The Planning Inspectorate

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: 7 December 2016

Appeal Ref: APP/N5090/W/16/3156755
93 Bow Lane, North Finchley, London N12 0JL

- 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 Jerry Gotel against the decision of the Council of the London Borough of Barnet.
- The application Ref 16/3040/FUL, dated 2 May 2016, was refused by a notice dated 8 July 2016.
- The development proposed is the conversion of an existing dwelling to create a 1 x two bedroom flat and 1 x 3 bedroom flat.

Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing dwelling to create a 1 x two bedroom flat and 1 x 3 bedroom flat at 93 Bow Lane, North Finchley, London N12 0JL in accordance with the terms of the application, Ref 16/3040/FUL, dated 2 May 2016, subject to the conditions set out in the attached Schedule.

Procedural Matter

2. It has become clear during the course of this appeal that Drawing Ref, 0414_00_F102a has been incorrectly annotated as the proposed rear and side elevation when in fact it illustrates the details of those existing elevations. My visit to the site confirmed this error. The Council has confirmed that it determined the application on the understanding that this drawing showed the existing elevation details and the appeal proposals for these elevations are shown on Drawing Ref, 0414_00_F102. Accordingly, it is on the basis of the details shown of the proposed rear and side elevation, Drawing Ref, 0414_00_F102 that I have determined this appeal.

Main Issues

3. The main issues in this case are the effect on the:

   - Character and appearance of the area; and
   - Living conditions of neighbouring residents, with particular regard privacy.

Reasons

Character and appearance

4. Bow Lane is a residential street which, in the vicinity of the appeal site is characterised by single family dwellings in the form of detached or semi-detached properties. The properties have frontage gardens and driveways which are generally enclosed by low walls and hedge planting.

5. The appeal property is a five bedroom dwelling. It has recently been extended at ground floor level to the rear and has a modest rear garden area. The front garden is hard surfaced and provides parking space for two cars.

6. Policy DM01 of Barnet's Local Plan, Development Management Policies, Development Plan Documents, 2012 (DPD) criteria (h) and (i) state, respectively that the conversion of dwellings into flats and the loss of houses in roads characterised by houses will not normally be appropriate. Both the supporting text to Policy DM01 and the Council's Adopted Residential Design Guidance, Supplementary Planning Document, 2013 (SPD) advise that, whether or not a conversion is acceptable in principle, will depend of the character of the house and the street. The intention of the policy is to minimise the impact of conversions on the local environment, recognising that conversions can have a cumulative impact on environmental quality by changing the external appearance of areas and increasing activity, creating parking stress and more rubbish to be collected.

7. In this case no external alterations are proposed to the front of the property and the existing hard surfaced area would be retained for the parking of two cars, with one space for each household. The external appearance of the property would thus be unaltered. I accept that there may be a need for some additional bin storage facilities; however given the number of bed spaces in the property would not change, the additional storage requirement would be limited. Furthermore, the Council have suggested a condition requiring details of refuse bin storage to be agreed and this would provide the Council with a means of controlling their location and appearance.

8. The parking arrangements for the appeal site would also be unchanged. I recognise the Council's concern that the appeal proposal would generate more activity and trips than a single family household, and cumulatively if permitted, a significant number of flat conversions could alter the character of Bow Lane. However, each case must be considered on its merits. Although two separate households would be created, there would be no overall increase in the number of bed spaces and I have not been provided with any substantive evidence to convince me that two households would generate significantly more activity, including parking stress or vehicular trips than a large single household. Moreover, the overall appearance of the property and the character of the street would remain unchanged.

9. I have taken into consideration a recent appeal decision[1] at 101 Bow Lane for a conversion which was dismissed by an Inspector. In that case the proposal was for five self-contained flats and consequently a more intensive development. It is not therefore directly comparable to this appeal, and I give it limited weight.

[1] APP/N5090/W/16/3143938

10. I conclude that the proposed development would not harm the character and appearance of the area. I therefore find no conflict with the development plan, in particular Policy DM01 of the DPD and the SPD, the aims of which are set out above. I also find no conflict with Policies CS1 and CS5 of Barnet's Local Plan, Core Strategy, 2012 which seek to protect and enhance the Borough's character, including its high quality suburbs.

Living conditions

11. The appeal proposals show a second floor roof terrace which is shown to be used for maintenance purposes only. The proposals also show this terrace to be flanked by screening, and the Council suggest that this is an indication of its intended use as an amenity area which would harm the living conditions of neighbouring properties by overlooking.

12. There is currently a doorway at second floor level which provides access onto this 'roof terrace'. The 'terrace' is not however enclosed by any railings or balustrade and therefore, given its location at second floor level, I think it is unlikely that it is currently used as an amenity area for safety reasons.

13. There are direct views from this 'terrace' into the neighbouring gardens, including the property to the rear on Holdenhurst Avenue. Consequently its use as an amenity area would result in an unacceptable loss of privacy to the occupiers of the neighbouring dwellings. However, the proposed plans indicate that the 'terrace' would only be used for maintenance purposes and there are no proposals to provide railings or a balustrade to fully enclose it. Furthermore, the appellant has suggested that any potential harm could be mitigated by a condition to prevent its use as a roof garden or similar amenity area. I too am satisfied that its use could be controlled by a condition.

14. I therefore conclude that subject to the imposition of a condition to prevent the use of the second floor 'roof terrace' as an amenity area, the proposed development would not harm the living conditions of the occupiers of neighbouring properties. I therefore find no conflict with the development plan and in particular Policy DM01 of the DPD and the SPD which seek to ensure, amongst other things, that new development proposals allow for adequate daylight, sunlight, privacy and outlook for adjoining and future occupiers.

Conditions

15. 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 and consistency.

16. I have imposed a condition specifying the approved plans as this provides certainty.

17. A pre-commencement condition is necessary requiring details of acoustic attenuation measures to protect the living conditions of future residents and the adjoining neighbour.

18. A condition is necessary to secure on-site parking provision in the interests of highway safety.

19. Conditions are necessary to require details of the proposed amenity areas and refuse disposal facilities to protect the living conditions of future occupiers and safeguard the character and appearance of the area.

20. I have imposed a condition specifying the use of the second floor 'roof terrace' to safeguard the living conditions of neighbouring occupiers.

Conclusion

21. 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: Location Plan, 0414_98_00; Site Plan, 0414_98_001; Existing Ground and First Floor Plan, 0414_98_F101; Existing Second and Roof Plan, 0414_98_F102; Existing Front and Side Section Elevation, 414_98_F201; Existing Rear and Side Elevation, 0414_98_F102a; Proposed Ground Floor Plan, 0414_00_F002; Proposed First and Second Floor Plan, 0414_00_F003; Proposed Front and Side Elevation, 0414_00_F101; Proposed Rear and Side Elevation, 0414_00_F102.

3) No development shall take place until details of a scheme for the attenuation of noise between the flats hereby permitted and between them and the adjoining dwelling have been submitted to and approved in writing by the local planning authority. The flats shall not be occupied until the approved scheme has been implemented and the measures shall be retained thereafter.

4) The flats hereby permitted shall not be occupied until the development has been carried out in accordance with details of enclosure and screening of facilities for the storage, recycling and collection of refuse that have first been submitted to and approved in writing by the local planning authority. The approved facilities shall be retained thereafter.

5) The flats hereby permitted shall not be occupied until details for the sub-division of the external amenity area have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. The approved details shall be retained thereafter.

6) The parking spaces to be provided shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors, and for no other purpose.

7) The second floor 'roof terrace' shown on approved Drawing Ref, 0414_00_F003 shall not be used as a balcony, roof garden or similar amenity area.