
Appeal Decision

Site visit made on 29 November 2016

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

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

Decision date: 04 January 2017

Appeal Ref: APP/N5090/W/16/3158226

59 and 61 The Burroughs, Hendon, London NW4 4AX

- 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 Sivguru Sivaruban against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/3211/FUL, dated 9 December 2015, was refused by notice dated 22 July 2016.
 - The development proposed is part single, part two storey rear extension involving first and second floor to facilitate conversion from 2 no. dwellings into 3 no. self-contained flats with associated amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for part single, part two storey rear extension involving first and second floor to facilitate conversion from 2 no. dwellings into 3 no. self-contained flats with associated amenity space at 59 and 61 The Burroughs, Hendon, London NW4 4AX in accordance with the terms of the application Ref 16/3211/FUL, dated 9 December 2015 and subject to the following 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: 15444_PL_001 (Proposed GA - Location Plan), 15444_PL_009 (Proposed GA - Block Plan), 15444_PL_010 A (Existing GA - Ground Floor Plan), 15444_PL_011 A (Existing GA - First Floor Plan), 15444_PL_012 A (Existing GA - Second Floor Plan), 15444_PL_013 A (Existing GA - Section AA), 15444_PL_014 A (Existing GA - Elevations), 15444_PL_021 E (Proposed First Floor), 15444_PL_022 F (Proposed Second Floor), 15444_PL_045 A (Proposed / Existing GA - Elevations), 15444_PL_100 (Survey GA - Photos).
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Before the development hereby permitted is first occupied, details of refuse storage containers, enclosures and collection points shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation and retained as such thereafter.
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- 5) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) and how these areas are to be enclosed 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 and retained as such thereafter.
- 6) Prior to the first occupation of the development hereby permitted, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force during the lifetime of the development).
- 7) Prior to the first occupation of the development hereby permitted each dwelling hereby approved shall have been constructed to have 100% of the water supplied to it by the mains water infrastructure provided through a water meter or water meters. Each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings-based approach to be used to determine the water consumption of the permitted development. The development shall be maintained as such thereafter.
- 8) No construction work resulting from implementation of the development hereby permitted shall be carried out at any time on Sundays, Bank or Public Holidays, before 0800 or after 1300 on Saturdays, or before 0800 or after 1800 on other days.

Procedural Matters

2. In the banner heading above, for the description of the proposed development in the application form I have substituted the description as it appears on the refusal notice since it more accurately describes the proposed development.
3. Internal layout alterations were made after the Council's refusal notice. Revised plans 15444_PL_021 E (Proposed First Floor) dated 27 July 2016 and 15444_PL_022 F (Proposed Second Floor) dated 1 September 2016 were included in the appeal statement, however the Council has not commented on them.
4. The proposed alterations would now result in all three new units meeting locally prescribed minimum space standards for dwellings whilst maintaining the same building envelope. I am satisfied that the development would not be so changed by accepting the revisions as amendments to the application that the interests of any party would be prejudiced thereby. The appeal is therefore decided on the basis of the amended plans.

Main Issues

5. The main issues are:
 - a) the effect of the proposal on the character and appearance of the area including The Burroughs Conservation Area; and
 - b) the effect on living conditions of future occupants.

Reasons

Character and appearance

6. The appeal premises are in The Burroughs Conservation Area (CA) which contains mainly terraced residential dwellings and commercial units along Burroughs Road and the south-east section of the junction with Watford Way. Nos 59-61 are two units of a group of three, two-storey modern buildings. They comprise ground floor retail premises and two first floor flats with accommodation in the roof space. The building has been extended at the rear, notably by a two-storey rear extension with a butterfly roof and two dormer windows above.
7. The Council accepts the principle of an additional flat within the building. The proposal would improve the existing untidy visual appearance of the rear elevation. I accept that the depth of the proposed extension would increase as compared to that which currently exists although it would be stepped in to reduce the massing and its potential impact on the adjacent properties to the north, Nos 63-67. As a result it would not in my view be over-dominant or adversely affect the overall appearance of the main building or the wider area.
8. In making a decision on an application for development in a CA, there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Further, the character appraisal document (CACA) is a material consideration in this appeal.¹
9. Adjacent to the appeal property to the north are Nos 63-77, noted in the CACA as a strong group of Victorian terraced locally listed houses. I would agree. However I saw that much of their significance as a local heritage asset and their contribution to the CA lies in their uniform and simple but attractive frontages with retained original features when viewed along the main road. Such views would not be affected by the proposed development at the rear of the appeal property. The rear elevations of Nos 63-77 also contribute to the character of the CA although they are only glimpsed from public views. The impact of the extension would be minimal when seen in conjunction with an improved visual appearance of the rear elevation and a reduction in its height. Overall the proposal would preserve the character and appearance of the CA.
10. 55 The Burroughs, a Grade II listed building is nearby to the south of the appeal property. It is an attractive building dating from 18c but with a single storey shop addition. It forms one of the end units of a row of two-storey brick cottages. Although not referred to as such by the main parties, I consider that the setting of this listed building would be potentially affected by the proposal in views of the new extension from the school playing field to the rear of the site, and from the shared access road between Nos 55 and 57.
11. Paragraph 131 of the National Planning Policy Framework (Framework) states that in determining planning applications, account should be taken of the desirability of sustaining and enhancing the significance of heritage assets. In considering applications that affect a listed building or its setting there is a duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

¹ Burroughs Conservation Area Character Appraisal and Management Proposals Document, 2012

12. More recent development to the rear of Nos 57-61 such as the tall and prominent flue to the corner of No 57, has already detracted considerably from the roofscape at the rear of No 55. The extra bulk occasioned by the increase in depth of the proposed extension over the existing building would not obscure views of the roof of the listed building, apart from possibly at a very oblique angle in distant views along the edge of the field. In this case the effect of the proposed development on the setting, and thereby the significance, of the listed building would be considerably less than substantial.
13. To conclude on this issue I have found that there would be no harm caused to the character and setting of the CA. The Framework makes clear in paragraph 134 that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the benefits of the proposal. The extra accommodation proposed would be a small but significant benefit that would outweigh the minor harm that would result, if any to the setting of the listed building.
14. The proposal would therefore achieve a suitably high standard of design that would preserve the character and appearance of the CA and not materially harm the setting of 55 The Burroughs. It would thus comply with Supplementary Planning Document: *Residential Design Guidance* 2013 (SPD), Policies CS1 and CS5 of Barnet's Local Plan: *Core Strategy* Development Plan Document 2012 (CS), and Policies DM01 and DM06 of Barnet's Local Plan: *Development Management Policies*: Development Plan Document 2012 (DMP). These policies require development to respect local context including the appearance, scale, mass, height and pattern of surrounding buildings and spaces and to preserve or enhance the character and appearance of the CA.

Living conditions

15. Policy 3.5 of the London Plan², DMP Policy DM02 and the Barnet Sustainable Design and Construction SPD 2016 (SDC) require new residential homes to meet minimum space standards for dwellings of different sizes. As I have explained the proposal as amended would result in all three units meeting these standards.
16. Each of the proposed flats would meet outdoor amenity space requirements of 5m² per habitable room. Advice on minimum room dimensions and floor areas in relation to habitable spaces is now superseded by the current SDC and so the Council no longer relies on that earlier guidance.
17. I conclude that the internal floor area of the proposed flats would comply with minimum internal floor space standards. The proposed development would also provide adequate amenity space for future occupiers. As such it would provide a satisfactory standard of accommodation for future occupiers of the units in accordance with Policy 3.5 of the London Plan, SDC, and DMP Policies DM02.

Conditions

18. I have considered the conditions suggested by the Council in light of the Planning Practice Guidance on the Use of Conditions and amended the wording where it is in the interests of clarity or enforceability to so do.

² London Plan: Spatial Strategy for London Consolidated with Alterations Since 2011 (2015)

19. In addition to the standard time limit for commencement, a condition is needed for certainty to ensure the development proceeds according to the approved plans. A condition is also required to ensure external surfaces of the development match those used in the existing building. I have imposed further conditions to ensure effective sound insulation, provision of refuse and recycling storage facilities, and to limit hours of construction work, in order to protect the living conditions of residents of the new units and of those nearby.
20. To protect the character of the area as well as the enjoyment of the property by future occupiers, a condition is required to secure prior approval of details of the sub-division of the amenity areas including their boundary treatment. Finally a condition is reasonable and necessary to encourage the efficient use of water in accordance with standards set out in Policy 5.15 of the London Plan and Standard 37 of the Mayor of London's Housing Supplementary Planning Guidance 2016.

Conclusion

21. For the above reasons and having regard to all other matters raised the appeal succeeds.

Grahame Kean

INSPECTOR