

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: 11th October 2016

Appeal Ref: APP/N5090/W/16/3152321

53 Highview Gardens, Edgware, Barnet HA8 9UD

- 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 Andrew Cowen against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/1115/FUL, dated 22 February 2016, was refused by notice dated 3 May 2016.
 - The development proposed is extensions to existing dwelling and conversion to 2 x residential dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for extensions to existing dwelling and conversion to 2 x residential dwellings at 53 Highview Gardens, Edgware, Barnet HA8 9UD in accordance with the terms of the application, Ref 16/1115/FUL, dated 22 February 2016, subject to the conditions in the attached schedule.

Preliminary Matter

2. The Council's decision notice and officer report describe the proposed development as conversion to 2no. self-contained flats. The proposal is in fact for the conversion to 2no. residential dwellings and I have determined the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. 53 Highview Gardens is a three bedroom semi-detached bungalow on a quiet residential street comprising of a mix of two storey and single storey dwellings. The majority of the houses appear to be in single family occupation with a significant number of fully paved driveways to the front.
 5. The proposed extensions, with the exception of a reduced lightwell and relocated front door, already benefit from planning permission. The proposal also encompasses the sub-division of the 3 bedroom bungalow into 2no. 3 bedroom dwellings, the subdivision of the rear garden and the paving of the front garden to accommodate three cars. The Council has raised no objections
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to the extensions and I have no reason to come to a different view. The appeal therefore hinges on whether the subdivision of the property would be harmful to the character and appearance of the area.

6. In terms of the impact on the street scene, the conversion would result in very little change to the overall character and appearance of the building. The dwelling would still have the appearance of a single dwelling with the retention of one front door. I noted at my site visit that a significant number of properties had hard surfaced their front gardens, many of which were capable of holding more than 3 cars. In this respect, the appearance would not be out of keeping with the area.
7. The Council are concerned the increase in refuse containers at the front of the property would result in harm to the street scene. I accept that the intensification of use would lead to an increase in refuse containers. However, a suitable enclosure for refuse storage could be conditioned to alleviate any visual harm. Given the above, I do not consider that the increase in refuse containers would cause material harm to the appearance of the area.
8. The Council suggest that the subdivision of the property would be an over intensification of the residential use of the site to the detriment of the character of the area. Given that the Council originally determined the application on the basis of conversion to flats in error, I do not find the parts of Policy DM01 of the Barnet Development Management Policies Development Plan Document (2012) (DPD) and the Residential Design Guidance Supplementary Planning Document which refer to the conversion to flats, directly relevant to the determination of the appeal.
9. The development would lead to the creation of two family dwellings in keeping with the local prevailing character of dwellings in single family occupation. Whilst I accept that there would be an increase in the number of movements and activity to some extent, I am not persuaded that the creation of one additional dwelling would increase this to an acceptable level. In the context of the locality, the level of use and density of the proposal would not materially harm the character of the area.
10. I therefore find that the proposed development would not materially harm the character and appearance of the area and accords with Policies CSNPPF, CS1 and CS5 of the Barnet Local Plan Core strategy (2012) and Policy DM01 of the DPD which seek, amongst other things, a high standard of design which is appropriate to its context and preserves, respects or enhances local character.

Conditions

11. Having regard to the National Planning Policy Framework (the Framework), I have considered the conditions suggested by the Council. The conditions I shall impose are based on those suggested by the Council but with some variation in the interests of clarity. A condition requiring the development to be carried out in accordance with the plans is necessary to provide certainty. Conditions requiring matching materials and details of refuse storage are necessary in order to achieve a satisfactory appearance. A condition requiring the car parking provision is necessary to ensure highway safety. In order to protect the amenity of neighbouring residents, conditions requiring obscure glazing and the subdivision of the amenity areas have been imposed.

12. The Council has suggested that conditions are required to limit the use specifically to Use Class C3(a) and to remove development rights permitted by Classes A-F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Paragraph 200 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The National planning Practice Guidance advises that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. No exceptional circumstances have been put to me to justify restricting the proper operation of the Use Classes Order or General Permitted Development Order and consequently the suggested conditions do not meet the test of necessity. Given the scope and extent of the works, I do not consider a condition controlling hours of construction work necessary. In any case, noise and disturbance are matters which are subject to control under separate legislation.

Conclusion

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

Caroline Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (647), Proposed Basement Plan (647-PP01F), Proposed Ground Floor Plan (647-PP02F), Proposed First Floor Plan (647-PP03D), Proposed Amenity Plan (647-PP04), Proposed Front Elevation (647-PE02E), Proposed Front Elevation (647 -PE01D), Proposed Bins Plan (647-PP05D), Proposed Side Elevations (647-PE03E), Proposed Section (647-PS01D), Proposed Rear Elevation (647-PE02E) .
- 3) The materials to be used in the external surfaces of the hereby permitted extensions shall match those used in the construction of the original dwelling.
- 4) Prior to the occupation of the dwelling the hardstanding/parking spaces identified on 647-PP05D shall be provided and shall thereafter be kept available at all times for the parking of vehicles in connection with the approved development.
- 5) Prior to the commencement of development, details of enclosures and screened facilities for the storage of refuse storage containers and details of collection point shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the occupation of the first dwelling. These facilities shall thereafter be retained for these purposes.
- 6) The windows on the flank elevations shall be non-other than obscure glazed and fixed shut and shall remain so in perpetuity.
- 7) Before the development hereby permitted is first occupied, details of the sub-division of the amenity areas including full details of the means of enclosure shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details before first occupation or the use commenced and retained as such thereafter.