



Appeal Decision

Site visit made on 14 October 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2020

Appeal Ref: APP/Y5420/W/20/3255539

31a Riverside Road, Tottenham, London N15 6DA

- 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 Gluck against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2019/0880, dated 23 July 2018, was refused by notice dated 4 May 2020.
 - The development proposed is described as a basement addition to End Stop House (previously approved, ref: HGY/2015/1638).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. As set out above in the description of development, planning permission has been granted for the erection of a dwelling on the appeal site. This was for an end terrace two storey building of the design, scale and appearance shown on the proposed plans for the appeal scheme. Both main parties agree that this planning permission is extant. The main difference between the extant scheme and the one subject of this appeal is the addition of a basement level albeit the appeal scheme seeks planning permission for the erection of a dwelling in its own right. I have considered it on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of existing and future occupiers.

Reasons

4. There are a number of strands to the main issue. Turning first to the matter of the basement, the plans show the level to be used for the kitchen and a playroom/storage area. The former would be to the front. It would have one window in the corner of the room, served by a light well at street level. The latter would extend to the rear of the dwelling. It would be the larger of the two rooms and would not have any windows.
5. The street level lightwell that would serve the kitchen would offer some natural light to the room. However, it would be located to one corner of what would be a long and narrow space and thus it would rely mostly on artificial light. The

outlook from the window would also be unacceptably poor, looking as it would to a high wall in close proximity. The situation in the playroom/storage room would be significantly worse. It would have no windows and thus no outlook. It would also rely wholly on artificial light for its use. This would perhaps be acceptable if the room were purely used for storage but as a playroom, and potentially a different habitable space, it would likely be well used given the limited provision of social space elsewhere in what is a constrained dwelling.

6. In the case of the excavation works for the basement, the Council have concerns that they have the potential to compromise the structural stability of adjacent buildings. Unchecked and without the correct methods followed I would be inclined to agree. That said, the appellant has since provided a revised assessment which sets out methods both in the excavation itself and the construction of the basement level to ensure the continued stability of land and buildings above it.
7. The Council consider that the coverage of the site by the proposed development would be such that there would be insufficient provision of private amenity space.
8. The light well to the front of the dwelling would reduce the usability of land to the front by taking up more of the ground area of the appeal site. Nevertheless, this space would be less than ideal for private amenity purposes in any event given where it is. I note from the plans that remaining area to the front would be used for wheelie bin storage. It seems adequate for this purpose. As far as I can see from the evidence, the area to the rear of the dwelling would not be dissimilar to that of the extant scheme so there is thus a material fallback position to consider. On its own merits, it would be small and limited mainly to a paved sitting out area, but the dwelling is equally modest. I have not been advised of a minimum expected size for private gardens set out by the development plan.
9. Bringing these matters together, I feel that the private garden provided by the dwelling would be on the small side but nevertheless acceptable for the purposes of private amenity enjoyment. There has been sufficient information presented with the appeal documentation to demonstrate that excavation of land and construction of a basement would be possible without unduly affecting neighbouring dwellings.
10. However, these would not make up for the shortcomings of the appeal scheme. Specifically that it would, as a result of my findings in paragraph 5, provide an unacceptably poor standard of living conditions for future occupiers. Such that it would conflict with Policies 7.4 and 7.6 of the London Plan 2016, Policy SP11 of the Local Plan¹ and Policies DM1 and DM12 of the Development Management DPD². Amongst other things, these policies set out that new development should be of a high quality design that provides a high standard of amenity. They also seek to ensure that people feel comfortable with their surroundings and development does not cause unacceptable harm to the amenity of surrounding land, buildings and neighbouring uses.

¹ Haringey's Local Plan: Strategic Policies (2013-2026) 2013

² Haringey's Local Plan: Development Management Policies Development Plan Document 2017

Other Matters

11. I have given some thought to using conditions to restrict the use of the rooms in the dwelling but feel they would be difficult to enforce in the future.
12. The Council have raised concerns that setting out areas of hardstanding to the front and rear (including a lightwell), would not comply with policy aims to ensure adequate urban drainage to minimise surface water runoff. These aims are set out by Policies DM24 and DM26 of the Development Management DPD. Whilst I understand the Council's stance on these matters, it equally seems clear to me that conditions could be used to ensure adequate drainage is put in place such as, for example, a revised surface for the rear garden space and some soft landscaping at the front. The site is very small, as is the surface area of the proposed development, and I feel that it would therefore be possible for a suitable solution to be found for drainage that would result in compliance with the aforementioned policies.
13. The Council also mention that there are no other examples of lightwells in the street. Whilst I have no reason to doubt this, the Council had no objections to the appeal scheme on either design or character grounds in their reasons for refusal. I have not therefore investigated this matter further since, even if I had found that the character and appearance effects of the proposed development were acceptable, it would not change my conclusions on the main issues of the case which concerned the living conditions of occupiers.
14. The appellant refers to some policies of the emerging London Plan. I note however that it is yet to be adopted. I have not been made aware of any outstanding objections and thus give its policies limited weight. I agree that the proposed dwelling would add to housing choice and mix locally which is positive but then again so would the extant dwelling. I am therefore minded to give this matter limited weight.

Conclusion

15. For the reasons I have set out above, the appeal scheme would fail to provide acceptable living conditions for future occupiers. This would result in conflict with the adopted development plan. It is for these reasons that the appeal is dismissed.

John Morrison

INSPECTOR