
Appeal Decision

Site visit made on 27 September 2016

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 30 September 2016

Appeal Ref: APP/N5090/W/16/3153746

Highview House, 6 Queens Road, Hendon, London NW4 2TH

- 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 A Cohen against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/2327/FUL, dated 10 April 2016, was refused by notice dated 16 June 2016.
 - The development proposed is the partial conversion of lower ground floor into 1 No self contained residential flat, the erection of a single storey building to the rear comprising 2 No self contained studio flats and alterations to hard and soft landscaping including provision of a new rear access ramp, associated amenity space, alterations to rear patio and alterations to the fenestration on the main building.
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Decision

1. The appeal is dismissed in so far as it relates to the erection of a single storey building to form 2 No self contained studio flats including the associated hard and soft landscaping and the amenity space. The appeal is allowed in so far as it relates to the partial conversion of lower ground floor into 1 No self contained residential flat, alterations to the fenestration of the main building, provision of a new rear access ramp and alterations to the rear patio, and planning permission is granted for the partial conversion of lower ground floor into 1 No self contained residential flat, alterations to the fenestration of the main building, provision of a new rear access ramp and alterations to the rear patio at Highview House, 6 Queens Road, Hendon, London NW4 2TH in accordance with the terms of the application Ref 16/2327/FUL, dated 10 April 2016, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: QR6-2001A, QR6-2002A, QR6-2003, QR6-2005A and QR6 -2006.
 - 3) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter

be implemented in accordance with the materials as approved under this condition.

- 4) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details as approved under this condition and prior to the first occupation. The approved enclosures/ screened facilities shall thereafter be retained and only the approved bin collection point shall be used.

Procedural Matter

2. I have used the description of development from the Council's refusal notice rather than from the planning application form. This is because it more accurately describes the full extent of the proposals. The main parties have agreed that this description of development should be used.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

Site and proposal

4. The appeal site comprises a four storey block of residential flats known as Highview House and includes a large communal garden area to the rear. The site falls within a mainly residential area.
5. It is proposed to convert part of the basement into a one bedroom flat with an associated private courtyard to the rear. A ramp would be formed into the garden area at the rear, a new window would be installed on the front elevation of Highview House (adjacent to the main entrance) and two new windows would be installed to the side elevation abutting No 7 Queens Road. In addition, it is proposed to erect a flat roofed and single storey building to the rear which would include two studio flats coupled with associated hard and soft landscaping. The existing garden area would be subdivided.

Character and appearance

6. In respect of the partial conversion of the lower ground floor into 1 self contained residential flat which also includes alterations to the fenestration of the main building, provision of a new rear access ramp and alterations to the rear patio (including the creation of a private courtyard), I have no reason to disagree with the conclusions reached by the Council that this development would in all respects accord with relevant planning policies. I therefore conclude that these proposals would not cause harm to the character and appearance of the area. The main area of dispute relates to the proposed building to the rear and its associated development.
7. The character of the immediate area consists of residential properties fronting Queens Road arranged in a mainly linear form and with long and mainly open and green garden areas abutting other residential gardens associated with

properties on Sydney Grove. This provides an attractive, green and open break between development on Queens Road and Sydney Grove and gives the area its distinctive character. I acknowledge that there are some ancillary residential buildings in some of the rear garden areas, and that there does appear to be a dwelling to the rear of Hendon Park Mansions, but overall the character and appearance of the rear of the properties on Queens Road is as I have described above.

8. The proposed building to form two studio apartments would take up almost the full width of the plot and would appear isolated when considered against the host building and the pattern of development along Queens Road. Furthermore, it is proposed to subdivide the existing garden area. Overall, I consider that proposal would unacceptably detract from the open, spacious and green feel to the area. Owing to the size and position of the building, coupled with the subdivision of the plot, I consider that as a whole the development would appear isolated and incongruous within its setting. The appellant has drawn my attention to development to the rear of No 8 Queens Road (a Synagogue), but I am not aware of the circumstances that led to this development being erected and, in any event, its existence does not alter my overall conclusion.
9. For the above reasons, I conclude that the development would have an adverse impact upon the character and appearance of the area. It would not therefore accord with the design aims of Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012; Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 and the Local Plan Supplementary Planning Document: Residential Design Guide 2013.

Other Matters

10. I acknowledge that the appeal site is within convenient walking distance of a number of local facilities and services including Hendon Central. In accessibility terms the site has good sustainability credentials. However, this does not outweigh the harm that I have found in respect of the proposed development to the rear of Highview House.
11. The appellant states that a pool/gym building could be erected to the rear and that such a proposal would likely be approved. I am not aware that Highview House benefits from any permitted development rights, and, in any event, I have considered the appeal proposal on its individual planning merits.
12. I note the representations made by a number of other interested parties. I do not consider that one additional flat would have a materially adverse effect upon traffic congestion or pollution in the area, or that it would result in unacceptable levels of noise or disturbance for the occupiers of the host property and surrounding residential properties. In addition, the partial conversion of the basement to one flat would not cause material harm to the privacy of the occupiers of surrounding residential development. Furthermore, I am satisfied that both internal and external amenity space would accord with relevant planning policies.
13. None of the other matters raised outweigh my conclusion on the main issue.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition requiring that the approved development is carried out in accordance with approved plans. This is for the avoidance of doubt and in the interests of proper planning. Where necessary I have amended the wording of the Council's suggested and relevant conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
15. In the interests of the character and appearance of the area planning conditions are necessary relating to materials and the storage of recycling containers/bins. The Council suggested a condition relating to the removal of use class C3 permitted development rights. As the new build apartment building is not being allowed such a condition is not necessary. In any event, permitted development rights should only be removed in exceptional circumstances.

Conclusion

16. The appeal proposal includes a number of different elements. The proposed partial conversion of the lower ground floor into 1 No self contained residential flat, alterations to the fenestration of the main building, provision of a new rear access ramp and alterations to the rear patio would be acceptable and would comply with relevant planning policies. This development is clearly severable from the remainder of the scheme, as it is physically and functionally independent. Therefore, I shall issue a split decision in this case, and allow the partial conversion of lower ground floor into 1 No self contained residential flat, alterations to the fenestration of the main building, provision of a new rear access ramp and alterations to the rear patio.
17. In respect of the proposed erection of a single storey building to form 2 No self contained studio flats, the associated hard and soft landscaping and the amenity space, I have concluded that this would have a significantly detrimental impact upon the character and appearance of the area. This is severable from the aforementioned acceptable development. Therefore, I dismiss the appeal in respect of the single storey building to form 2 No self contained studio flats, the associated hard and soft landscaping and the amenity space.

Daniel Hartley

INSPECTOR