

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/16/3153795

St Ninians Court, Bawtry Road, London N20 0SX

- 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 Willie Docherty against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/0839/FUL, dated 2 February 2016, was refused by notice dated 11 April 2016.
 - The development proposed is the demolition of an existing single storey office and the erection of 2 new buildings comprising 2 x 1 bedroom units and 4 x 1 bedroom units to provide a total of 6 No one bedroom flats with associated landscaping works, amenity space and refuse and recycling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of development as it appears on the Council's refusal notice and appellant's appeal form as this accurately refers to demolition of the office building and to the erection of two buildings.

Main Issues

3. The main issues are (i) the effect of the proposal upon the character and appearance of the area; (ii) whether or not the flats would be adequately sized; (iii) the effect of the proposal upon the living conditions of the existing and future occupiers of the flats in respect of privacy; (iv) the effect of the proposal upon the living conditions of the occupiers of Nos 31-33 Bawtry Road in respect of outlook and (v) whether or not adequate car parking would be available for the proposed flats.

Reasons

Site and proposal

4. The appeal site is part of a complex of semi-detached and terraced two storey residential properties comprising of a number of independent flats. It is a sheltered housing complex with access gained from both St Ninias Court and Bruce Gardens. The area includes areas of open and green communal space amongst the buildings.
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5. It is proposed to demolish a single storey office building adjacent to existing unit Nos 13-16 and to erect an attached two storey building comprising two 1 bedroom units. It is also proposed to erect a two storey building close to the rear boundary with Bawtry Road to provide four 1 bedroom units.

Character and appearance

6. The areas of green and open space between and around the existing buildings add positively to the character and appearance of the area. The proposed development, by virtue of its scale and position, would erode the overall sense of spaciousness to an unacceptable degree. I accept that the building which would occupy units 5-6 would be built partly on land which currently occupies a single storey office building, but taking into account the two storey nature and footprint of this development, coupled with the very close proximity of existing buildings to the east, I consider that it would result in an environment where the buildings appear significantly close together and very cramped. This would also be true of the proposed building which would occupy units 1-4: it would be positioned tight up against the boundary with dwellings off Bawtry Road and would uncharacteristically project forward of the side elevations of the existing buildings immediately to the east and west.
7. I acknowledge that the proposal does include some new landscaping, but this would not overcome the concerns outlined above. Overall, I conclude that the proposal would have a significantly detrimental impact upon the open and green character and appearance of the area, and consequently would not accord with the design aims of Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (CS); Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP) and the Barnet Residential Design Guidance Supplementary Planning Document 2013.

Size of flats

8. The appeal flats would range in size from about 42.2 square metres to 47.8 square metres. The appellant has indicated that the flats would be single occupancy. The Barnet Sustainable Design and Construction Supplementary Planning Document 2013 states that a one bedroom 1 person flat should be a minimum of 37 square metres and a one bedroom 2 person flat should be a minimum of 50 square metres (gross internal area). It states that a double or twin bedroom should be a minimum of 12 square metres and a minimum width of 2.75 metres in most of the length of the room. The bedrooms for each of the flats would be at least 12 square metres. Hence, I consider that the residential units would be capable of being one bedroom 2 person flats: therefore, they would not be of an appropriate size. In this regard, the proposal would not accord with the aforementioned supplementary planning document.
9. I note that the appellant says that the flats would be single occupancy only. However, this may not always be the case, and I am not persuaded that it would be possible to enforce an occupancy condition. The appellant considers that the flats would accord with the minimum space standards as referred to in Policy 3.5 of the London Plan (as amended in 2016) which states that single occupancy one bedroom dwellings should be at least 37 square metres and one bedroom 2 person dwellings should be at least 50 square metres. Paragraph

3.36 of the London Plan states that *"the Mayor regards the relative size of all new homes in London to be a key element of this strategic issue and therefore has adopted the Nationally Described Space Standard"* (NDSPS). The NDSP (2015) states that in order to provide two bed spaces, a double (or twin bedroom) has a floor area of at least 11.5 square metres.

10. Irrespective of whether the London Plan (including NDSP) or the aforementioned supplementary planning document policies are applied, the proposed bedrooms would be of a size that would be capable of accommodating two persons. Consequently, each flat should be at least 50 square metres and this minimum size requirement would not be met. Therefore, I conclude that the proposal would fail to provide a satisfactory standard of accommodation for the future occupiers of the flats, and would not accord with the amenity aims of Policies CS NPPF, CS1 and CS5 of the CS; Policy DM02 of the DMP; Policy 3.5 of the London Plan 2016 and the Barnet Residential Design Guidance Supplementary Planning Document 2013.

Living conditions

11. I note the evolution of the proposed scheme and acknowledge the efforts made by the appellant to minimise the impact of the development upon the occupiers of Nos 31 and 33 Bawtry Road, particularly in respect of the use of a hipped roof and lower eaves height. However, the two storey building (units 1-4) would be in very close proximity to the rear garden boundary with Nos 31 and 33 Bawtry Road, and when viewed from these garden areas would appear unacceptably dominant. In addition, owing to the position and scale of proposed units 1-4, I consider that such development would have an overbearing impact when viewed from the front windows of existing units 1-2 and 7-8 (and vice versa).
12. Some adverse impact would also be realised by the occupiers of existing units 1-4 given the position and scale of proposed units 5-6 (and vice versa), and this adds to the harm identified above.
13. In respect of proposed units 1-4, and the relationship with existing units 5-8, there would be a maximum separation distance of about 13 metres. There would therefore be direct conflict with the Barnet Sustainable Design and Construction Supplementary Planning Document 2013 which states that *"in new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden"*. The appellant has referred to different separation distance standards in Manual for Streets 2007. However, this refers to the typical width of streets and not specifically privacy distances. Furthermore, the document does not form part of the development plan for the area and therefore I attach less weight to it in decision making terms.
14. For the above reasons, I conclude that the proposal would cause unacceptable harm to the living conditions of the occupiers of existing and proposed flats in respect of privacy, and that the development would have an overbearing and oppressive impact upon the occupiers of Nos 31 and 33 Bawtry Road. Therefore, the proposal would not accord with the amenity aims of Policies CS

NPPF and CS5 of the CS; Policies DM01 and DM02 of the DMP; the Barnet Residential Design Guidance Supplementary Planning Document 2013 and the Barnet Sustainable Design and Construction Supplementary Planning Document 2013.

Car parking

15. The appellant has confirmed that they do not propose any additional car parking for the six flats. Additional car parking information has been provided as part of the appeal statement. In particular, a car parking survey was undertaken of the surrounding roads (including St Ninians Court) on 28 and 29 June 2016. The identified roads/areas were surveyed during both the day and evening periods, and whilst these periods were a snap shot in time, they do nonetheless show that there was some spare capacity on surrounding roads (and within the St Ninias Court) during the day and evening times. I have no reason to dispute the findings of the survey, and as part of my site visit I noticed that there were some spaces within St Ninians Court which were not in use.
16. For the reasons outlined above, and based on the evidence before me, I am satisfied that the proposal would not give rise to on-street car parking and traffic movement problems within the vicinity of the site: this would be despite the fact that the proposal would not provide additional car parking spaces on site. Therefore, I do not consider that there would be conflict with the car parking and highway safety aims of Policy CS NPPF of the CS; Policy DM17 of the DMP and the Barnet Sustainable Design and Construction Supplementary Planning Document 2013.

Other Matters

17. I have taken into account the comments made by other interested parties. Reference has been made to traffic and parking problems in the locality. However, the only objective evidence relating to car parking is that which has been provided by the appellant and what I saw on my site visit. This evidence does not suggest that there are car parking issues. Whilst access for larger vehicles may be restricted, this is currently the case in respect of the existing development. I do not consider that the proposal would lead to "overcrowding" or that new pathways would give rise to significant overlooking of existing properties.
18. The Courts have held that the effect of a proposal on property values is seldom a material planning consideration: in any event, I have not been provided with any evidence to substantiate the claim that the proposal would have a negative effect on property values.
19. I acknowledge the appellant's comment that the proposal would boost the supply of houses in the area and that the proposal would meet a need for additional homes for the elderly: I note that there is currently a waiting list. However, neither this matter, nor the other matters raised above, outweighs my conclusions on the main issues.

Conclusion

20. Whilst the proposal would not lead to significant car parking and traffic movement issues in the vicinity of the appeal site, this does not overcome the

overriding concerns relating to (i) the adverse effect of the proposal upon the character and appearance of the area; (ii) the adverse impact of the proposal upon the living conditions of future occupiers of the flats in respect of privacy, and the occupiers of surrounding residential properties in respect of overbearing impact and loss of privacy, and (iii) the deficiently sized proposed flats. For these reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR