

## Appeal Decision

Site visit made on 5 November 2013

**by Jennifer Tempest BA(Hons) MA PGDip PGCert CertHE MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 December 2013**

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**Appeal Ref: APP/X5210/A/13/2200514**

**Elite Ladies Fashion, 180 Kilburn High Road, London NW6 4JD**

- 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 Mr Haseeb Aslam against the decision of the Council of the London Borough of Camden.
  - The application Ref 2013/1017/P, dated 21 February 2013, was refused by notice dated 30 May 2013.
  - The development proposed is described as "retrospective conversion of the rear extension into a self contained residential unit".
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the application was determined by the Council, the Council has revised Supplementary Planning Document *Camden Planning Guidance 2 Housing* (CPG2) adopted September 2013. Both main parties have been given an opportunity to comment on this.

### Main Issues

3. These are whether the development:
  - (1) provides adequate living conditions for the occupiers with regard to natural light, outlook and internal space;
  - (2) makes suitable provision for Lifetime Homes measures; and
  - (3) includes satisfactory provision in respect of car parking.

### Reasons

4. The application is made in retrospect and the documentation confirms that the conversion was completed in March 2011. The planning statement refers to the unit as a studio flat. The flat includes a separate bedroom and bathroom.

### *Living Conditions*

5. The flat has one window in the living room area. This is the only window serving the flat and the only source of natural light. The window faces onto a pedestrian-width access way, on the opposite side of which is a blank wall.

This wall is the rear of a building which faces onto Kingsgate Place. There is no view of the sky from the window.

6. During my site visit, the combined living room and kitchen area required electric lighting. I undertook my site visit in the middle of the day. It was reasonably bright outside but not sunny. With the lights turned off, the living room and kitchen area was very gloomy and the bedroom area was dark. The bathroom was completely dark, however the lack of natural light to a bathroom is not an unusual arrangement. The only part of the flat which appeared to me to have the potential to be usable without artificial lighting was a limited area immediately adjacent to the window.
7. The Council's report and the application form refer to a floor area of 35 m<sup>2</sup> however the Council subsequently comment that the floor area appears to be 30.4 m<sup>2</sup>. Camden Planning Guidance: Housing (CPG2) was adopted in September 2013. Section 4 of this guidance states that space standards for a 1 person unit should be a minimum of 32 m<sup>2</sup>. The appellant acknowledges that the internal space falls below the London Plan standard which is stated to be higher than that set out in CPG2. I find the evidence as to whether the flat meets minimum space standards set out in CPG2 to be inconclusive.
8. The combination of lack of natural light and very poor outlook are in themselves sufficient for me to conclude that the living conditions within the flat are not acceptable. In addition, the sole window serving the flat is adjacent to the pedestrian access to another property. Whilst I accept that the flat is not directly overlooked by habitable rooms, these arrangements reduce the privacy available to occupiers of the flat. Measures to preserve privacy would further reduce the already poor levels of natural daylight entering the flat. The lack of privacy adds to my concerns about the living conditions within the flat.
9. The appellant points to the high standard of finish and levels of comfort within the flat. The accommodation is stated to be affordable for people on lower incomes or for key workers although no detailed evidence is submitted to support this. The benefits stated are not sufficient to outweigh the harm caused by the lack of available natural light and the poor outlook. I find that the living conditions are unacceptable and this is sufficient reason to dismiss the appeal.
10. The appellant refers to the Ministerial Statement 'Planning for Growth' in support of the development. The subsequent National Planning Policy Framework (Framework), published in March 2012, sets out three dimensions to sustainable development: economic, social and environmental. The economic role of planning in helping to build a strong and competitive economy is not to be considered in isolation from the social role which includes the provision of adequate housing. The Framework makes clear that planning should always seek a good standard of amenity for all existing and future occupiers. Accordingly, the proposal does not constitute sustainable development as envisaged by the Framework.
11. The development conflicts with Policy CS5 (e) of the Camden Core Strategy 2010 - 2025 (CS) which protects the amenity of residents and with Policy DP26 of the Local Development Framework Camden Development Policies 2010-2025 (CDP). CDP Policy DP26 sets out that in implementing CS Policy CS5, the factors to be considered include outlook, sunlight, daylight and artificial light

levels and that developments will be required to provide, amongst other things, an acceptable standard of accommodation in terms of internal arrangements. CPG2 adds detail to the Local Development Framework policies. Paragraph 4.20 of CPG2 advises that residential development should maximise sunlight and daylight and paragraph 4.21 that all habitable rooms should have access to natural daylight.

#### *Lifetime Homes*

12. The internal layout of the flat includes two changes of levels. The appellant considers that this and other Lifetime Homes compliance measures could be addressed by a condition. Whilst noting that this statement is at variance with the comments on Lifetime Homes compliance made at application stage, the Council suggest conditions addressing this matter. I consider that had the proposal been acceptable in other respects a condition could have been imposed to deal with this, with the potential to overcome the conflict with CS Policy CS6. This policy seeks a variety of housing types suitable for different groups as amplified by CDP Policy DP6, which requires all housing development to meet Lifetime Homes standards.

#### *Car Parking*

13. The opportunities for parking in the area are restricted with permit holder only parking on Kingsgate Place. The appellant has indicated a willingness to enter into an obligation with regard to a car free development. The Council confirm that a satisfactory obligation would remove their objection to the development on these grounds. However, no obligation has been supplied and the proposal is therefore contrary to CS Policy CS11 and CDP Policy DP18. Given my conclusions with regard to living conditions, had such an obligation been submitted this would not have altered my overall conclusions on the development.

#### *Other matters*

14. No particular special circumstances have been advanced with regard to the current occupant of the flat. I am satisfied that, based on the evidence before me, any interference with home life would be outweighed by the harm caused by the development.

#### **Conclusion**

15. For the reasons given above, and having taken all points raised into consideration, I conclude the appeal should be dismissed.

*Jennifer Tempest*

INSPECTOR