
Appeal Decision

Site visit made on 8 November 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 30 November 2016

Appeal Ref: APP/N5090/W/16/3156247

105 High Road, East Finchley, London N2 8AG

- 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 Mike Doukaki against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/07400/FUL, dated 4 December 2015, was refused by a notice dated 10 February 2016.
 - The development proposed is a ground floor extension and conversion of part ground floor to a self-contained studio flat (one person).
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor extension and conversion of part ground floor to a self-contained studio flat (one person) at 105 High Road, East Finchley, London N2 8AG in accordance with the terms of the application, Ref 15/07400/FUL, dated 4 December 2015, subject to the conditions set out in the attached schedule.

Procedural Matters

2. Following the submission of further information in relation to the storage of refuse and recycling facilities the Council has confirmed that it no longer objects on these grounds and has withdrawn their second reason for refusal.
3. Revised ground floor plans and side elevations were provided during the application period to reduce the depth of the proposed extension and provide additional glazing panels to the proposed rear elevation, Drawing Ref H/R/002B. However the proposed rear elevation, Ref H/R/005B has not been amended to take account of the revised proposals and it is therefore not consistent with the revised proposal. The Council has made it clear that they made their decision based on the revised floor plan, Ref H/R/002B and I have determined the appeal on this basis.

Main Issue

4. The main issue in this case is whether the appeal proposal would provide acceptable living conditions for future occupiers, with particular regard to outlook.
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Reasons

5. The proposed one bedroom studio flat would be provided at ground floor level as an extension to an existing mixed commercial and residential property located with the commercial centre of East Finchley. The appeal site is sustainably located with good access to public transport, shops and services.
6. There is no dispute between the parties that the accommodation would meet the minimum residential space standards for a one bedroom, one person flat as set out in the Council's adopted Sustainable Design and Construction, Supplementary Planning Document, 2013 (SPD) and the London Plan. Furthermore it would provide an area of external private amenity space which would be sufficient to accommodate outdoor seating, some storage and space to dry clothes.
7. The proposed living accommodation would only have a single aspect. In such circumstances the SPD advises that it is necessary for all habitable rooms to be capable of providing adequate ventilation, privacy, daylight and be orientated to enhance amenity, including views. In this case the proposed accommodation would not be overlooked and the proposed patio style doors, full height glazed panels and three rooflights would provide adequate daylight and ventilation to the flat.
8. Outlook from the flat would be solely towards the external amenity area and the solid wall of a neighbouring outbuilding which abuts the appeal site's rear boundary. This wall is located approximately three metres away from the proposed flat's facing windows and doors. I accept that due to the height of this wall and its proximity to the accommodation it would not be possible to have skyline views from the proposed bedroom area. However, three rooflights would be located within its flat roof which would provide open sky views. The kitchen and living area would be positioned close to the rear glazed areas and from this location sky views above the wall would be possible. Furthermore the side boundary treatment to the neighbouring garden areas is much lower and less enclosing.
9. The appeal proposal would provide accommodation that would be well lit, ventilated and private. Despite the living accommodation's sole aspect facing towards a blank wall, the small garden area would be south west facing and provide opportunities for soft landscaping. When taken together with the predominantly glazed rear elevation, including opening double doors and rooflights, I am satisfied that the proposal would provide its future occupiers with a living environment that would not be unduly oppressive or enclosing.
10. I conclude that the appeal proposal would provide acceptable living conditions for future occupiers, with particular regard to outlook. I therefore find no conflict with the development plan, and in particular with Policies CS1 and CS5 of the Barnet Local Plan, Core Strategy 2012 and Policy DM01 of the Local Plan's Development Management Policies, Development Plan Document, 2012 which seek to ensure, amongst other things, that new development proposals allow for adequate daylight, sunlight, privacy and outlook for adjoining and future occupiers and provide attractive and safe places to live and work. Furthermore I find no conflict with the SPD, the aims of which are set out above.

Conditions

11. The Council has suggested a number of conditions which I have considered against the National Planning Policy Framework and Planning Practice Guidance. As a result I have amended some of them for clarity.
12. I have attached conditions specifying approved plans and requiring further details of the proposed rear elevation as this provides certainty.
13. A condition is necessary to specify materials to safeguard the character and appearance of the area.
14. I have imposed a condition relating to the use of the extension's roof to safeguard the living conditions of neighbouring residents.
15. A condition to secure appropriate refuse disposal facilities is necessary to safeguard the character and appearance of the area.

Conclusion

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

Elizabeth Pleasant

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; Site Plan, H/R/Site; Proposed Ground Floor and Basement Plan, H/R/002B; Existing and Proposed First Floor, H/R/003A; Existing and Proposed Rear Elevation, H/R/005B; Existing and Proposed Side Elevation, H/R/006B; Existing and Proposed Side Elevation, H/R/007A.
- 3) Notwithstanding the details shown on the approved drawing ref: Existing and Proposed Rear Elevation, H/R/005B, no development shall commence until a revised rear elevation drawing, which shall include details of the proposed fenestration consistent with the approved Ground Floor Plan, Ref H/R/002B, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved details.
- 4) The materials to be used in the external surfaces of the extension hereby permitted shall match those used on the existing building.
- 5) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- 6) A) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and

whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

B) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.