



Appeal Decision

Site visit made on 23 October 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2025

Appeal Ref: APP/H5960/W/23/3341358

Land to the rear of 41 Beechcroft Road, London SW17 7BZ.

- 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 Ms Kesha Amin against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2023/3810.
 - The development proposed is the demolition of the existing garage/store building located to the rear of 41 Beechcroft Road and the erection of 1-bedroom single dwelling house (with basement).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Prior to making the application which this appeal relates to, the appellant made another application for a new dwelling on land which includes the appeal site, which was also refused by the Council. This application is also subject to an appeal Ref: APP/H5960/W/23/3330273, which I have determined and allowed under a separate Decision.
3. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

4. The main issue is whether the proposal would provide a satisfactory quality of accommodation for its occupiers.

Reasons

5. The proposed dwelling includes a bedroom at basement level. In particular, the Council's reason for refusal raises concern about the outlook, daylight and ventilation afforded to this bedroom.
6. Outlook is not specifically referred to in Policy LP27 of the Wandsworth Local Plan 2023 ('LP') or Policy D6 of the London Plan 2021. Even so, Policy D6 of the London Plan 2021 requires that housing developments be of high quality design with comfortable and functional layouts which are fit for purpose.

7. On the information before me the supporting text to Policy D6 of the London Plan 2021 requires that dwellings are dual aspect, part of the reason being to provide 'a choice of views' This also says that single-aspect dwellings must demonstrate that all habitable rooms and kitchens are provided with adequate passive ventilation, privacy and daylight, and that the orientation enhances amenity, including views.'
8. The reference to 'view' within the London Plan in the context of housing quality and standards, is interchangeable with 'outlook.'
9. As to what forms a comfortable and functional layout which is fit for purpose and creates an acceptable standard of accommodation for future occupiers, requires a degree of subjective and objective assessment and this is a matter of planning judgement for the decision maker.
10. In light of the above, outlook is an integral component to achieving a high standard of accommodation and amenity in line with the development plan. The Framework also seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
11. I have also taken account of the two windfarm appeals referred to me. These relate to the effects on outlook from a new development on existing residents. Whereas the main issue in this appeal is about securing a development which is designed to provide satisfactory living conditions for its occupiers. Therefore, the windfarm appeals are not directly applicable and are of limited relevance.
12. Outlook - The outlook from the proposed basement level bedroom would be towards the ground level courtyard via floor-to-ceiling façade glazing, with a proposed lightwell with a glazed floor and glazed stairwell.
13. Whilst the design seeks to maximise the outlook from the basement bedroom, in my opinion, views of the proposed courtyard would be limited and largely dominated by the staircase, despite its design and materiality. As such, I am not persuaded that this would provide a satisfactory level of outlook.
14. Ventilation - The proposed design includes a high-level obscure window at basement level. This is intended to provide ventilation. However, this window would open onto the adjoining property. Whilst the adjoining property is in the appellant's ownership, there is no certainty or controls before me to ensure that this window would remain fully functional in perpetuity and is not likely to be impeded by garden paraphernalia being positioned against or near this window. Also, the internal stairwell to the dwelling is not a substitute for direct natural ventilation to the bedroom.
15. Overall, I am not satisfied that the proposed arrangement would provide acceptable ventilation for the basement level bedroom.
16. Daylight - As part of the appeal, a Sunlight and Daylight report has been submitted. This confirms that the proposal provides a good level of lighting to all rooms including the basement level bedroom and that the proposal complies with BRE guidelines. The scheme achieves this by incorporating a largely glazed frontage, an internal lightwell provided with a glazed stairwell and glazed section of flooring. This would assist in creating well-lit spaces at both lower and upper levels.

17. Furthermore, the scheme incorporates sun pipes. These would further support daylight to the lower floor including parts of the bedroom.
18. Nevertheless, for the above reasons, the proposed basement bedroom would be afforded a poor outlook and ventilation.
19. Therefore, the proposal fails to comply with Policy LP27 of the LP and Policy D6 of the London Plan 2021. Together, these policies require that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners.

Other Matters

20. The appellant has referred to a number of allowed appeals, which relate to basement schemes. Whilst I do not have the full details of these, I have taken account of these. In the St. James's Street, Dyke Road and Fairbridge Road appeals, although some harm to living conditions was identified this was outweighed by other benefits. This balancing exercise is a matter for the decision maker, which is based on the evidence available, the proposal and site specific circumstances.
21. In the Addiscombe Road appeal, the development proposed is the conversion of basement flat to create two flats. As such, basement accommodation already existed. In the Fountayne Road appeal, the Inspector found that the scheme was acceptable with regard to both ventilation and outlook. However, in the absence of the approved layout, I am unable to draw any meaningful comparisons.
22. In the Latchmere Road appeal, the Inspector was able to view a similar development nearby, which supported their conclusion that the proposal would provide an acceptable residential environment.
23. Therefore, the schemes and circumstances in respect of the allowed appeals are not directly comparable, as such, I afford these limited weight.

Other Considerations

24. The redevelopment of the appeal site would support the use of a vacant and underused small brownfield site with good public transport availability to provide an additional dwelling. This would make a relatively modest but important contribution towards the Council's supply of housing. This, therefore, supports the Government's objectives of making effective use of land and significantly boosting the supply of homes, as set out in the Framework. There would also be direct and indirect social, economic and environmental benefits associated with such a proposal. Even so, the proposed scheme only provides a single dwelling and the benefits associated with this would be limited.
25. Moreover, under appeal Ref: APP/H5960/W/23/3330273, I have allowed planning permission for the redevelopment of the extant store/garage building to provide a new dwelling. This is a genuine fallback which would achieve similar benefits. In light of this fallback, the scheme in the appeal before me and its benefits are afforded limited weight.

Planning balance and conclusion

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
27. I have found that the proposal would fail to provide a satisfactory quality of accommodation for its occupiers. The harm associated with this conflict with the development plan and similar aims of the Framework, attracts substantial weight.
28. Having taken account of the other considerations in support of the proposal, I do not consider these to be sufficiently forceful to outweigh the harm and conflict with the development plan I have identified. Consequently, in the circumstances of this case, the material considerations do not justify a decision other than in accordance with the development plan.
29. I, therefore, conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR