



Appeal Decision

Site visit made on 26 March 2021

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2021

Appeal Ref: APP/U5360/W/20/3257998

23 Fountayne Road, London N16 7EA

- 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 Klein against the decision of London Borough of Hackney.
 - The application Ref 2020/0063, dated 02 January 2020, was refused by notice dated 13 March 2020.
 - The development proposed is 'Excavation of basement and front lightwell to provide the creation of one bedroom unit'.
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Decision

1. The appeal is allowed and planning permission is granted for a '*excavation of basement and front lightwell to provide the creation of one bedroom unit*' at 23 Fountayne Road, London N16 7EA in accordance with the terms of the application, Ref 2020/0063, dated 02 January 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development on the application form was "*Excavation of basement and front lightwell in association with the creation of a one-bedroom flat*". This description was amended following submission of the application. I have referred to the amended description for the purposes of this appeal.
3. The London Plan 2021 (LP 2021) was published on 1 March 2021 and is now part of the Development Plan. The Council's decision notice referred to the previous London Plan. I am satisfied that the equivalent policies in the new plan have broadly the same approach as their counterparts, and they do not alter my conclusions on the matter in any case.

Main Issues

4. The main issues are whether the proposal would provide adequate living conditions for future occupiers of the development and whether adequate provision is made for secure cycle storage.

Reasons

Living conditions

5. The appeal site is a large, terraced dwelling located within a residential area of Hackney. The appeal proposal seeks to excavate a basement to create a self-contained one-bedroom flat with a lightwell area. The proposed lightwell was previously granted planning permission (Council Ref: 2018/3806).

6. The flat would provide comfortable and functional internal accommodation including an open plan kitchen-living room, bedroom and bathroom. Additional section plans have been submitted with the appeal to clarify details shown on the floor plans. Whilst the Council has described the proposed unit as single-aspect, there would be a high-level window in the side elevation, allowing for additional light and adequate passive ventilation. The bedroom would benefit from two windows, one to the front and a high-level window to the side. The bedroom would therefore have a good level of light and as well as outlook into the lightwell.
7. The existing dwelling features a two-storey projecting bay, containing three large windows at each storey. The appeal proposal would continue the bay to provide a door and two large windows for the kitchen-living room. Although the kitchen-living room would be a single aspect room and is a relatively deep room, the generous frontage and projecting bay arrangement would provide a splayed outlook and the large window openings would ensure sufficient daylight. The new section drawings demonstrate that the lightwell retaining walls would not obstruct daylight entering the flat. Moreover, the retaining walls for the lightwell are relatively low and would be topped with a metal balustrade; allowing for wider outlook into the open surroundings.
8. The lightwell would provide just over 12 square metres of private amenity space for the flat, in excess of minimum requirements. Given the relatively low retaining walls of the lightwell and potential for wider outlook, the proposal would strike a balance between openness and protection to provide a functional, adequate level of private outdoor amenity space.
9. For these reasons, the proposal would provide adequate living conditions for future occupiers of the development, in accordance with policies D3, D4, D6 and D10 of the LP 2020, policies 19 and 24 of the Hackney Core Strategy (CS), adopted in 2010, and policies DM1, DM2 and DM19 of the Hackney Development Management Local Plan (DMLP), adopted in 2015. These policies seek, amongst other things, housing development of high-quality design which meets local needs and provides comfortable and functional living accommodation.

Cycle Storage

10. Details of the proposed secure cycle storage unit to be located close to the site entrance, level with the road, have been provided. The proposal therefore makes sufficient provision for secure, accessible, on-site cycle storage, in accordance with policies D4, D5 and D6 of the LP 2021, policy 33 of the CS and policy DM46 of the DMLP. These policies seek, amongst other things, to ensure development has safe and convenient access to sustainable modes of transport.

Conditions

11. I have imposed standard conditions to ensure the development is carried out in a timely manner, in accordance with the approved plans. The Council also suggested a further condition, worded in the format of an informative, relating to drainage details. To ensure appropriate drainage provision and for the avoidance of doubt, the condition relating to approved plans also requires the development to be carried out in accordance with the submitted drainage

details. I have also included a condition which requires the cycle storage arrangements to be in place prior to first occupation of the development.

Conclusions

12. For the reasons given above, I find that the appeal proposal would provide adequate living conditions for future occupiers of the development and would provide secure and accessible cycle storage. The proposal therefore complies with the relevant policies of the development plan and the appeal is accordingly allowed.

Kim Langford Tejrar

INSPECTOR

Schedule of 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: FR.23.PR.201 Rev A, FR.23.EX&PR.202, FR.23.EX&PR.203 Rev A, FR.23.EX&PR.203 Rev B, FR.23.PR.201, Flood Risk Assessment L18_043_03 and related plans L18_043_03_003 and L18_043_03_004.
3. Prior to the first occupation of the unit, secure bicycle parking shall be provided within the site in accordance with the details in plan FR.23.PR.201. The bicycle parking shall thereafter be maintained and kept available for the secure parking of bicycles.