
Appeal Decision

Site visit made on 9 December 2020

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 January 2021

Appeal Ref: APP/G5750/W/20/3248311

68B Benson Avenue, East Ham, London, E6 3ED

- 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 Faruk against the decision of London Borough of Newham Council.
 - The application Ref 19/02976/FUL, dated 24 October 2019, was refused by notice dated 13 December 2019.
 - The development proposed is the installation of a front light well to the existing basement.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a front light well to the existing basement at 68B Benson Avenue, East Ham, London, E6 3ED in accordance with the terms of the application, Ref 19/02976/FUL, dated 24 October 2019, 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: Drawing Nos. ZAAVIA/68BA/102A, ZAAVIA/68BA/105A, ZAAVIA/68BA/106A, ZAAVIA/68BA/107A, ZAAVIA/68BA/108A and ZAAVIA/68BA/110A.

Preliminary Matter

2. The address of the site on the original application and appeal forms is 68A Benson Avenue. Written correspondence confirms that this should have been 68B and this is the site address used on the council's decision notice. All other plans and documents have been amended to 68B. I have therefore amended the address to accurately reflect this.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site comprises a ground floor flat with an existing basement. It forms part of an end of terrace building located on the corner of Benson Avenue and Wilson Road. This large corner property appears to have been

used as a corner shop at some point in its past and differs quite substantially from the adjacent terraced houses, which have a far more uniformed appearance. Access to the flat is from Wilson Road and there are walled gardens to the front and rear of the building.

5. It is proposed to construct a light well, measuring 2m x 4m x 2m deep. The light well would be located between the front elevation of the building and the front garden wall on Benson Avenue. Horizontal safety bars would be located above the light well and would be flush with the existing ground level. A new window would be installed in the basement wall, beneath ground level. The new window and light well would provide the existing basement with natural light and ventilation.
6. Although the safety bars above the light well would be visible in the front garden, from over the low level front boundary wall when standing on Benson Avenue, or from the pavement on Wilson Road, views from elsewhere within street scene and the wider area would be extremely limited. The new basement window would be below ground level and as such would not be visible from outside of the site. Accordingly, the development would not appear out of character and would not erode the visual amenity of the street scene.
7. I therefore conclude that there would be no conflict with the National Planning Policy Framework, policies 7.1, 7.4, 7.5 and 7.6 of The London Plan (2016), policies S6, SP1, SP2, SP3 and SP8 of the London Borough of Newham Local Plan (2018) or the emerging London Plan, which seek, amongst other things, to ensure that new development is of appropriate design that would not be harmful to the area.

Other Matters

8. I acknowledge the concern regarding disturbance during the construction phase however this would be over a very short period of time. Concerns regarding structural movement and dampness are not planning matters and the arrangement regarding which areas of garden and bin storage are used by which flat is a private or legal matter for the owners or tenants to resolve. Planning permission is sought purely for a light well, not a new dwelling or for any other use, for which separate permission would be required. As flats do not benefit from permitted development rights any present or future unauthorised use of the premises as a HMO should be reported to the Local Planning Authority for investigation.
9. The building is not listed or located within a conservation area and the absence of other basements and light wells in the area is not a reason to withhold planning permission.
10. I note that the applicant is not the freehold owner of the property and that the current freeholder does not give their consent for the proposed works to go ahead. However, the granting of planning permission does not negate the need for all other necessary consents e.g. from the owner of the property and Building Regulations, to be obtained before the development may commence.

Conditions

11. I have imposed the statutory time limit condition and a condition listing the approved plans in the interests of certainty. Given that the proposed window

would be below ground level and not visible within the street scene, I do not consider it is necessary to add a matching materials condition.

Conclusion

12. For the reasons given above and having regard to all matters raised I conclude that the appeal should be allowed.

Rachael Bartlett

INSPECTOR