



Appeal Decision

Site visit made on 5 April 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2022

Appeal Ref: APP/Y5420/W/21/3287462

582 Lordship Lane, Wood Green, London N22 5BY

- 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 Domus Mia Ltd against the decision of London Borough of Haringey.
 - The application Ref HGY/2021/2279, dated 23 July 2021, was refused by notice dated 16 September 2021.
 - The development is change of use of basement forming part of the ground floor flat into a self-contained basement flat.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted retrospectively, and I have considered the appeal on the same basis.

Main Issue

3. The main issue is whether the development provides satisfactory living conditions for its occupants with respect to:
 - i) their outlook and light; and
 - ii) cycle and waste storage.

Reasons

4. The basement flat comprises an open plan kitchen/living/dining room, a bedroom with an office area, and a separate bathroom. The bedroom/office is served by a rooflight at the front of the building and also by a large window which faces the external entrance stairs to the flat. Although, at the time of my late morning site visit the weather was overcast, this room was well lit by natural light and a view to the east above the stairs was possible.
5. Turning to the kitchen/living/dining room, the clear glazed entrance door provides some degree of outlook. But it is limited, as the view is primarily of the entrance stairs. The outlook from the other windows in this large open plan room is largely vertical and limited. Indeed, the outlook from the living room area is mainly through the small, high level, side windows and the view is of the fence on the east boundary. Overall, the outlook from this room is poor.
6. With respect to light, the appellant's Daylight and Sunlight Assessment (DSA) states that the primary test for assessing daylight is the Average Daylight

Factor (ADF). According to the Building Research Establishment (BRE) Guide¹, an ADF of 1.5% is the threshold target for a combined kitchen/living/dining room. This is also the target figure given in the draft Housing Design Standards Supplementary Planning Guidance yet to be published by the Mayor of London. The DSA calculates that the ADF in the kitchen/living/dining room is, at best, 1.59%.

7. However, upon further inspection of the assessment, the 1.59% is almost wholly comprised from light received either through the front door or the rooflight over the kitchen area, which are at either end of this long open plan room. Accordingly, although the rooflight above the kitchen area allows this part of the room to be well lit by daylight, and the part of the living room area in front of the front door is also well lit; in the main part of the living room area in the centre of the flat, it was dark and poorly lit.
8. In terms of assessing sunlight, the DSA states the recognised methodology is the Annual Probable Sunlight Hours (APSH) method which calculates the hours of sunlight any room would receive over the year. The assessment shows that the kitchen/living/dining room does not meet the BRE guidelines of 25% APSH. The BRE guidelines also advise that sunlight in living rooms is particularly important, and in that regard I note that a large section of the living room area has no sky view, which also suggests that it is poorly served by sunlight. I recognise that Standard 32 of the Mayor of London's Supplementary Planning Guidance on Housing suggests at least one habitable room should receive sunlight, which is the case here. Nonetheless, this does not address the poor outlook or insufficient daylight.
9. It is recognised that the BRE guidelines do not form part of the development plan, and therefore adherence, or failure to adhere, to the standards is not determinative. Notwithstanding that, from my site visit, I consider the living room area of the flat was unacceptably dark and the DSA does not lead me to a different conclusion.
10. The development therefore fails to provide satisfactory living conditions for the occupiers in terms of their outlook and light. Consequently, it fails to accord with policy DM12 of the Development Management Development Plan Document (2017) (the 'DMDPD') and policy SP11 of the Haringey Local Plan (2013) which aim to ensure development is generally of high-quality design. It also conflicts with DMDPD policy DM1 and policy D6 of The London Plan (2021) which both aim to ensure development, which in my view must include newly created dwellings, provides appropriate sunlight and daylight.
11. With respect to cycle and waste storage, the submitted plan Ref. LLB-2019/PD-01 Rev B shows how two waste bins and a cycle shelter for two cycles can be positioned in front of the flat. As such in this respect the development can provide acceptable living conditions for its occupiers, and so would not conflict with the aforementioned policies.

Other Matters

12. The Council accepts its delivery of housing over the past three years is substantially below its target. Paragraph 11 (d) ii. of the National Planning Policy Framework (the 'Framework') therefore applies. This states that

¹ Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, 2nd edition, 2011'

permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

13. The adverse impacts are set out above. Set against that is the benefit of providing an additional housing unit. However, due to the small quantum of development, this is a small benefit and so carries only limited weight.
14. The Framework advises, in paragraph 130, that developments should provide a high standard of amenity for existing users. As such, even taking account of the Framework's objective of significantly boosting the supply of housing and the Council's housing land supply position, the failure to provide satisfactory living conditions for its occupiers significantly and demonstrably outweighs the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

15. Although the development can provide acceptable cycle and waste storage, its failure to provide satisfactory light and outlook to its kitchen/living/dining room means that it conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which would support a decision other than in accordance with the development plan.
16. Therefore, for the reasons given, and having had regard to all other matters, the appeal is dismissed.

Andrew Owen

INSPECTOR