
Appeal Decision

Site visit made on 1 March 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 22 March 2017

Appeal Ref: APP/N5090/W/16/3163250

23 Wessex Gardens, Golders Green, London NW11 9RS

- 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 Christopher Raymond against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/1303/FUL, dated 29 February 2016, was refused by notice dated 30 June 2016.
 - The development proposed is 'existing 3 bed room semi-detached dwelling house to be converted into 1x1 bedroom flat at ground floor and new studio/shed at end of garden and 1x2 bedroom flat at first floor and existing loft space.'
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Decision

1. The appeal is allowed and planning permission is granted for the 'existing 3 bed room semi-detached dwelling house to be converted into 1x1 bedroom flat at ground floor and new studio/shed at end of garden and 1x2 bedroom flat at first floor and existing loft space' at 23 Wessex Gardens, Golders Green, London NW11 9RS in accordance with the terms of the application, Ref 16/1303/FUL, dated 29 February 2016, subject to the conditions set out in the attached schedule

Procedural Matter

2. The Council have refused planning permission for a single reason as shown on their decision notice. They state that the conversion of a family dwelling house into two self-contained flats would result in a form of development that would be detrimental to the established character of the area.
3. There however remains disagreement between the Council and the appellant concerning the lawfulness of the roof terrace that is currently on the rear of the building. The most appropriate method for resolving this would be through the submission of an application to the Council for a Lawful Development Certificate. I have no such certificate before me. The roof terrace is shown on the proposed plans and as such is before me. Concern has been expressed by neighbours over the effect it would have on their living conditions, with specific regard to privacy

Main Issues

4. With the above in mind therefore, I consider the main issues in the determination of this appeal are:
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- The effect of the proposed development on the character of the area; and
- The effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings, with specific regard to privacy.

Reasons

Character

5. It is clear that single occupancy dwellings dominate the tenure of the local area. These are mainly two storey semi-detached buildings set back from and facing the road with parking and access to the front. Rear gardens extend in a linear fashion in rectangular curtilages. The proposed development would introduce a type which is arguably uncharacteristic albeit from the evidence before me not uncommon.
6. The Council's Core Strategy sets out how the conversion of single dwellings to multiple flats, in the cumulative sense, has the potential to affect the character of areas. It states that this can be in respect of how an area functions, activity increases and noise may intensify which can have wider amenity effects. Intensification can also involve more people movements, increased vehicular parking, more rubbish to be collected and more deliveries.
7. The external appearance of the building and its access arrangements would not change as a result of the proposed development. It would represent the net increase in both the appeal site and the wider area of a single additional dwelling unit which would also involve, in my view, a marginal increase in the requirement for vehicular parking and refuse storage.
8. The majority of the front garden to the appeal site is currently laid to hardstanding and fully paved over front gardens are not an uncommon feature of the street scene. The area is predominated by single occupancy dwellings and from the Council's own research of the numbers, would continue to be so as a result of the proposed development. In effect, the ratio of flats to single occupancy dwellings is noticeably low.
9. For these reasons, the granting of a planning permission would not change the character of the area to the point that it would cause any significant planning harm. I accept that cumulative harm to the established character of the area may be caused by a larger number of conversion schemes but this is not a matter before me as part of this appeal.
10. The proposed development would not therefore adversely affect the character of the area. As such I do not find that there is any conflict with Policies CS1 and CS5 of the Core Strategy¹ or Policy DM01 of the Local Plan². These Policies seek to ensure, amongst other things and along with the Framework³, that new development is of a high quality and contextually appropriate design and appearance as well as understands, preserves or enhances local character.

Living Conditions

11. The proposed development would include, with regard to the first floor flat, a roof terrace across the ground floor rear extension. This would be accessed via

¹ Barnet's Local Plan (Core Strategy) Development Plan Document 2012

² Barnet's Local Plan (Development Management Policies) Development Plan Document 2012

³ The National Planning Policy Framework 2012

its living/dining/kitchen space. Screens are proposed for the sides of the terrace which would restrict any views into the rear gardens of the dwellings either side. Views would be available in a southerly direction, towards the rear gardens of dwellings that back onto the appeal site. However, there would be ample separation distance between the terrace and the garden spaces immediately to the rear of said dwellings. In addition, the views offered from the terrace would not be materially different from those available from the existing first floor rear windows of the dwelling.

12. I am therefore satisfied that the proposed development would not cause harm to the living conditions of the occupiers of neighbouring dwellings. As such, it would be acceptable in the context of one of the core principles of the Framework which seeks to ensure a good standard of amenity for existing and future occupiers of land and buildings.

Conditions

13. I have had regard to the conditions as suggested by the Council and have made some changes in the interests of clarity and enforceability. These are reflected in the wording that I have used.
14. For certainty, I have included the standard time condition as well as specifying the approved plans. I have imposed a condition requiring details of the screens for the roof terrace as they are not set out in sufficient detail. This is in the interests of the living conditions of the occupiers of neighbouring dwellings. It would be sufficient to agree these details prior to the first occupation of the first floor flat.
15. To ensure the appropriate functioning of the development, I have also stated that a scheme for the storage and collection of refuse as well as provision for parking and turning should be agreed. It would be sufficient to agree these matters prior to the first occupation of the proposed development.
16. I do not consider that a condition requiring copies of pre completion sound insulation testing certificates is necessary given that such matters are addressed by the building control regime. In addition, I have not been provided with any evidence that would lead me to conclude that the garden spaces could not be communal. As such, I do not consider the agreement of details showing how it would be sub divided to be necessary.
17. I note the suggested condition with respect the proposed shed at the foot of the garden. It is shown on the approved plans as a workshop/shed and is permitted as such. It would clearly be accessed via the ground floor flat. Since express planning permission to establish its use as an independent dwelling would be required, restricting its use to being ancillary to or occupied in conjunction with the ground flat would be unnecessary.

Conclusion

18. For the reasons and subject to the conditions set out below, the appeal is allowed.

John Morrison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 23 WG -01-002 Rev A, 23 WG -01-011, 23 WG -00-012, 23 WG -01-131 and WG -01-132.
- 3) Prior to the first occupation of the first floor flat hereby permitted, details of the height, design and materials to be used in the construction of the roof terrace screens hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the first occupation of the development hereby permitted, details of arrangements for the storage and collection of refuse shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Prior to the first occupation of the development hereby permitted, details of vehicular parking and turning facilities within the site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.