
Appeal Decision

Site visit made on 20 September 2016

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 7th October 2016

Appeal Ref: APP/N5090/W/16/3149941

38 Buckingham Avenue, Whetstone, London N20 9DE

- 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 Bhavesh Chauhan against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/01557/FUL, dated 6 March 2015, was refused by notice dated 22 March 2016.
 - The development proposed is change of use from domestic dwelling to additional rooms for a B&B.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of 2no. ground floor rooms to guest rooms (B&B) at 38 Buckingham Avenue, Whetstone, London N20 9DE in accordance with the terms of the application, Ref 15/01557/FUL, dated 6 March 2015, and the plans submitted with it.

Preliminary Matters

2. I have used the description of development in the decision above as it appears on the Council's decision notice and appeal form. It more accurately describes the development.
3. I saw at my site visit that two ground floor rooms were already being used as guest rooms.
4. The appellant has questioned whether the development requires planning permission. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and County Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issue

5. The main issue is the effect of the development on the character of the area.

Reasons

6. 38 Buckingham Avenue is a detached dwelling within a quiet residential area. It is characterised by large semi-detached and detached properties on generous plots, set back from the road behind front gardens/driveways.
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7. I saw at my site visit that two ground floor rooms are currently being used as double bedrooms for guests. The rooms are accessed via the front door and hallway to the property and guests have access to a shared W.C, shower room and kitchen/dining room which are all on the ground floor. The remainder of the property is residential.
8. The Council argues that the use of the property as a guest house is unacceptable and out of character with the residential area which is predominated by family dwellings. The Council have confirmed in their appeal statement that the reference to the loss of a single family unit within their reason for refusal was made in error. Nevertheless, they contend that the development is a material change of use to the property which has a harmful effect on the established residential character of the area.
9. From the public realm there is nothing to suggest that the house is being used as a bed and breakfast. There is no signage and the exterior of the property is unaltered. In this respect the change of use has had little impact on the appearance of the host property or the surrounding area. Nevertheless, I accept the Council's view that the character of an area is made up of more than its physical appearance.
10. A far greater proportion of the property is still associated with the residential use of the property as opposed to the bed and breakfast. Whilst I appreciate that the part intensification of the property as a bed and breakfast would lead to increased activity levels, the use of two double bedrooms implies a likely maximum of four guests. Given the scope and limited extent of the use, I am not persuaded that even when fully occupied this would result in material harm to the residential character of the area.
11. In coming to my decision, I have had regard to Policy DM11 of the Barnet Local Plan Development Management Policies (2012) (DMP) which sets out the principles for development within town centres. However, to my mind the policy relates to the continued vitality and viability of town centres and a scheme of this size is unlikely to have a harmful effect on such matters. Moreover, in my opinion, the use of two bedrooms as guest rooms has not materially changed the residential use of the property and is not therefore comparable to a commercial guest house which could be considered an appropriate town centre use.
12. I therefore conclude that the development does not have a materially harmful effect on the character of the surrounding area and find no conflict with Policies DM01 and DM11 of the DMP and CSNPPF of the Barnet Local Plan Core Strategy (2012) which seek, amongst other things, high quality development that preserves or enhances local character, to ensure the continued vitality and viability of town centres and a presumption in favour of sustainable development.

Other Matters

13. I have had regard to the numerous concerns raised by neighbouring residents. Whilst I have noted residents' complaints about disturbance, noise levels, refuse problems and increase in crime, I have little substantive evidence before me to suggest that this is the case. The adequacy of the accommodation in terms of health and safety is not a matter for me to determine. Such matters can be controlled by separate legislation. Residents have also commented that

there is a nearby hotel which could cater for such a use, however this is not a matter which would justify withholding permission.

14. I appreciate the concerns raised by residents regarding increased traffic, highway safety and parking. I note that the Council has not raised any objection to these matters and I have no reason to come to a different view. At my own site visit, although it is appreciated that this was just a snapshot in time, I observed that there was adequate space for parking on the private drive and the street did not appear congested. Furthermore, I noted that there were no traffic restrictions or residents parking schemes in place which indicates that parking is not a significant problem in the vicinity.
15. It is a well-founded principle that the planning system does not exist to protect private interests such as property value and cannot therefore carry weight. I have also considered arguments relating to precedent for further changes of use. However, there is little evidence to suggest that this would be the case and each application and appeal must be assessed on its own merits. Residents have also raised concerns over the alleged division of the property into bedsits. However, I am constrained to dealing with the application before me only. If any unauthorised uses were taking place at the property, then it is up to the Council to investigate whether it is expedient to take enforcement action. As such, this has had little bearing on my decision.

Conclusion

16. For the reasons given above and taking all other matters into account, I conclude that the appeal should be allowed.

Caroline Jones

INSPECTOR