the rear garden of the ground floor flat above.

6. The appellant's statement provides measurements of the areas of glazing serving the habitable rooms as a percentage of the floor area of each room. Reference is made by the appellant to these percentages exceeding the standards set out in the London Housing Design Guide (2010). I have not, however, been provided with that document or any details with regards to its status. Furthermore, such percentage measurements do not include consideration of site-specific circumstances and, as such, do not provide a detailed assessment of daylight availability in the same manner as a bespoke Internal Daylight Assessment would.
7. The east facing high-level windows are low to the ground externally and face directly onto the side boundary fence. Given the close proximity of the boundary fence and the adjoining dwelling, internal illumination of the open-plan living area from those windows is limited. The glass roofs' locations at the ends of the flat limits their contribution to illuminating a significant portion of the open-plan living area. Furthermore, light from the front door into the open-plan living area is limited by its position at the base of the sunken entrance steps. In the absence of an Internal Daylight Assessment, I am not persuaded that the open-plan living area receives adequate levels of internal illumination from natural daylight.
8. The internal height of the glazing within the basement is such that it provides little visual relief when occupants are in the main open-plan living area. Outlook through the high-level side elevation windows is restricted by the boundary fence and outlook through the front door is restricted due to its obscure glazing. As such, the outlook afforded to occupiers of the open-plan living area is poor, resulting in a distinct sense of enclosure due to the flat's setting below ground level.
9. Overall, I find the limited internal illumination from daylight and the restricted outlook from the open-plan living area results in a standard of living conditions below that which occupiers could reasonably expect from a self-contained dwelling. As such, the development would be contrary to Policies DM1 and DM12 of the Haringey Development Management DPD 2017 (DMDPD), Policy SP11 of the Haringey Strategic Local Plan (2017) (SLP) and Policy 7.6 of the London Plan 2016 (LP). These policies, amongst other things, seek to ensure that new housing is of a high quality, including with regard to daylight and outlook.
10. The Council's first refusal reason also cites DMDPD Policies DM24 and DM26 and LP Policy 7.4. As these policies relate to managing flood risk and to the character of the area, I have not found conflict with these policies with regards to the specific issue of living conditions.

Flood Risk

11. The Council advises that the site lies within a defined Critical Drainage Area. The earlier permission to convert the basement to habitable accommodation included a condition requiring an assessment of the hydrological and hydro-geological impacts of the development, including any mitigation measures, to be approved by the Council. The appellant has submitted such an assessment as part of this appeal. Whilst the assessment is dated February 2012, it remains relevant in so far as it advises that it is unlikely that the basement is close to the groundwater level and that the upgrading of culverts in the area has removed any risk of surface water flooding to the site. The appellant advises that within the basement there is a pumped drainage system that has two pumps and a back-up power cell to ensure the basement does not flood. Whilst use of the basement as a self-contained dwelling does not provide the opportunity for safe refuge areas at a higher level within the flat, both main habitable rooms have direct outside access, ensuring reasonable means of escape. Final details regarding surface water management and flood resilience measures could reasonably be secured by condition.
12. As such, based on the submissions before me, I find the proposal is acceptable in terms of flood risk and accords with DMDPD Policies DM18 and DM26, SLP Policy SP5 and LP Policy 5.12 which, taken together, require, amongst other things, development to prevent flood risk. Nor would the proposal conflict with the provisions of the National Planning Policy Framework in so far as it requires development to be made safe for its lifetime without increasing flood risk elsewhere.

Other Considerations

13. I have had regard to the contribution the proposal would make to increasing the housing supply of smaller dwellings in the area. Given the proposal is for a single dwelling, I afford this consideration only limited weight in favour of the proposal. As I have found harm in relation to the living conditions main issue, the proposal's contribution to housing supply has not been determinative in my decision.

Conclusion

14. Substantial weight is given to the identified conflict with the adopted development plan with regards to the effect of the proposal on the living conditions of occupants of the development. There are no material considerations, either individually or in combination, of sufficient weight to outweigh the identified conflict with the development plan, nor do they indicate that the proposal should be determined other than in accordance with the development plan.
15. For the reasons given above, the appeal is dismissed.

S D Castle

INSPECTOR