
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: 09 December 2016

Appeal Ref: APP/N5090/W/16/3156422
351 Watford Way, Hendon, London NW4 4TE

- 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 De Haan against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/3471/FUL, dated 25 May 2016, was refused by a notice dated 26 July 2016.
 - The development proposed is a full width ground floor and a part first floor rear extension, loft conversion, demolition of existing garage, changes to openings, internal alterations and conversion of dwelling into 3 self-contained flats, including amenities.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's Decision relates specifically to the proposed living accommodation provided by Flat C (in the roof space). There is no dispute between the parties as to the acceptability of the other elements of the proposal and I shall therefore confine my detailed considerations to the proposed Flat C.
3. The Council's Decision refers to the Mayor of London's Housing Supplementary Planning Guidance, 2016 (SPG) and the London Plan, 2015. Minor Alterations to the London Plan (MALP) were adopted in March 2016 to bring the London Plan in line with the National Described Space Standards (NDSS)¹ for housing. Furthermore, during the appeal process the Council has also updated its Sustainable Design and Construction Supplementary Planning Document (adopted October 2016) to bring the Council's residential space standards in line with the MALP and NDSS. I am required to determine this appeal on the basis of the development plan and national policy which are in place at the time of my decision. Both parties have had an opportunity to make further representations and therefore neither party would be prejudiced. Accordingly, 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 internal living space.

¹ DCLG. Technical housing standards-nationally described space standard. 2015.

Reasons

5. Flat C would provide a one bedroom one person flat within the roof space of the appeal property. Consequently, only the central area of the flat, which amounts to 55% of the habitable floor area, would have a ceiling height of 2.5m. This central area would be laid out as the kitchen, with the lounge area located partially beneath the rear dormer and the bed positioned underneath the front roof slope where two rooflights would be provided.
6. Policy 3.5 of the MALP seeks to ensure that all new development reflects the minimum space standards and are laid out in accordance with NDSS, including those set out in Table 3.3 of the MALP. The NDSS require a minimum ceiling height of 2.3m for at least 75% of the Gross Internal Area. However, Table 3.3 of the MALP recognises that ceiling heights are an important element in the design of a dwelling in the unique circumstance of London, and can impact on how spacious, light and comfortable the dwelling is. It advises that high ceilings can amongst other things improve the flexibility in the use of a room and therefore a ceiling height of 2.5m is strongly encouraged in London. Standard 31 of the SPG states that a minimum ceiling height of 2.5m for at least 75% of the Gross Internal Area is strongly encouraged.
7. There is no dispute between the parties that Flat C would meet the floor space standard for a one person one bedroom dwelling set out in the MALP and NDSS. However, only 55% of the habitable floor area would have a ceiling height of 2.5m and moreover no evidence has been provided to demonstrate that the accommodation would provide for the NDSS minimum ceiling height of 2.3m for at least 75% of its gross internal area.
8. I have taken into consideration the size and design of the Flat, and recognise that it would have a dual aspect and an external amenity area available for the use of its future occupiers. However, although the split level entrance would provide some intrigue and sense of space at the entrance to the flat, the restricted ceiling height within the habitable areas would be oppressive. There would be limited flexibility in how the room could be laid out, and although the accommodation would be relatively light and well ventilated, it would be cramped with limited circulation space. Overall I am not convinced that the accommodation would not provide a comfortable living environment, nor would it deliver a home which would meet the objectives of the London Plan to improve standards for the quality and design of housing.
9. I recognise that the appellant has sought to comply with the Council's 2013 SPD, however the MALP 2016 forms part of the development plan and the Housing SPG and Barnet's adopted SPD, 2016 are also material considerations in the consideration of this appeal. I have considered the conversion that has taken place at 347 Watford Way, but this permission was granted prior to the adoption of the NDSS. The development plan is clearly seeking to improve the standards of housing accommodation within the Borough, and the restricted ceiling heights within this appeal proposal would result in cramped and inflexible living conditions for future occupiers.
10. I conclude that the proposed Flat C would not provide acceptable living conditions for future occupiers, with particular regard to internal living space. The proposal would be conflict with the development plan, and in particular with Policies 3.5 of the MALP and the Housing SPG and SPD, 2016, the aims of which are set out above. I also find conflict with Policy CS5 of Barnet's Local

Plan, Core Strategy and Policies DM01 and DM02 of Barnet's Local Plan, Development Management Policies, Development Plan Document, 2012 which seek to ensure that new development, amongst other things, create high quality places, protect Barnet's character and amenity, and demonstrate compliance with national and London wide standards supported by guidance set out in the Council's SPD. I find no conflict with Policy 7.6 of the London Plan which relates to the architecture and appearance of buildings and structures.

Conclusion

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

Elizabeth Pleasant

INSPECTOR