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## Appeal Decision

Site visit made on 24 November 2020 by Emma Worby BSc (Hons) MSc

**Decision by Andrew Owen BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 15 December 2020**

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**Appeal Ref: APP/W5780/W/20/3255044**

**26 Chigwell Road, South Woodford, London E18 1LS**

- 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 Silverline Investments Ltd against the decision of the Council of the London Borough of Redbridge.
  - The application Ref 3251/19, dated 30 July 2019, was refused by notice dated 27 May 2020.
  - The development proposed is the conversion and extension of an existing basement to form a two-bedroom self-contained flat.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The main issue in the appeal is whether the proposed development would provide satisfactory living conditions for its future occupiers with regards to outlook.

### Reasons for the Recommendation

4. The appeal property is a two-storey mid-terrace dwelling with further rooms in the roof space. It is currently a house in multiple occupation (HMO) and has a basement below half of the dwelling which is un-occupied. The proposed development would extend the existing basement to provide accommodation below the entire dwelling including lightwells to the front and rear, an extended patio area and steps to the rear to provide access to a separate garden. The basement would be used as a self-contained flat.
5. All the windows serving the basement flat would be below or mostly below ground level, with the two bedroom windows facing lightwells and the kitchen/living room facing a small patio area with a stairwell. Therefore the outlook from all windows within the flat would be restricted by solid retaining features, resulting in a detrimental enclosing effect for future occupiers. This would be particularly noticeable in the kitchen/living room as only one window would serve this large room and that would face the patio/stairwell which

would be flanked by a two-storey structure on each side, further enclosing the outlook. Moreover, as the entire accommodation would be at basement level this would intensify the resultant impact on the occupiers living conditions as no windows in the flat would provide a suitable outlook. Indeed it is highlighted in the Council's Housing Design Guide Supplementary Planning Document (2019) that in most instances' basements will not be suitable for a self-contained dwelling.

6. It is noted that to address the Council's concerns regarding outlook the appellant increased the internal height of the basement, included an additional window to the rear and increased the size of the stairwell to the rear. Although these amendments may help to provide more daylight to the kitchen/living room of the proposed flat, the basement nature of the whole accommodation would still suffer from an enclosing effect. The example image provided by the appellant shows a stairwell which appears to be significantly wider and less steep than the proposed stairwell and therefore the effect would not be similar. It is also noted that the wider patio would remove the ability to access the rear garden from the ground floor patio doors, so may not be feasible.
7. Policy LP26 (j) of the Redbridge Local Plan (2018) requires development to provide a high standard of accommodation for housing in terms of size, quality and arrangement of internal space. Although this does not specifically reference outlook, it is reasonable to expect 'quality' to include the provision of sufficient outlook for its occupiers, which has not been demonstrated in this instance.
8. Similar proposals for a basement extension and use as a self-contained flat at the appeal property were granted planning permission in both September 2013 and October 2016. However, these permissions were not implemented and have now expired. Although the principle of the development may have previously been considered acceptable, these approvals pre-date current policies and the SPD as well as the most recent National Planning Policy Framework (NPPF) in 2019. The proposal must be considered against the most current development plan and therefore the previous permissions carry little weight.
9. Consequently, it has been found that the proposed development would not provide satisfactory living condition for future occupiers. It would therefore be contrary to Policy LP26 as detailed above and Policy 3.5 of The London Plan (2016) which requires new development to have the highest quality internally with rooms which are functional and fit for purpose.
10. The proposal would also be contrary to the NPPF, including paragraph 127, which states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

### **Other Matters**

11. The appellant has highlighted that the time taken to determine the application was contrary to the requirements of the Town & Country Planning Act. However, this does not affect my consideration of the planning merits of the appeal.

### **Conclusions and Recommendation**

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

*Emma Worby*

APPEALS PLANNING OFFICER

### **Inspector's Decision**

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Andrew Owen*

INSPECTOR