

Appeal Decision

Site visit made on 27 March 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/N5090/W/16/3166339
10 West Avenue, Hendon, London NW4 2LJ

- 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 Mrs Rachel Rivlin against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/3424/FUL, dated 23 May 2016, was refused by notice dated 11 October 2016.
 - The development proposed is the conversion of single family dwelling into 2no self-contained flats. New bicycle shed at the rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of the proposal from the Council's decision notice as it provides a full description of the development as a whole.

Main Issues

3. The main issues are the effect of the proposal on:
 - (i) the character of the area, with particular regard to the loss of a single family dwelling house; and
 - (ii) the living conditions of existing and future occupiers of 10 West Avenue, with particular regard to internal living space.

Reasons

Loss of a single family dwelling house

4. The appeal site is a two-storey, semi-detached property located on the south side of West Avenue. West Avenue is mainly residential in nature, and although there is some variance in terms of architectural style, properties are generally of a two-storey or two and a half storey, semi-detached design.
 5. In this instance, criteria (h) and (i) of Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (the DPD) are particularly pertinent with regards to housing conversions. Evidence from the Council confirms that West Avenue has not been significantly diluted through the sub-division of family housing into flats or Houses in Multiple Occupation.
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6. In contrast, Brent Street, located close to the western end of West Avenue, comprises of a number of flatted developments and commercial uses. In addition Ambassador Court, a 4-storey block of flats, is located to the rear of the appeal site.
7. It is acknowledged that 3 and 7 West Avenue are occupied as self-contained units. Although the Council have confirmed they have no record of planning permission being granted at either property. As such, with the exception of Nos 3 and 7, for the purposes of criteria (h) and (i) of Policy DM01 of the DPD, West Avenue consists mainly of a coherent group of single family dwellings.
8. The proposal would result in minimal external alterations, with the only addition being a bicycle shed in the rear garden. Due to its location and modest scale this addition would not result in any visual harm. Accordingly, the visual character of the street scene would remain unaltered. However, the character of an area is not solely determined on visual matters. The conversion of properties to multiple units inevitably results in an increase in people movement and associated noise and activity, when compared to that of a single family dwelling.
9. It is therefore the established character of the area which Policy DM01 of the DPD aims to protect. As identified, it is the cumulative effects of the intensification of single family properties into flats which can have a detrimental impact on the character of established residential areas.
10. The appellant has referenced a number of examples of where applications for conversions of single family units have been granted planning permission. Little information relating to the detailed circumstances of these developments has been supplied. However, from the evidence before me, I note that a number of the examples cited are located within areas characterised by the conversion of single family units into self-contained units. As such, I do not consider a direct comparison to the appeal site is possible. I have therefore considered the appeal before me on its individual merits.
11. There is no doubt that the appeal site is located within an accessible location, with relatively good access to services and facilities required to meet daily living needs. In addition, the proposal would contribute to the Boroughs housing targets. Nevertheless, the modest benefit of two additional units of accommodation is outweighed by the unacceptable loss of a single family dwelling house, which would detract from the local character of the area.
12. Accordingly, the proposal would fail to accord with Policy DM01 of the DPD, Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (the CS) and Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance 2013 (the RDG). These policies and guidance seek, amongst other things, to ensure that development respects local character and protect local distinctiveness.

Living conditions

13. Due to reduced ceiling height on the second floor, the proposed bedroom has been removed and replaced with a games room. As such, the proposed upper floor flat would consist of a two bedroom, three person unit.
14. The plans do not provide exact measurements with regard to the gross internal floor areas. However, both parties confirm that the ground floor flat exceeds

the required minimum space standards for a two bedroom, single storey flat as required by Policy DM02 of the DPD. There is no evidence before me which leads me to dispute this.

15. With regard to the upper floor flat, some debate remains as to the gross internal floor area. Regardless of whether the figure of 78 square metres or 80 square metres is utilised, the unit exceeds 61 square metres. This is the minimum gross internal floor area required for a two bedroom, three person flat, as detailed within Table 2.1 of the Barnet's Local Plan Supplementary Planning Document: Sustainable Design and Construction 2013 (the SDC).
16. The proposed double bedroom would fall short of the space standards as detailed within the Department for Communities and Local Government Technical housing standards – nationally described space standards 2015 by less than one square metre. As the shortfall is minimal, the bedroom would still have capacity to adequately function as a double bedroom. The proposed single bedroom has an approximate size of 8.2 square metres and therefore exceeds the space standards required for a single bedroom of 8 square metres, as detailed within Table 2.2 of the SDC.
17. I therefore find that the proposal would not harm the living conditions of the existing or future occupiers of 10 West Avenue, with respect to internal living space. Accordingly, the proposal complies with Policies CS NPPF, CS1 and CS5 of the CS, Policies DM01 and DM02 of the DPD and guidance contained within the SDC and the RDG. When taken together these policies and guidance seek, amongst other things, to ensure new development provides adequate internal space to provide appropriate living conditions.

Other Considerations

18. I am aware of the wishes of the appellant and of her existing medical conditions, as well as the letters submitted by her medical team. However, there is a need for development management policies to be applied to proposals. Having taken the appellant's wishes and medical conditions into consideration, I have found that the needs of the appellant are not sufficient to outweigh the significant harm identified. In these circumstances, withholding planning permission is a proportionate response to the harm that would arise from the proposal.
19. A planning obligation under S106 of the Town and Country Planning Act 1990, in the form of a Unilateral Undertaking¹ has been completed and signed by the appellant and owners of the appeal site. The Unilateral Undertaking states that in the event that planning permission is granted for the retention of the two flats, the right to use the appeal property for flats would cease if the appellant no longer occupied the ground floor flat. However, the presence of such an undertaking does not overcome the harm identified in relation to the character of the surrounding area.
20. Furthermore, I note that this appeal follows a previous enforcement appeal in 2016 where the enforcement notice was upheld². From observations made during my site visit, it was evident that the property remains in use as three separate units and there have been no significant changes in circumstances since the enforcement appeal.

¹ Unilateral Undertaking dated 27 February 2017

² Appeal references APP/N5090/C/15/3121619 & 3130246 & 3121473

Conclusion

21. Despite finding no harm with regard to the living conditions of existing or future occupiers, the harm found in relation to the character of the surrounding area is decisive.
22. Accordingly, for the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR

