
Appeal Decision

Site visit made on 31 August 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 22 September 2016

Appeal Ref: APP/N5090/W/16/3151523

9 Mowbray Road, Edgware, Barnet HA8 8JG

- 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 Ms Devorah Markovic against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/1428/RCU, dated 4 March 2016, was refused by notice dated 11 May 2016.
 - The development proposed is described on the application form as 'Using self contained existing 'granny flat' on the side wing of the ground floor as separate dwelling'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of the site visit, the conversion of the granny annexe into a self-contained flat had been completed. On this basis I will therefore deal with the appeal as a retrospective application.

Main Issues

3. Within the decision notice, the Council refer to a lack of information relating to the outdoor amenity space. However, within the delegated report concern is also raised regarding car parking and suitable outlook and daylight. The appellant has also covered these issues within their statement of case and final comments. In view of this I find that the main issues are the effect of the proposal on:
 - (i) the living conditions of future occupiers, with particular regard to the provision of outdoor amenity space, car parking, outlook and daylight; and
 - (ii) the character and appearance of the surrounding area.

Reasons

Living conditions

4. The Council contends that insufficient information has been submitted with regards to outdoor amenity space. Both the London Borough of Barnet Local
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Plan Supplementary Planning Document: Residential Design Guidance (2013) (the RDG) and the London Borough of Barnet Local Plan Supplementary Planning Document: Sustainable Design and Construction 2013 (the SDC) stipulate the importance of the provision of outdoor amenity space and for flats a minimum of 5 square metres of space per habitable room is required.

5. I noted from my visit that the main dwelling benefits from a good sized, well stocked rear garden. Furthermore, it was evident that it is possible to access this space from the rear patio doors of the self-contained unit. However the evidence before me does not confirm provision of any section of this amenity area for the self-contained unit.
6. I note the suggestion by the appellant that, given the size of the amenity space, it could easily be divided to meet the required standards. However no proposals have been submitted to show how this could be achieved or how it would affect the outlook and privacy from both the main dwelling and the self-contained unit. In the absence of such details I am not persuaded that the matter could be dealt with by the imposition of a condition. Consequently, I find that the proposal fails to provide the required level of outdoor amenity space for the current or future occupiers of unit and would, therefore, be detrimental to their living conditions.
7. Accordingly, the proposal would conflict with Policies DM01 and DM02 of Barnet's Local Plan – Development Management Policies, Development Plan Document (2012) (the DMP), Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan – Core Strategy, Development Plan Document (2012) (the CS) and guidance contained within the RDG and SDC. When taken together these policies, amongst other things, seek to ensure buildings are of a high quality design which protect residential amenity.
8. With regards to internal layout, the SDC states that the positioning of windows and doors should be considered and that single aspect dwellings should be avoided. However the policy also states where dual aspect dwellings are demonstrated to be impossible or unfavourable, the design of single aspect dwellings must demonstrate a good level of natural ventilation and daylight for each habitable room. From my site visit, I am satisfied that whilst the unit is not dual aspect, a good level of ventilation, privacy and daylight is available and therefore an acceptable level of living condition is provided. On this basis, I find that the unit complies with the guidance of the SDC with regards to internal layout.
9. Turning my attention to the car parking provision, I accept that the occupiers of the main dwelling park vehicles on their driveway. Policy DM17 of the DMP states that 1 car parking space is required for the self-contained unit. I further acknowledge that the unit is sited within a sustainable location, having a Public Transport Accessibility Level of 4 and note that the current tenant does not own a car.
10. However, the proposal does not provide for any on-site car parking for the current occupiers or any future occupiers of the self-contained unit. Moreover, I observed during my visit that on-street parking in the area is controlled. Whilst the appellant states that there is space for 3 cars, no details relating to car parking have been supplied. In the absence of such details I am not persuaded that the matter could be dealt with by the imposition of a condition. Accordingly, I find that the proposal fails to provide the required level of car

parking and is therefore contrary to the parking management objectives of Policy DM17 of the DMP.

Character and appearance

11. Detached and semi-detached houses of a similar style set mostly behind front gardens and hard surface areas dominate Mowbray Road and there is a cohesive residential character to the street. From my visit, it appeared that the majority of dwellings within the immediate locality provide single family units. There was no evidence of conversions into multiple units of accommodation.
12. Policy DM01 of the DMP is an 11 part policy concerning the protection of Barnet's character and amenity. Part (h) of the policy advises that the conversion of dwellings into flats on roads characterised by houses will not normally be appropriate. As stated, the strong impression created within Mowbray Road is one of single family houses. This creates a particular character and pattern of use which adds to local identity and a sense of place. The Council recognises that the conversion of properties into flats can have a damaging cumulative effect wherein local character is eroded through increased activity, increased noise and additional car movements. Furthermore, the National Planning Policy Framework states that the character of the area is not influenced by only matters of appearance and visual impact but also how it functions and contributes to local identity.
13. Notwithstanding the above, it should be noted that Policy DM01 of the DMP does not explicitly prohibit conversions. Moreover, any effect on the character of the locality and relationship with the host dwelling from the proposed quantum of the development already exists. The conversion to a self-contained flat has not resulted in any significant physical alterations and I do not consider that the use of the site would be significantly increased to cause material harm in terms of neighbouring amenities. Accordingly, I am satisfied that the proposal addresses the objectives of policy DM01 above by respecting both the established character of the area and appearance and pattern of surrounding buildings and spaces.
14. I note the concern raised by the Council in terms of the effect on character of both the host dwelling and the wider locality with regards to the potential subdivision of the garden in the interest of amenity for the occupiers of the flat. Views of the rear garden are limited to surrounding properties and are partially screened by fencing and existing landscaping within surrounding gardens. From my visit, it appeared that the subdivision of rear gardens is not a common feature of the local area, as surrounding properties are occupied as individual family houses. However the only visible change would be an additional internal boundary treatment. I consider that this alteration would have a limited effect on the character and appearance of the area given the absence of public views of the rear garden.
15. I therefore find that the proposal would accord with the objectives of policy DM01 of the DMD outlined above, as well as the guidance contained within the SPD. For the same reasons, the proposal would also accord with Policy CS5 of the CS and Policies 3.5, 7.4 and 7.6 of The London Plan - The Spatial Development Strategy for Greater London Consolidated with Alterations Since 2011 (2016). These policies broadly aim to ensure that new development represents high quality design, respects the local context and preserves or enhances the area's character.

Other Matters

16. The concern raised by the appellant regarding the handling of the application by the Council is noted. However, this is a procedural issue which is removed from the planning merits of the case. Accordingly, I have not attached any weight to this matter.

Conclusion

17. The proposal would contribute to the housing supply and would provide variety in terms of residential accommodation, both of which are important planning policy objectives. Notwithstanding my conclusions on the character of the area, the development would fail to provide adequate outdoor amenity space and car parking for current and any future occupants. In terms of the main issues this reason is leading me to find that the appeal should be dismissed. I recognise that the failure of this appeal would put the occupation of the dwelling by the current occupants at risk.
18. However, being mindful of the best interest of at least one child who is living at the property, a decision to dismiss the appeal would be in accordance with law based on upholding the aims of relevant planning policies in the wider public interest. It would therefore be a proportionate and necessary response having also taken account of my public sector equality duties.
19. Therefore, with regard to all other matters raised, it is concluded that the appeal should be dismissed.

Helen Cassini

INSPECTOR