
Appeal Decision

Site visit made on 4 July 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 17 July 2017

Appeal Ref: APP/N5090/W/17/3170099

47 and 47A Goodwyn Avenue, London NW7 3RJ

- 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 Neil Langford against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 16/7457/FUL, dated 15 November 2016, was refused by notice dated 12 January 2017.
 - The development proposed is a hip to gable extension and rear dormers to form a loft conversion giving an extra unit for two persons.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposed development would provide suitable living conditions for the future occupiers, with particular regard to internal space; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions

3. The proposed development would result in the creation of a new one bedroom, two person, flat within the roof space of the appeal building. Policy 3.5 of the London Plan and the Nationally Described Space Standard (the Standard) require that a 1 bedroom, two person dwelling has a minimum gross internal area of at least 50 square metres. This requirement is also reflected in Policy DM02 of the Barnet Development Management Policies Development Plan Document 2012 (DMP) and the London Borough of Barnet Sustainable Construction Supplementary Planning Document 2016.
4. There is some dispute over the gross internal area of the proposed new flat. The Council calculate that the floorspace that would be provided is 46.2 square metres, which does not meet the minimum floorspace requirements. The only measurement provided by the appellant is on the appeal form which gives the floor area as 50 square metres. No additional evidence has been provided in terms of the dimensions of rooms, or a more detailed schedule of floor space,

which would verify the stated 50 square metres floor area. I have noted that the appellant states that the submitted floor plans show furniture layouts that indicate that the proposal will be suitable for a two person unit and that the Council accept that the bedroom meets the minimum dimensions required by the Standard. However, these floor plans and layouts are not fully dimensioned and, consequently, I cannot be certain that these are a realistic depiction of the accommodation as it could be used.

5. The Standard also requires that a minimum headroom of 2.3 metres is provided over 75% of the floor area. Again, due to the lack of precise dimensions it is not clear from the submitted plans if this is achieved, and the section through the development shown on the drawings indicates that there are parts of the proposed flat where there would be restricted headroom.
6. The key question is whether proposal would provide adequate living space to meet the day to day needs of the future occupiers. On the evidence before me, and in view of the Council's calculation of the floorspace, the appellant has not demonstrated that the development meets the minimum requirements in quantitative terms. Although the shortfall in floor area identified by the Council is only in the order of approximately 3.8 square metres, due to the internal configuration of the proposed flat shown on the submitted drawings it would, in my view, result in a constrained form of accommodation that would not provide adequate living space for the future occupiers.
7. I therefore conclude that the proposed development would not provide suitable living conditions for the future occupiers, with particular regard to internal space. It would not comply with the relevant requirements of Policy 3.5 of the London Plan, Policies DM01 and DM02 of the DMP, and the London Borough of Barnet Sustainable Construction Supplementary Planning Document 2016 which seek to ensure that new dwellings meet certain minimum standards and are fit for purpose.

Character and appearance

8. Goodwyn Avenue is a quiet, residential, street comprised mainly of large, two storey semi-detached houses with long rear gardens. These are finished in brickwork or render and have hipped roofs and gabled frontages above full height bay windows. Amongst the semi-detached properties are a small number of detached houses, and a short terrace of three storey town houses which is a later insertion into the older built form. Although there are minor variations in design of the houses, the street has a generally consistent appearance. To the east of the appeal building, at the junction with The Broadway, are three storey buildings in mixed commercial and residential use, facing onto the Broadway and presenting their rear elevations to Goodwyn Avenue.
9. The appeal building is one half of a pair of semi-detached houses, which has subsequently been sub-divided to form two flats. I note that the Council do not find the proposed alteration of the hipped roof to form a gable end to be objectionable. I saw when I visited the site that the adjoining property at number 45 has been altered in a similar manner. I also saw that this property has a large box dormer that occupies the majority of the rear roof slope. In the surrounding area there are a number of dormer extensions on both side and rear roof slopes, including the neighbouring property to the east. Dormer windows are therefore not uncommon in the surrounding area.

10. Policy 7.6 of the London Plan 2016 (London Plan) seeks to ensure that new development is of a high standard of design and complements the local architectural character. Policy CS5 of the Barnet Core Strategy 2012 (Core Strategy) seeks to ensure that new development respects local context and distinctive local character. These policies are read together with Policy DM01 of the DMP which sets out various criteria for new development in order to protect an areas character and amenity. Criteria b. of this Policy requires that development proposals be based on an understanding of local characteristics and respect the appearance, scale, mass, height and pattern of the surrounding buildings. In the surrounding area there are a number of dormer extensions on both side and rear roof slopes, including both the neighbouring properties to the appeal site. Dormer windows are therefore not uncommon in the surrounding area. Whilst some of these may have been constructed under permitted development rights, the existing dormers in proximity to the appeal building, regardless of how they came about, are now part of the local character of the surrounding area.
11. The Barnet Residential Design Guidance Supplementary Planning Document 2013, against which the design policies in the development plan have to be read, sets out various design criteria for roof extensions. It seeks to provide advice on the visual aspects of external design and appearance to protect and enhance the areas character. In particular, it states that roof extensions should not normally dominate the original roof or project above the ridgeline, and that dormer windows should be set in from the edges and eaves of the roof and not normally occupy more than half the width or half the depth of the roof slope.
12. The proposed dormers on the appeal building would not wholly comply with this guidance, however, there would only be limited views of one of these from Goodwyn Avenue through the gap between the appeal building and its neighbour at number 49. To the rear of the appeal building there are large established trees within the rear garden area and adjoining the service lane that runs between Goodwyn Avenue and The Broadway. These screen the rear of the appeal building from views from the residential accommodation above the commercial properties on The Broadway. Even when these are not in leaf, they would still provide a degree of screening and the proposed dormers would, in any event, be seen in the context of the dormers on the rear roof slopes of the adjoining buildings.
13. Policy CS1 of the Core Strategy sets out the spatial strategy for development within the Borough which seeks to concentrate and consolidate housing and economic growth in well located areas that provide opportunities for development. There is nothing in the evidence submitted by the Council that would indicate that the proposed development offends this policy.
14. Within this context and given the presence of a number of similar dormers close to the appeal building, I conclude that, although the development would not wholly meet the guidance in the SPD, the proposed development would not cause harm to character and appearance of the area. It would comply with the relevant requirements of Policies CS1 and CS5 of the Barnet Core Strategy 2012, Policy DM01 of the DMP, Policy 7.6 of the London Plan 2016.

Conclusion

15. Although I have found that the proposed development would not cause harm to the character and appearance of the area, I have found that it would not provide suitable living conditions for the future occupiers. This is an important matter and is not outweighed by the lack of harm to character and appearance. The development would be contrary to the relevant policies of the Council's Development Plan and there are no material considerations of such weight as to warrant a decision other than in accordance with the Development Plan. For this reason the appeal must fail.
16. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR