



Appeal Decision

Site visit made on 13 August 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Appeal Ref: APP/U5360/W/25/3365900

8 Ayrson Road, Stoke Newington, London N16 0RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Grant Ibbs against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2024/2683 was approved on 15 May 2025 and planning permission was granted subject to conditions.
 - The development permitted is the erection of single-storey side extension, and extension of basement to enlarge the 1x bed flat to a 2x bed flat.
 - The condition in dispute is No.1 which states that: *The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.*
 - The reason given for the condition is: *To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the Council's Officer Report, they refer to various works and extensions to the property, including the sub-division of the property into two flats for which the Council states that there is no associated planning history for. However, this would be a matter for the parties to resolve and is not a matter for consideration as part of this appeal.

Background and Main Issue

3. Planning permission was granted for the erection of single-storey side extension, and extension of basement to enlarge the existing 1-bedroom flat to a 2-bedroom flat. It was subject to a number of conditions including Condition No.1 which specifies the approved plans. This appeal is made directly against the imposition of this condition. The appellant seeks to replace the approved drawings¹ with the scheme that was originally submitted with the planning application, albeit with some changes to the proposed use of the rooms to be created within the basement. Whilst the two schemes are visually different, they do not involve a fundamental amendment in terms of what is being sought and so the overall nature of the development would not change.
4. The original drawing was not technically before the Council when it made its decision. However, in this case the Council has clearly previously seen the original

¹ Approved Plan Refs: 201 Rev C, A202 Rev A, A203 Rev C, AY01 Rev A, 23-183/L/S/05 sections and details, site plan, A101 Rev A and A102 Rev A.

proposal and the Council had an opportunity to submit a statement and comment on the matter through the appeal process. I am therefore satisfied that as part of this appeal and having regard to the Holborn Principles², I can consider the revised scheme.

5. I understand from the evidence before me that the original scheme was amended due to concerns raised by the Council in relation the provision of a front lightwell. The appellant considers that there are examples of similar lightwells within the immediate area. However, the Council states that it would be an overly prominent and out of keeping form of development that was not characteristic of development in Ayrsome Road and that it would have a harmful impact on the street scene. The Council also raise concerns in relation to whether adequate levels of light would enter the basement accommodation.
6. Therefore, the main issue is the effect that varying the condition would have on the character and appearance of the host property and surrounding area and whether it would provide adequate living conditions for future occupiers with particular regards to light.

Reasons

Character and Appearance

7. The appeal site comprises a terraced, two storey property which has been sub-divided to provide two self-contained flats. The appeal relates to the ground floor and basement floor of the building.
8. The appeal proposal seeks planning permission for a revised scheme for erection of single-storey side extension, and extension of basement to enlarge the existing one-bedroom flat to create a two-bedroom flat, with a snug, sitting room, and two bathrooms within the basement. The main revision to the approved plans is the creation of a front lightwell and the use of a storage room as additional living space.
9. The Council's Residential Extensions and Alterations Supplementary Planning Document (the SPD) states³ that in streets where basement and light wells are not a traditional feature, the excavation of a basement can have a significant visual impact on the appearance of the house and the street scene, both by enlarging the front elevation and by removing part of the front garden to provide a lightwell. It further states⁴ where the proposal would involve the introduction of a lightwell into a shallow front garden, which could be entirely lost to a new light well, this is unlikely to be acceptable in streets where this is not the traditional pattern.
10. The front elevations of the properties on Ayrsome Road retain a strong degree of architectural consistency, and whilst some alterations have been made to front gardens, based on the evidence before me and my own observations, lightwells are not typically found on Ayrsome Road. Therefore, these do not form an established character of the streetscape.
11. The existing front garden the appeal property is relatively shallow, measuring approximately 1.5 metres at its widest point and 0.8 metres at its narrowest point

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

³ Paragraph 4.2 of the SPD

⁴ Paragraph 4.3 of the SPD

in front of the existing bay window. The proposed lightwell would occupy all of the front garden and the existing low wall would be replaced by metal railings. Due to the proposed lightwell occupying all of the front garden it would not be a discreet feature and would be highly perceptible to passersby.

12. Furthermore, as it would be the only lightwell on Ayrstone Road it would introduce an inconsistent form of development into the street scene. Accordingly, this would not be in keeping with the character of the host building, adjoining properties and the surrounding area.
13. Whilst my attention has been drawn to examples of lightwells within the wider area located on Prince George Road and Kynaston Road, these are some distance from the appeal property and these examples are not of an isolated light well but rather streets where such features are a common characteristic of these properties. On this basis, they are not comparable to the appeal site.
14. For the reasons set out above, I therefore conclude that the proposed development would cause unacceptable harm to the character and appearance of host property and surrounding area. Thus, it would be contrary to Policy LP1 of the Hackney Local Plan 2033, adopted July 2020 (the HLP) which requires amongst other things, development to be of the highest architectural and urban design quality and respond to local character and context.

Living Conditions

15. The approved plans show that two bathrooms, a snug and a storage room would be provided within the basement. However, the proposed plans would change the use of the storage room to a sitting room. The submitted plans indicate that there would be no change to the number of bedrooms. However, the revised plans would nonetheless increase the amount of habitable accommodation within the basement.
16. Policy LP2 of the HLP states that all new development must be appropriate to its location and should be designed to ensure there are no significant adverse impacts on the amenity of occupiers and neighbours, including the impact of development on sunlight and daylight levels.
17. The SPD states that habitable basement room should receive adequate daylight. This is dependent on the size and shape of the basement room, but as a guide a line drawn from the centre of the window at 30 degrees above the horizontal should pass over any obstruction. It further states that light-wells should be a minimum distance of 1m from windowpane to the retaining wall.
18. In this respect, the 'Existing and Proposed Section AA Plan' indicates that the proposed window would fail to meet these requirements by being located less than 1m from the retaining wall and not demonstrating that it would meet the 30-degree test when measured from the centre of the window.
19. Consequently, in the absence of any substantive evidence to demonstrate that the proposed habitable room within the basement would receive adequate daylight and sunlight, it has not been demonstrated that the proposed development would provide adequate living conditions for future occupiers, with particular regard to daylight and sunlight provision. Thus, it would be contrary to Policy LP2 of the

HLP, which seeks to ensure that development has no significant adverse impacts on the amenity of occupiers.

Other Matters

20. I have had regard to the desire of the appellant to achieve sustainable development and provide additional accommodation for their family by extending into the basement. I also acknowledge that a ground floor flat has more limited opportunities for extensions. However, this is not an uncommon scenario and, whilst I have sympathy to the circumstances described, they are not sufficient to outweigh the harm and policy conflict identified.

Conclusion

21. For the reasons set out above, the proposed development conflicts with the development plan taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

K Lancaster

INSPECTOR