



Appeal Decision

Site visit made on 15 February 2021

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2021

Appeal Ref: APP/W5780/W/20/3258415

12 Hollybush Hill, Wanstead, London, E11 1PP

- 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 Mrs S Sanghera against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1331/20, dated 6 May 2020, was refused by notice dated 2 July 2020.
 - The development proposed is the conversion of basement to provide a one bedroomed self-contained flat including formation of new front and side lightwell together with hard and soft landscaping to and adjacent to the proposed front lightwell.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council's decision describes the proposal as 'conversion of basement to contain one 1 x bedroom self-contained flat with one front, one side light well and associated car parking, cycle storage, waste, landscaping and amenity space'. From the submitted documents it is clear that this describes the proposal more accurately and I have considered the appeal on this basis.

Reasons

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the future occupiers of the proposed flat with regard to light and outlook from habitable room windows.
4. The development plan includes policy LP26 in Redbridge's Local Plan (RLP) which seeks to ensure that housing developments are of a high quality both internally and externally. The Council's decision also referred to policy 3.5 in the London Plan 2016 but since the date of the decision the London Plan 2021 has been published. This replaces the London Plan 2016 and I have therefore not taken the previous policy into account in this decision. Although the Council did not refer to policies in the Intend to Publish London Plan, RLP policy LP26 is consistent with national policy in the National Planning Policy Framework as referred to later in this decision and remains relevant.
5. I disagree with the appellant that RLP policy LP29 is relevant as that relates to standards of housing accommodation and the Council has not objected to the size or quality of the internal accommodation.

6. The appeal site comprises an imposing end terrace Victorian house which faces the busy A1199 and has a side elevation onto Lonsdale Road, a residential street. The house has been subdivided into two flats at ground floor and upper floor levels. This proposal seeks permission for the creation of a third flat in the unused basement.
7. The current proposal seeks to overcome the reason for the dismissal on appeal in December 2019 of a previous scheme (ref APP/W/5780/W/19/3235183) in which the Inspector concluded that the retaining walls for the lightwells would dominate the outlook and have an unpleasantly enclosing and oppressive effect which would not be effectively mitigated by planting. The most significant structural change that has been made in the current proposal is the nominal extension of the front lightwell from 3.4m to 3.6m in length. The proposal has attempted to soften the appearance of the front lightwell by introducing some hard and soft landscaping. It would provide an outside seating area accessed by doors from the front bays. There would be a further area of planting at ground floor level of some 2.5m between the lightwell and the front boundary.
8. From the living room and bedroom front bay windows, the future occupiers would look out onto the high timber clad retaining walls of the lightwell, some 2.4m from the front edge of the window. This lightwell would have an overhead walkway across the central part from which lighting would hang. This would clearly reduce the amount of natural daylight to the lightwell. Despite the high quality of the proposed soft and hard landscaping materials, given the lack of natural daylight and the height and close proximity of the retaining wall, the space would appear overly enclosed and oppressive, creating a poor outlook from the main windows of the flat. On the side elevation, that distance would be some 1.1m and although this would provide a secondary outlook it would not be sufficient to compensate for the poor outlook from the main windows.
9. As the proposal has not changed from the previous scheme in terms of the flat's dual aspect and west-facing main windows, I have no reason to disagree with the findings of the Inspector in the 2019 appeal that the habitable rooms would have an acceptable level of light and the Council has not explained why it has taken a different stance on this matter from the previous Inspector.
10. However, the slight increase in the size of the front lightwell and the additional landscaping proposed in this proposal are not sufficient to overcome the reason for the dismissal of the previous appeal in terms of outlook or the Council's objection to this matter.
11. I have insufficient evidence to conclude that the other examples of lightwells that have been granted elsewhere are directly comparable with this scheme because despite having a smaller area and a single aspect, the plans show that those at Balfour Road and The Drive have a living area at ground floor rather than at basement level. At Holly Road the plans indicate that rather than a high wall there is a series of gentle steps leading to a garden. They do not, therefore, set a precedent for allowing this appeal.
12. I have noted the appellant's assertion that the proposal accords with the criteria in the RLP policy for basements, policy LP31, but as the development plan must be taken as a whole, that does not override the harm I have found and the conflict with RLP policy LP26.

13. For the reasons given above, the proposal would cause significant harm to the living conditions of the future occupiers in terms of their outlook, contrary to the development plan policies referred to in paragraph 4.

Other matters and planning balance

14. I have taken into account the borough's housing need as set out in the London Plan 2021 and the Housing Delivery Test 2020 (HDT) results, which both parties have had the opportunity to comment upon. The HDT results, demonstrate that the delivery of housing has been substantially below the housing requirement over the past three years. The latter two documents did not form part of the Inspector's consideration in the previous appeal, although the small contribution to housing need was taken into account.
15. The HDT results indicate that, when applying footnote 7 of the Framework, paragraph 11 d)ii) of the Framework will apply, which means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
16. Whilst paragraph 59 of the Framework refers to significantly boosting the supply of housing, the increase of one additional unit proposed in this scheme would make only a very small contribution. Furthermore, the proposal would be contrary to paragraph 127 of the Framework which requires that developments should provide a high standard of amenity for future users and promote health and well-being. In this respect I attach significant weight to the adverse impact on the living conditions of the future occupiers of the proposed development.
17. I conclude then that the adverse impacts that would arise in terms of the future occupiers' living conditions would significantly and demonstrably outweigh the very small benefit in terms of housing need when assessed against the policies in the Framework as a whole. Development plan policy RLP LP26 referred to earlier is consistent with the Framework. The conflict with the development plan in this case is not, therefore, outweighed by other material considerations, including the Framework.

Conclusion

18. For the reasons given above and having had regard to all other matters, I conclude that the appeal should be dismissed.

Sarah Colebourne

Inspector