

Appeal Decision

Site visit made on 18 October 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 03 November 2016

Appeal Ref: APP/N5090/W/16/3155621

246 Hale Lane, Barnet, Edgware HA8 8NT

- 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 Ms Chahna Gosrani against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/07899/FUL, dated 22 December 2015, was refused by notice dated 23 February 2016.
 - The development proposed is garage conversion to habitable space, first floor side extension and reconstruction of existing one storey rear extension in order to facilitate conversion to five self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. the effect of the proposal on the character and appearance of the area; and
 - ii. whether the proposal would provide suitable living conditions for future occupants, with particular reference to space standards, outlook and outdoor amenity space.

Reasons

Character and appearance

3. Hale Lane and the surrounding streets comprise a mature suburban area with a wide variety of residential properties of various ages, styles and designs. Although the row of properties between Nos 246 and 254 are large two storey dwellings there are also several purpose built blocks of flats in the vicinity of the site, two storey detached houses, two storey semi-detached houses and some houses that have previously been converted into flats or other non-residential uses.
 4. The appeal site is situated at the corner of Hale Lane and The Grove is currently occupied by a two storey detached family house constructed of brick with a pitched roof. The existing building is set within a plot of land which also contains a front driveway and shrub beds and a rear garden that runs along the boundary with The Grove. Although there are different types of residential
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- property in the area the appeal site and neighbouring properties form a high quality residential environment.
5. The site is in a prominent corner location, but is partly screened by trees at the corner of Hale Lane and The Grove.
 6. The National Planning Policy Framework (the Framework) states that good design is a key aspect of sustainable development and should contribute positively towards making places better for people. Decisions should ensure that developments establish a strong sense of place, respond to local character and reflect the identity of local surroundings and materials. Furthermore, the Framework is clear that character goes beyond the physical appearance and aesthetics of an area, but also encompasses how a development contributes towards local identity and establishing a strong sense of place.
 7. Policy DM01 of the Local Plan Development Management Policies Development Plan Document 2012 (DM Policies) states that development proposals, including extensions to dwellings, should show an understanding of local characteristics and preserve or enhance local character. Furthermore, development should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Extensions should not be overbearing or unduly obtrusive and should be consistent with the form, scale and style of the original building. These principles are reflected in the Local Plan Supplementary Planning Document: Residential Design Guidance April 2013 (Residential Design Guidance SPD). Policies CS1 and CS5 of Barnet's Local Plan Core Strategy Development Plan Document September 2012 (the CS) seek to achieve the highest standards of urban design and enhance the Borough's character to create high quality places.
 8. With specific reference to protecting character, Policy DM01 states that the loss of houses in roads characterised by houses will not normally appropriate. The objective of this policy is to protect areas of housing from development that would be likely to undermine how they function in terms of the movement of vehicles and people as well as their local identity and sense of place.
 9. In this case the area is very much characterised by the mix of types of residential property which are prominent along Hale Lane and the surrounding residential streets. As such the principle of the conversion into flats would not be at odds with a particular prevalent property type or introduce a type of accommodation that would be out of character with the mixed residential character of the area. The proposal would not unacceptably erode a strong defining character of the street or introduce a development that would materially harm how the residential area functions at present or its role in providing a range of residential opportunities for the local community. In this respect, I conclude that the principle of the conversion to flats does not conflict with the development plan.
 10. However, the proposal includes some significant extensions and alterations to the existing property. The roof extension and large first floor extension, in particular, do not satisfactorily respect the scale, form or overall style of the existing house. The roof form would dramatically change in a way that would be at odds with its surroundings and be incongruous and inappropriate in this prominent location.

11. Furthermore, the addition of a side dormer facing The Grove would be out of scale, form and character with the host property and create a dominant and discordant feature in a prominent location at the corner of Hale Lane and The Grove. Facing onto the Grove it would change the relationship of the property with its surroundings and be out of character with the street scene.
12. The proposed first floor extension would be built over the site of the existing single storey side garage. However, the footprint of this part of the building would be extended and it would be level with the frontage of the main part of the building. As such, rather than appearing as a subservient element respecting the scale and form of the host property it would dominate the frontage and appear as a bulky addition which would detract from the character and appearance of the host property.
13. The proposed bin store would be situated in front of the property and close to the corner of Hale Lane and The Grove. As such, in such a highly visible location this would be contrary to the Residential Design Guidance SPD which requires bin stores to be integrated into buildings, out of sight of the street or avoid front gardens at the front of properties.
14. At my site visit I observed a range of different extensions and alterations to properties in the area, including dormer and roof extensions. However, each case must be assessed on its own merits and, as a consequence of the scale, form, bulk, massing and design of the proposed extensions and alterations, the overall appearance of the development would not respect the character and appearance of the site, surrounding properties and the area generally.
15. Accordingly, although I find there to be no harm with regard to the principle of converting the property into self-contained flats, I conclude that the development would be incongruous and dominant and consequently harmful to the character and appearance of the area. As such it conflicts with the design objectives of Policy DM01 of the DM Policies, Policies CSNPPF, CS1 and CS5 of the CS and the Residential Design Guidance SPD.

Living conditions

16. The Council is critical of the quality of the accommodation with respect to the inadequate floor area and outlook. In assessing this it refers to the space standards set out in the adopted Residential Design Guide SPD and the Local Plan Supplementary Planning Document: Sustainable Design and Construction April 2013 (SDC SPD). However, in March 2015 the Government published new Technical housing standards – nationally described space standard. In accordance with the Deregulation Act 2015, these now apply to the appeal development in that development plan policies relating to space standards should be interpreted in line with the nationally described space standard. I note that the minimum gross internal floor areas according to Barnet Council's SPDs are the same as those set out in the nationally described space standard.
17. Flat 1 meets the required space standards. The Council disputes this and also considers there to be a problem with the outlook from the small bedroom. However, from the evidence before me and my assessment the space standards are met and the smaller bedroom in Flat 1 would face outwards towards the rear private amenity space rather than directly towards the flank wall of 248 Hale Lane.

18. On the other hand, the small bedroom window of Flat 2 does face the flank wall of No 248 and as such would have a poor outlook. The small window at such close quarters to the flank wall is inappropriate and would fail to provide satisfactory amenity for occupants. I calculate that the space standards are met.
19. Being the same layout as Flat 1, Flat 3 meets the minimum internal floor standards. As a one bedroom, two person residential unit I find that Flat 4 does fall short of the space standards. As such the living conditions of future occupants would be compromised to an unsatisfactory degree.
20. Although Flat 5 meets standards, and as a consequence of its numerous roof lights and dormer extensions would allow adequate levels of natural light, I do have concerns regarding the outlook from the property. Outward facing windows are very limited and the roof lights would not provide good opportunities for outlook other than to the sky. Consequently, living conditions would be compromised.
21. The proposal includes an outdoor amenity area which in size terms would be adequate to meet the needs of future occupants of the flats. Although the space would be adjacent to The Grove, I find that this relationship is no different from many garden areas, including those in the vicinity of the site. Suitable boundary fencing would protect the privacy of potential users of the private amenity space. Consequently, on this particular issue I find no conflict with the requirements of the Residential Design Guidance SPD or the SDC SPD.
22. In my judgement, as a consequence of the limited space in some of the flats and the poor outlook the living conditions for some occupants would be inadequate. The development plan policies are clear and consistent in the aim of securing a good standard of accommodation in homes brought about through new development, including conversion schemes. In this case I am not persuaded that there are circumstances that lead me to conclude that those standards should be relaxed to the extent that would be necessary to allow the appeal.
23. For these reasons I conclude that the proposal would fail to provide satisfactory standards of accommodation for all future occupants. In the absence of sufficient evidence or adequate justification suggesting why sub-standard accommodation may be acceptable in this case, I do not consider that the development would provide satisfactory accommodation for future occupants in terms of internal space and outlook. As such it is in conflict with the amenity and space provisions of Policy CSNPPF, CS1 and CS5 of the CS, Policies DM01 and DM02 of the DM Policies, advice contained in the Residential Design Guidance SPD and the SDC SPD.

Other matters

24. Although I acknowledge that personal circumstances have in part led to the proposal which would provide independent accommodation for some elderly relatives I have no evidence before me to understand if other options have been examined. In any case, I do not find that argument to be sufficiently robust to outweigh the harm I have identified above.
25. I am aware of the significant number of objections to the proposal. In addition to the main issues these include concerns in relation to a range of planning

issues including car parking and access, drainage and flood risk, impact on nearby trees, noise levels, loss of light and overlooking. However, in this case these matters have not been determinant.

26. The issue of property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as the value of land.

Conclusion

27. Although I have found that principle of the proposal does not conflict with the development plan or the Framework, I have found harm to the character and appearance of the area and that the proposal would fail to provide suitable living conditions for future occupants, with particular reference to space standards and outlook. These are the prevailing considerations. For the above reasons and taking account of other matters raised I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR