

Appeal Decision

Site visit made on 17 January 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 7 February 2017

Appeal Ref: APP/N5090/W/16/3160642
80 The Fairway, Mill Hill, London NW7 3HP

- 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 & Mrs Mohsen & Maryam Sabaei against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/4589/FUL, dated 12 July 2016, was refused by notice dated 16 September 2016.
 - The development proposed is loft conversion involving hip to gable end, 2 no. rear dormer windows and 3 no. rooflights to the front elevation to facilitate the creation of 1 no. self-contained studio flat.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Maryam Sabaei against the Council of the London Borough of Barnet. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and the surrounding area; and
 - whether the proposed studio flat would provide acceptable living conditions for future occupiers with particular reference to internal living space.

Reasons

Character and Appearance

4. Properties with The Fairway and adjoining roads are two storey semi-detached maisonettes with a mix of gable and hip roof designs. There is a distinctive character and uniformity to the locality with each pair of maisonettes having either a hipped roof or a gable roof. Moreover the properties with hipped roofs have brick facades whilst those with gable roofs have white rendered facades.
 5. Access to the first floor maisonette of the appeal property is from the front of the property whilst the ground floor maisonette is accessed from the side. Together with its semi-detached neighbour the appeal property sits forward of
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- the pairs of properties to the south east which have a grass verge or communal garden to their frontage. Consequently the appeal property has a degree of prominence in the street scene when viewed from the south east.
6. The proposal would involve the conversion of the loft to a self-contained studio flat involving a change in roof form from hip to gable, the introduction of two rear dormer windows, three rooflights to the front elevation and a window at second floor level in the new gable end. Access to the proposed studio flat would be via the existing staircase to the first floor flat.
 7. Policy DM01 of the London Borough of Barnet Development Management Development Plan Document, 2012 (the DPD) requires new development to demonstrate a high quality of design whilst demonstrating an understanding of local characteristics. Developments should respect the appearance, scale, and mass of surrounding buildings among other factors. Policy CS5 of the London Borough of Barnet Core Strategy, 2012 (the Core Strategy) seeks to ensure that development respects local context and distinctive local character in creating buildings of high quality.
 8. The Barnet Supplementary Planning Document: Residential Design Guidance, 2013 (the SPD) requires developments to be assessed in terms of bulk, scale and design to ensure that they harmonise with the existing building and area. It states that extensions should be consistent with the form, scale and architectural style of the original building. It also advises that if there is a consistent and coherent architectural character the extension should not detract from it and should complement the roof form of the original house and the surrounding area. Dormer roof extensions should reflect the style and proportion of windows on the existing house. In terms of scale, dormers should be subordinate features and should not occupy more than half the width or half the depth of the roof slope.
 9. I find that the proposed change from a hip to a gable roof would be uncharacteristic in terms of other properties in The Fairway notwithstanding the fact that the Council has previously granted planning permission for a dormer to the side of the property. Where hipped roofs already exist they form part of a pair. In this case the proposed change would unbalance the appearance of the pair of semi-detached properties and would be detrimental to the regularity of other pairs of properties locally. Consequently it would be out of character with the existing building and the surrounding area.
 10. The introduction of rear dormers would fail to respond to the features of the existing property by virtue of their height and bulk. Whilst not exceeding half of the width of the roof slope the proposed dormer would cover greater than half the height of the roof notwithstanding that the windows themselves would be less than half of the height. In addition, as there are three windows below the proposed dormers, the relationship of the proposed dormers above would look awkward irrespective of the fact that the widths of the proposed windows would be in keeping with those of the larger windows below.
 11. The dormers would be large in the context of the proposed roof form, would be dominant within the existing roof slope and would not be subordinate features on the roof. The position of the appeal property in relation to the neighbouring properties to the south east would also mean that the proposed development would have an adverse impact within the street scene.

12. I therefore find that the proposals would be contrary to Policy DM01 of the DMP and Policy CS5 of the Core Strategy in failing to demonstrate an appropriate response to local context and would fail to provide a harmonious addition to the existing property contrary to the SPD guidance. The proposal would also be contrary to the objective of the National Planning Policy Framework (the Framework) which aims to secure good design which respects local character.

Living Conditions

13. Policy CS5 of the Core Strategy and Policy DM01 of the DPD together seek to achieve buildings of high quality design. Policy DM02 of the DPD states that where appropriate, development will be expected to demonstrate compliance with development standards including minimum floor space as set out in Policy 3.5 of the London Plan, 2016. This in turn states that boroughs should seek to ensure that new development reflects minimum space standards. The Technical Housing Standards – Nationally Described Space Standard (the Space Standard) which had been adopted through the London Plan establishes a standard for a one person unit of 37 square metres where a shower room rather than a bath room is provided.
14. The Space Standard states that any area with a headroom of less than 1.5m is not counted within the Gross Internal Area (GIA) unless used solely for storage. The appellant has accepted that the GIA of the area of greater than 1.5m in height is between 34 and 35 square metres. Single person dwellings of less than 37 square metres may be permitted if the development is of exemplary design and contributes to the achievement of other objectives and policies of the London Plan. However, because of the conflict with the first main issue I do not consider that this requirement has been met.
15. I therefore find that the proposed studio flat would provide a poor quality of residential development which would not provide an appropriate standard of living accommodation for a future occupier. This would be contrary to the principles of good design required by Policy CS5 of the Core Strategy, Policies DM01 and DM02 of the DPD and Policy 3.5 of the London Plan. The proposed development would also fail to address one of the core principles of the Framework which is to secure high quality design and a good standard of amenity for all future occupants of buildings.

Other Matters

16. The appellant has highlighted other rear dormers within the locality. However I have not been provided with full details of these schemes but in any event I have determined the appeal on its own planning merits. Another party raised concerns about the effect of the scheme on parking but were I to allow the appeal the scheme would make appropriate provision for parking. Other matters raised are not planning considerations.

Conclusion

17. For the reasons set out above, the appeal is dismissed.

Kevin Gleeson

INSPECTOR