
Appeal Decision

Site visit made on 27 September 2016

by Daniel Hartley 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/16/3154391
74 Glebe Road, Finchley, London N3 2AX

- 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 J Neophitou against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/07933/FUL, dated 24 December 2015, was refused by notice dated 1 March 2016.
 - The development proposed is a full planning application for the conversion of an existing two storey terrace family dwelling into two self contained flats (2 x 1 bed units) including a part ground floor single storey extension and loft conversion including a rear dormer and introduction of front skylights and associated internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing two storey terrace family dwelling into two self contained flats (2 x 1 bed units) including a part ground floor single storey extension and loft conversion including a rear dormer and introduction of front skylights and associated internal alterations at 74 Glebe Road, Finchley, London N3 2AX, in accordance with the terms of the application Ref 15/07933/FUL, dated 24 December 2015, subject to the conditions set out in the attached schedule.

Procedural Matter

2. During the determination of the planning application the appellant amended the proposal so that two 1 bed flats were proposed instead of one 1 bed flat and one 2 bed flat. Therefore, I have reflected this change in the description of development above, notwithstanding the description of development as it appears on the appellant's planning application form.

Main Issues

3. The main issues are (i) the effect of the proposal upon the character and appearance of the area and (ii) whether or not there would be adequate outdoor amenity space for the future occupiers of the proposed first floor flat.

Reasons

Site and proposal

4. The appeal site comprises a mid terraced three bedroom dwelling. It has no off-street parking and it includes a rear garden area. Whilst there are some

exceptions (ie Glebe Motor Services and new build apartment buildings to the east), most of the properties on Glebe Road have the appearance of terraced dwellings. This design uniformity gives the area its distinctive character.

5. It is proposed to convert the dwelling into two 1 bedroom flats including the erection of a single storey rear extension and a rear roof dormer. The ground floor flat (Flat A) would have access to the rear garden. The first floor flat (Flat B) would have no outside amenity space.

Character and appearance

6. Paragraph 2.8.1 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (LP DMP) states that *"the conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries"*. Policy D01 (h) of the LP DMP states that the *"Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate"*.
7. In this case, the majority of properties in Glebe Road are terraced dwellings. There are some exceptions including 1a Glebe Road, 61 Glebe Road, 2 Glebe Road and 14 Glebe Road (a mixture of new build and conversion apartment schemes), but the predominant character and appearance of the immediate area is one of terraced dwellings. As the proposal is for the conversion of an existing dwelling into two 1 bedroom flats, there would be conflict with Policy D01 (h) of the LP DMP: the area is characterised by mainly houses and the conversion of such a property into flats would not normally be appropriate.
8. Notwithstanding the above policy which indicated that the appeal conversion would not normally be appropriate, I do not consider that the proposal would be fundamentally at odds with the purposes of the policy. As the proposal (as amended) is for two 1 bedroom flats, I do not consider that it would result in a material change in the intensity of the use of the property. In respect of the relative amount of comings and goings to the property, and requirements for on-street car parking, it is reasonable to conclude that there would be little difference between the existing lawful use of the property and what it is proposed as part of this appeal.
9. In respect of the proposed external changes to the building, the front elevation of the building would remain largely unaltered. The development to the rear of the building would not be conspicuous from public vantage points, and I have no reason to doubt the appellant's view that such development could be carried out using permitted development rights in association with use of the property as a single dwelling house. I agree with the Council, that the proposals to the rear of the property would be acceptable in terms of scale and design.
10. For the above reasons, I conclude that whilst there would be conflict with Policy D01 (h) of the LP DMP, the proposal would not cause significant harm to the character and appearance of the area. Therefore, and in this regard, the

proposal would be in accordance with the housing strategy and design aims of Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 and the Residential Design Guidance SPD 2013. I do not consider that the Council's reference to Policy DM06 of the LP DMP is strictly relevant as this relates to heritage and conservation matters.

Outdoor amenity space

11. I agree with the Council that there would be sufficient outdoor space for the proposed ground floor flat. It would have direct access to the existing rear garden associated with the property. However, in respect of the first floor flat, it would have no outside amenity space. Paragraph 8.1.2 of the adopted Residential Design Guidance SPD 2013 states that "*sufficient, functional amenity space should therefore be provided for all new houses and flats wherever possible. Every home should have access to suitable private and/or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces*". The Sustainable Design and Construction SPD 2013 states that for flat there should be "*5 square metres of space per habitable room*". In respect of the proposed first floor flat, it would not accord with the requirements of the aforementioned supplementary planning documents.
12. Notwithstanding the above policies, the appellant has drawn my attention to the adopted Mayor of London Housing Supplementary Planning Guidance (March 2016) (Housing SPG). This supplements the London Plan (as altered in 2016) and is therefore relevant for the purposes of determining planning applications in the London Borough of Barnet. I consider that this document has more weight than the aforementioned supplementary planning documents, primarily because it is more up to date. Standard 26 of the Housing SPG states that "*a minimum of 5 square metres of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant*". The proposal would not accord with this requirement.
13. However, and notwithstanding the above, Paragraph 2.3.32 of the Housing SPG states that "*in exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement*". In this case, I note that the first floor flat would be more than 5 metres larger than the minimum size required by the Council's Sustainable Design and Construction SPD 2013. Taking into account the internal configuration of the property, I consider that it is reasonable to conclude that it would be practically impossible to provide access to the rear garden for the proposed first floor flat. In this case, I conclude that the proposed internal floor space for the first floor flat reasonably compensates for the lack of outside amenity space. This weighs in favour of allowing the development, notwithstanding the fact that the proposal would not fully accord with the requirements of Standard 26 of the Housing SPD.

Other Matters

14. I have taken into account the representations made by other interested parties. I note the comments made about potential car parking issues, but I do not consider that the proposal would represent a significant change relative to use

of the property as a family dwelling. I have taken into account the scale and position of the extensions to the dwelling, and do not consider that the proposal would result in a material loss of light for the occupiers of neighbouring residential properties. Taking into account the size and hence occupancy of the flats (ie two 1 bedroom flats), I do not consider that it would give rise to a significant and relative change in internal or external noise levels.

15. None of the other matters raised outweigh my conclusions on the main issues.

Conditions

16. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
17. Planning permission is granted subject to the standard three year time limit condition. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have therefore imposed a condition to this effect.
18. In the interests of the character and appearance of the area, a materials condition is necessary. In the interests of the living conditions of the occupiers of surrounding and proposed residential accommodation, planning conditions are necessary relating to bin storage/collection and construction working hours. In order for the Local Planning Authority to retain appropriate control in respect of the intensity of the use of the appeal building, there is exceptional justification for confining planning permission to that of two self-contained flats.
19. The Council had suggested a condition relating to the subdivision of amenity outside areas. However, it is not proposed to subdivide the existing rear garden area as this would only be used by the occupiers of the ground floor flat. Therefore, the condition is not necessary.

Conclusion

20. The proposal would not accord with Policy D01 (h) of the LP DMP in so far that it would result in the conversion of a dwelling house in an area where most of the properties in the street are dwellings. However, for the reasons outlined above the proposal would not significantly harm the character and appearance of the area. The first floor flat would not have any outside amenity space and therefore the proposal would not accord with the Council's two supplementary planning documents or the more up to date Housing SPD. However, the first floor flat would be larger than the minimum required by the Council's policies, and I have found that it would be practically impossible for the occupiers of the first floor flat to gain access to the rear garden. In this case, the larger than required first floor flat provides an exceptional circumstance for allowing a first floor flat without outside amenity space. For these reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of 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 and documents: 1552-E01-00P1; 1552-E02-00P1; 1552-E03-00P1; 1552-P02-01P1; 1552-P03-00P2; 1552-P02-00P3; 1552-DT01- 00P1, and the Design and Access Statement.
- 3) The materials to be used in the external surfaces of the building shall match those used in the existing building.
- 4) No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.
- 5) Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins and/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 and shall thereafter be provided and retained at the site in accordance with the approved details and before the development is occupied.
- 6) The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose, including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.