



Appeal Decision

Site visit made on 28 November 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 9 January 2018

Appeal Ref: APP/X5210/W/17/3181406

73 Maygrove Road, London NW6 2EG

- 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 Cyril Ogunmakin of Granada Developments Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/1882/P, dated 31 March 2017, was refused by notice dated 1 August 2017.
 - The development proposed is construction of new detached lift and enclosure from ground (courtyard) to first floor.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of the adjacent ground floor flat with regards to outlook and light.

Reasons

3. 73 Maygrove Road is a large building arranged over four floors that was formerly a factory but has now been converted into offices, flats and live-work units. There is a courtyard to the rear of the building between it and a recently constructed residential block of a similar scale to No 73. Planning permission has been granted for extensions to No 73, one now built and the other extant, which have and would enclose the courtyard further. The courtyard largely serves as a car park and storage space for bins. Given its orientation to the north of No 73 and the height of the surrounding buildings, the courtyard does not appear to receive much in the way of sunlight, particularly next to the north elevation of No 73.
4. The proposed development would be located a short distance from a ground floor window on the north elevation of No 73. The lawful use of the internal space behind this window is considered to be B1 Office by the Council, but they have assumed that it actually operates as a residential flat. An enforcement inquiry has been set up to investigate, but for the purposes of this proposal, the Council has assumed that this window serves a flat and a bedroom window, which the appellant does not dispute. A letter has also been sent by the occupiers of Flat 10a in connection with the proposed development, who assert that the window forms part of their flat and is a bedroom window. Notwithstanding uncertainties regarding the use of the internal space, I have

assumed that it is used as a residential flat for the purposes of this appeal and that the window serves a bedroom.

5. The ground floor window faces directly onto the courtyard with a narrow walkway between it and car parking spaces. At my site visit, I observed that the window had its blinds closed and note that the occupiers of the flat appear to keep them closed to prevent overlooking from the car park and residential block opposite. The proximity of the residential block and parked vehicles limits the quality of the outlook from this window in the event that the blinds are opened, with vehicles able to park very near to the window. Furthermore, the window receives little in the way of sunlight given its orientation. With the blinds closed, there would be a limited amount of daylight entering the room, but when opened the levels would be reasonable.
6. The proposed development would increase the screening to the ground floor window in the event that the blinds are opened and would restrict the amount of overlooking from the courtyard and residential block opposite. As such, there would be improvements to the living conditions of occupiers of the flat in terms of privacy. However, the lift column due to its height and proximity would create an oppressive sense of enclosure to the window and limit views from the room across the courtyard, particularly further away from the window itself. The existing view of parked vehicles and the residential block is not pleasant, but is more open than the proposed development. Furthermore, parked cars can be moved whereas the development would be fixed. The proposed development would utilise high quality materials and introduce planting, but this would not offset the overbearing effect of the development on outlook.
7. The development would have little effect on sunlight as noted by both the appellant and the Council due to the orientation of the north elevation. In terms of daylight, the existing window falls below the 27% target for the Vertical Sky Component (VSC) as set out in the Camden Planning Guidance (CPG) 6 on Amenity. In such circumstances, the CPG states that a reduction to the existing level of daylight to no less than 80% of its former value may be acceptable. The appellant's VSC data shows a reduction for the existing window from 23.2% to between 8.4% and 10.1% depending on the part of the window, or alternatively, a ratio of between 0.36 and 0.44. This would be a noticeable loss of daylight, but the appellant notes that the Average Daylight Factor measurement would remain just above the minimum target for bedrooms at 1.1%. However, there is a difference of opinion between the Council and the appellant regarding the importance of VSC over ADF and vice versa. I note that the CPG states that ADF measurements may not be applicable when measuring the impact of new buildings on existing dwellings, especially if the VSC demonstrates a significantly worsening in daylight levels.
8. The VSC and ADF measurements give an indication of the effect of the development on daylight rather than a definitive finding on the effects. Nevertheless, the amount of daylight into the bedroom would reduce due to the proximity of a two storey solid structure. This would have a significantly greater effect than a parked vehicle which is not a fixed structure, and would have a permanent effect unlike the existing blinds which can be opened should the occupiers wish. Light would enter at angles from either side of the lift shaft, including from across the adjacent park and reflected off surrounding buildings, while the window is relatively large given the building's former

factory use. However, there would still be a detrimental effect in terms of light due to the scale and siting of the development.

9. The bedroom is only one room in a flat which apparently benefits from south facing windows on the front elevation of No 73. As a bedroom it would not necessarily be occupied for long periods during the day. Nevertheless, it is a habitable room where there should be an expectation of reasonable outlook and light, and it cannot be assumed that the occupiers would be content to always have the blinds closed. The appellant has supplied drawings to indicate the likely views and light based on the arrangement of furniture within the bedroom, but it cannot be assumed that the furniture will always be arranged as indicated. The effects on outlook and light may vary depending on where one is located within the bedroom, but would still be harmful overall.
10. The appellant cites a number of examples of development in the local area with what they consider to be comparable window arrangements. Terrace housing with rear outriggers and narrow passageways may have short separation distances between windows and walls on neighbouring properties, while windows serving basement rooms in residential development are often subterranean. However, such window arrangements are often found on older historic properties where planning controls were likely to be different to the present day. I acknowledge that basement accommodation has been created in recent development within the local area, but there are different expectations in terms of light and outlook from a basement room compared to one at ground level. Extensions to existing properties may have similar effects on neighbouring properties, but I have insufficient evidence to compare with the proposed development.
11. The appellant's examples include large-scale residential development such as 159-171 Iverson Road where ground floor windows and upper floor balconies look straight onto the adjoining pavements. This appears to result in privacy issues with blinds often closed, but I have insufficient evidence that any bedroom window is in close proximity to a lift shaft or other structure. The appellant also notes the effect of recent development on Britannia Street on the living conditions of neighbouring properties, but again, I am lacking evidence that this development is adequately similar to the proposed development. Living in highly developed urban environments often has effects on living conditions for existing occupiers of residential properties, but I have not been presented with any comparable development to justify the effects of the proposed development. For similar reasons, the Council has not been inconsistent in its decision on this appeal development. For the avoidance of doubt, I have determined this appeal on its own merits.
12. The appellant has indicated that the lift shaft could be moved further away from the north elevation of the existing building and a separate planning application has been submitted to the Council for a revised scheme. However, the appeal process should not be used to evolve a scheme and I can only make my decision based on the plans that the Council had before them at the point they made their decision. Any comments on revised plans should be between the appellant and the Council in the first instance.
13. The proposed development would evidently improve access to the existing building and would reduce overlooking of the bedroom window. It also seeks to achieve high quality design taking inspiration from various other

developments. However, these benefits are insufficient to outweigh the harm that would be caused to the living conditions of occupiers of the adjoining ground floor flat.

14. In conclusion, the proposed development would have a harmful effect on the living conditions of occupiers of the adjoining ground floor flat in terms of outlook and light. Therefore, it would not accord with Policy A1 of the Camden Local Plan 2017. Amongst other things, this policy seeks to ensure that the amenity of occupiers and neighbours is protected, taking into consideration factors including outlook, sunlight, daylight and overshadowing.

Other Matters

15. I note the apparent delays in the Council's processing of the original application and the changes to the planning officer's original recommendation. However, such matters are largely procedural and so do not affect the merits of the proposed development before me. I also note the lack of objections to the development, including from the current occupiers of the adjacent ground floor flat. However, this does not diminish the harm I have identified or the need to consider the effects of development on any future occupiers of the flat.

Conclusion

16. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR