



Appeal Decisions

Site visit made on 19 June 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th September 2025

Appeal A Ref: APP/N5090/W/24/3357517

26 Renters Avenue, Hendon, London NW4 3RB

- 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 BY Developments against the decision of the Council of the London Borough of Barnet.
- The application reference is 24/2853/FUL.
- The development proposed is the demolition of the existing dwelling and erection of a new two-storey building with basement level with associated lightwells and rooms in the roofspace to provide 4no. self-contained flats; associated amenity space, refuse/recycling storage, cycle storage and parking.

Appeal B Ref: APP/N5090/W/24/3357509

26 Renters Avenue, Hendon, London NW4 3RB

- 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 BY Developments against the decision of the Council of the London Borough of Barnet.
- The application reference is 24/4035/FUL.
- The development proposed is the demolition of the existing dwelling and erection of a new two-storey building with basement level with associated lightwells and rooms in the roofspace to provide 4no. self-contained flats; associated amenity space, refuse/recycling storage, cycle storage and parking.

Decision

1. Both appeals are dismissed.

Applications for costs

2. Applications for costs were made by BY Developments against the Council of the London Borough of Barnet. These applications are the subject of separate decisions.

Preliminary and Procedural Matters

3. I have been appointed to determine three appeals on the same site. Two of them are dealt with here, as the proposed developments are very similar and the main issue is the same in both appeals (though I have of course differentiated between details of the two schemes where necessary). The third appeal (PINS Ref: APP/N5090/W/25/3362951) is for a markedly different scheme which raises different issues, and it is therefore the subject of a separate Decision.
4. The new Barnet Local Plan ("the BLP") was adopted on 4 March 2025. It replaced the 2012 version of that plan, the policies of which had been referred to on the decision notices issued by the Council. The Council's statement and the appellant's final comments for these appeals were made in the light of the new

local plan and its policies; I have determined the appeals with reference to the up-to-date development plan. I have also been directed to two relevant supplementary planning documents, both dating from October 2016, and which address Sustainable Design and Construction (“the SDC SPD”) and Residential Design Guidance (“the RDG SPD”).

5. The appeal site has a considerable planning history, though much of this does not need to be discussed here. Of particular relevance to these appeals, however, is a planning permission granted in May 2024 (“the May 2024 permission”) for a scheme described as “demolition of the existing dwelling and erection of 2no. two semi detached dwellings with rooms in the roofspace and basement level with associated lightwells; associated amenity space, refuse and recycling storage and cycle parking and outbuilding” (LPA Ref: 24/1317/FUL). This scheme was referred to at some length in the appeal submissions, and I address it at relevant points of my reasons below.

Main Issue

6. The main issue in both appeals is whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to daylight and outlook in basement rooms of Units 1 and 2.

Reasons

7. The appeal property is a two-storey detached dwelling house, with detached garage alongside, on a corner plot opposite the junction of Cheyne Walk with Renters Avenue. It has a shallow front forecourt, largely given over to a driveway but with some soft landscaping, and a larger rear garden. The surrounding area is predominantly residential, with detached, semi-detached and terraced housing.
8. The proposed development in both appeals is the demolition of the existing dwelling and the erection of a new building with four self-contained flats. In both cases Units 1 and 2 would extend across the ground floor and basement levels; it is those units on which the Council’s concerns were focused, and I therefore also concentrate on them here.
9. In the Appeal A scheme, both units would have a combined kitchen-lounge-diner and two bedrooms on the ground floor. Each unit would have its master bedroom with ensuite bathroom at basement level, along with a playroom and a TV room for Unit 1, and a home office and a cinema room for Unit 2¹. The master bedrooms in both units, the TV room in Unit 1, and the ensuite bathroom and home office in Unit 2, would have windows or glazed doors opening onto lightwells at the rear of the building. The two units’ playrooms would each have rooflights.
10. In the Appeal B scheme, both units would again have two bedrooms at ground floor level, along with a kitchen-lounge-diner for Unit 1, and a combined kitchen-dining room for Unit 2. Both flats would again have their master bedroom with ensuite shower room at basement level, along with a TV room for Unit 1, and the main living room for Unit 2. Space at the front of the building primarily occupied by the playrooms in the Appeal A scheme would in Appeal B be given over to storage units accessed via a staircase down from the main communal entrance hall. The master bedrooms in both units, the TV room in Unit 1, and the living room in Unit

¹ For the sake of brevity I have not described other bathrooms, utility rooms and so on here.

2, would have windows or glazed doors opening onto lightwells at the rear of the building.

11. The appellant has submitted daylight assessments in respect of both appeal schemes, which been prepared with reference to the BRE report *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*. While the BRE report does not set statutory requirements, it is widely accepted as established guidance in respect of daylight and sunlight. For Appeal A, the assessment showed that the bedroom, playroom and TV room in the basement of Unit 1, and the living room², bedroom and office in the basement of Unit 2 would all achieve the target daylight factor standard set out in the BRE guidance. For appeal B, the assessment showed that the living room and bedrooms in the basement of both units would meet the target daylight factor standard. I have no reason to dispute the technical daylight evidence which has been put before me in either of these appeals.
12. In Appeal A, the bedrooms in both Units 1 and 2, the TV room in the basement of Unit 1, and the office in Unit 2, would open onto the small but deep lightwells at the rear of the building; their outlook would be significantly constrained by the retaining walls. The same would be the case in Appeal B for the TV room and bedroom in the basement of Unit 1, and the living room and bedroom in Unit 2. In Appeal A, the two playrooms (or living rooms, if the alternative description is preferred) at the front of the building which would be dependent on rooflights would effectively have no outlook at all, with only glimpses of the sky potentially available. While the rooms may achieve compliance with the BRE daylight standard, they would all offer future occupiers a very limited and constrained outlook.
13. The appellant has referred to the May 2024 permission, where two basement bedrooms (one in each of the two units in that scheme) would also open onto small lightwell; it is argued that “either the amount of light and outlook entering the bedrooms is acceptable or it is not”. However, the context of the May 2024 scheme is different from the two proposals before me. In the May 2024 scheme, Unit 1 would have only one of its five bedrooms, and Unit 2 one of its four bedrooms, in the basement level, and neither would have any of its main living rooms below ground. In both the appeals I am dealing with here, Units 1 and 2 would have one of their three bedrooms in the basement; in Appeal B the main living room of Unit 2 would also be in the basement. The basement rooms would make up a much larger proportion of the living space of the proposed units in these two appeal schemes, and occupiers would be much more reliant on them for day-to-day living than would be the case in the May 2024 scheme. The shortcomings in respect of outlook would be much more keenly felt, and therefore much more significant, in the case of these appeal proposals.
14. The appellant has also drawn my attention to other cases where the Council has granted planning permission for development with habitable rooms in the basement; at Egerton Gardens³, Ravenscroft Avenue⁴, and The Ridgeway⁵. However, the approved plans and sections for those schemes show that basement rooms would open onto lightwells which have stepped profiles (which would not be

² As there is no room within the basement of Unit 2 described as a “living room” on the submitted drawings for Appeal A, my assumption here is that the assessment is referring to the “playroom”, as I have described above.

³ LPA Ref: 24/1315/FUL

⁴ LPA Ref: 24/0372/FUL

⁵ LPA Ref: 24/0595/NMA

as visually constraining as vertical walls) or are larger than those proposed in the appeal schemes. Those examples illustrate that proposals for basement development should be treated on their own individual merits, but they do not weigh significantly in favour of the appeal proposals before me.

15. Finally, the appellant suggests that the Council has misinterpreted the guidance in its own SDC SPD in respect of what is a habitable room. It defines a habitable room as “a room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m² (including fittings), or the dining space if it is divided from the working area by a moveable partition”. On my reading, the 13m² reference clearly relates to kitchens – it does not suggest (as the appellant has interpreted it) that a room of less than 13m² (specifically here, the TV room in Unit 1 of Appeal A) should as a matter of course not be treated as a habitable room. This argument also does not alter my assessment of the appeal schemes.
16. I therefore conclude that, as a consequence of the poor and limited outlook from basement rooms, the proposed developments would not provide acceptable living conditions for future occupiers. The proposals would conflict with Policies CDH01, CDH02, CDH05 and CDH06 of the 2025 BLP, and with Policy D6 of the London Plan 2021. Together, and among other things, these policies seek to promote development with high quality design, a good standard of amenity with acceptable levels of daylight and outlook, and to ensure that rooms within basement developments should function properly for their intended purpose.

Conclusion

17. For the reasons given above, and taking into account all other relevant matters raised, I conclude that both appeals should be dismissed.

M Cryan

Inspector