
Appeal Decision

Site visit made on 16 February 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 11th April 2022

Appeal Ref: APP/U5930/W/21/3278871

Ground Floor Flat, 60 Hatherley Road, Walthamstow E17 6SB

- 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 and Mrs J Drury against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 203136, dated 13 October 2020, was refused by notice dated 27 January 2021.
 - The development proposed is the sub-division of an existing ground floor four bedroom flat into 2 No. two bedroom flats
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of the appeal application a new version of the London Plan (LP) has been adopted. The appellant has identified LP Policies D4 and D6 as being of relevance to the determination of the appeal and the Council has not identified any further relevant policies. These policies have been used to assess the appeal scheme alongside the Council's own development plan policies.

Main Issue

3. It is considered that the main issue is whether the proposed development would provide satisfactory living standards for future occupiers.

Reasons

4. The proposed development includes the sub-division of an approved 4-bedroom apartment, including the erection of a side extension, into 2-separate flats. Although there is some confusion about a storage cupboard shown on the drawings, other than a window associated with a proposed basement bedroom, the Council has not objected to the proposed development by reason of inadequate residential accommodation. This single window serving the bedroom exists and is below ground level but there is a modest sized lightwell projecting from the rear elevation of the property.
5. As noted by the appellants, the approved scheme identifies that the proposed bedroom would be used as a study, which is a habitable room, and the future occupiers could change its use without the need for planning permission. However, I am required to determine this appeal based upon the scheme

- before me to assess and this identifies that the room would be used as a bedroom. Further, although there are basement bedrooms elsewhere in London, I am assessing the circumstances of this proposed development, particularly where there are no specific planning details of any other scheme.
6. Although primarily used for sleeping purposes, as an important habitable room there would be a reasonable expectation from future occupiers that a bedroom would have both an outlook and adequate daylight penetrating the whole room to avoid the need for artificial lighting during the daytime. In this case, the appeal scheme includes an increase in the size of the proposed bedroom by incorporating what is currently a utility area. This utility area is located further away from the existing window.
 7. During the site visit there was the opportunity to turn off the artificial light and assess the level of daylight from the window. What was observed was that the amount of daylight penetrating the room was not particularly high, especially in the general area where the bedroom would be enlarged. The low level of daylight penetrating the room can be attributed to the modest size of the window, the lightwell's partial containment by the adjoining outrigger and the orientation of the property. Further, the outlook from the window is, and will be, contained and restricted by the rendered walls of the lightwell which is not proposed to be enlarged.
 8. For the reasons given, the proposed development would adversely impact upon the living standards of the future occupiers of the flat associated with the basement bedroom. Although significant weight is given to the unattractiveness to the local housing market of a 4-bedroom flat and the creation of an additional unit of residential accommodation, these matters are demonstrably outweighed by the adverse harm which has been identified.
 9. Accordingly, it is concluded that the proposed development would fail to provide satisfactory living standards for future occupiers and, as such, it would conflict with DM7 of the London Borough of Waltham Forest Development Management Policies Local Plan (DMP) and LP Policy D6. Amongst other matters, these policies require housing development to be of high quality design, to provide adequately sized rooms with comfortable and functional layouts, to be of the highest quality both internally and externally and to provide sufficient daylight and sunlight to new and surrounding housing. Policy CS2 of the Waltham Forest Local Plan Core Strategy, DMP Policy DM29 and LP Policy D4 do not specifically address living standards in a way which is of direct relevance to this appeal scheme. Accordingly, and for the reasons given, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR