



Appeal Decision

Site visit made on 4 December 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/U5360/W/24/3345217

28 Brooke Road, London N16 7LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jacob Gluck against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/2876.
 - The development proposed is further excavation of existing basement level, together with front and rear lightwells, to facilitate amalgamation of studio flats 1 and 2 to form a 2-bed self-contained flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the development would provide acceptable living conditions for its future occupiers with respect to their outlook and daylight and the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

3. The front and rear lightwells would each serve a bedroom of the proposed two-bedroom flat. The Council's Residential Extensions and Alterations Supplementary Planning Document (2009) (SPD) states that in order that habitable basement rooms receive adequate daylight, a line drawn from the centre of the window at 30° above the horizontal should pass over any obstruction.
4. The submitted plans show an unobstructed 30° line drawn from the front and rear lightwells. However the lines start from within the bedrooms not from the windows.
5. The appellant has provided further images within the appeal statement. In respect of the front lightwell, they show that whilst an unobstructed 30° line is achievable from the windows on the sides of the bay; from the middle, and largest window in the centre of the bay, an unobstructed 30° line is not achievable. Although I note an unobstructed line at 35° is achievable from this central window, the failure of the proposal to allow for an unobstructed 30° line would mean the development would conflict with the SPD. With regard to the rear lightwell, the additional information shows an unobstructed 30° line from the centre of the window, largely due to the substantial depth of the lightwell from the rear window.

6. Overall, the restricted outlook from, and daylight received by, the central window in the front bedroom would mean the occupiers of that room would have unacceptable living conditions. The development would therefore fail to accord with policy LP17 of the Hackney Local Plan (2020) which requires residential extensions to have regard to the SPD. It would also, in this respect, conflict with policy D4 of the London Plan (2021) which generally requires good design quality.

Character and appearance

7. The building at the appeal site is a mid-terraced property divided into a number of separate flats. There are seven properties in the terrace and there is a front lightwell at the adjacent dwelling at No 30 which is enclosed by metal railings, though I understand that lightwell does not have planning permission. There are no other lightwells at any of the other dwellings in this host terrace.
8. However there are lightwells at five of the ten properties in the neighbouring terrace to the west between Bayston Road and Leswin Road and it has not been suggested that these are unlawful. These are of a range of sizes and designs including very shallow lightwells at No 6 and a larger lightwell including pedestrian access at No 16. As such, front lightwells are part of the established character of the wider area.
9. There are no lightwells in the neighbouring terrace to the east between Darville Road and Rectory Road, but this is within the Northwold and Cazenove Conservation Area and so differs materially from the host terrace.
10. The proposed lightwell and enclosing railings would not depart markedly from the variety of designs to the west. In that context the front lightwell would not appear harmfully out of character with the wider area.
11. It would therefore accord with policy LP1 of the Local Plan which requires all development to respond to the local character and be compatible with the existing townscape; and, in this respect, policy D4 of the London Plan as set out above. It would also, in this regard, accord with the SPD which states that lightwells will normally be acceptable where they are a characteristic part of the street scene.

Conclusion

12. Although the development would not harm the character and appearance of the area, it would fail to provide suitable living conditions for its future occupiers. The proposal would therefore fail to accord with the development plan taken as a whole and there are no other material considerations to indicate a decision other than in accordance with the development plan. Therefore the appeal is dismissed.

A Owen

INSPECTOR