
Appeal Decision

Site visit made on 3 July 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 1 August 2017

Appeal Ref: APP/N5090/W/17/3168494

81 Quinta Drive, Barnet, EN5 3DA

- 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 OGAS Investments (Mr Lawrence) against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/6808/FUL, dated 23 October 2016, was refused by notice dated 28 December 2016.
 - The development proposed is to convert the property into four two bed self-contained flats.
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Decision

1. The appeal is allowed and planning permission is granted to convert the property into four two bed self-contained flats at 81 Quinta Drive, Barnet, EN5 3DA in accordance with the terms of the application, Ref 16/6808/FUL, dated 23 October 2016, subject to the conditions in Annex A.

Procedural Matter

2. The appellants have provided amended plans that show a reduced parking area as part of the appeal. However, my findings on the main issues are based on the plans submitted to the Council and subject to public consultation.

Main Issues

3. The main issues are the effect of the proposed conversion on (a) the character and appearance of the area; (b) the living conditions of the occupiers of existing dwellings with particular regard to noise and disturbance and (c) highway safety.

Reasons

Character and appearance

4. Policy DM01 of Barnet's Local Plan, Development Management Policies, Development Plan Documents, 2012 (DPD) criteria (h) and (i) state, respectively that the conversion of dwellings into flats and the loss of houses in roads characterised by houses will not normally be appropriate. Both the supporting text to Policy DM01 and the Council's Adopted Residential Design Guidance, Supplementary Planning Document, 2013 (SPD) advise that, whether or not a conversion is acceptable in principle, will depend on the character of the house and the street. The intention of the policy is to minimise the impact of conversions on the local environment, recognising that conversions can have a cumulative impact on environmental quality by changing the external appearance of areas and increasing activity, creating parking stress and more rubbish to be collected.

5. No 81 Quinta Drive is a large detached dwelling in a street of similar properties. The street generally has a suburban character. The external alterations to the building to facilitate the conversion would be limited to the provision of additional parking, bin and cycle storage. These are all items that would not appear out of place in a residential location. As a result there would not be a significant change to the appearance of the area. The parking arrangements would increase by three formal spaces. I appreciate that if permitted, cumulatively, a significant number of conversions could change the character of Quinta Drive. However, the change from 10 bedrooms to 4 x 2 bed flats would not represent a significant increase. Further I have not been provided with any substantive evidence that 4 households would in fact generate more activity than a large single household. I have been referred to two appeal decisions¹. However these would appear to refer to redevelopment for single dwellings not conversion and are not directly comparable to the appeal scheme.
6. I therefore conclude that the proposal would not harm the character and appearance of the area. Therefore notwithstanding conflict with clause h of DPD Policy DM01 which states that the conversion of dwellings in roads characterised by houses would not normally be appropriate, the development would accord with policies CS1 and CS5 of Barnets Local Plan (Core Strategy) Development Plan Document 2012 (CS), Policies DM01 and DM02 of the DPD, 7.4 of the London Plan (LP) and the Local Plan Supplementary Planning Document: Residential Design Guidance 2013 (SPD). These policies and guidance require, amongst other things that development respects local character and appearance.

Living conditions of existing occupiers

7. The layout of the proposal would include provision of car parking at the rear of the dwelling that would be accessed from Raebarn Gardens. The scheme as submitted to the Council included three car parking spaces, cycle and bin storage in the area closest to the frontage of No 1 Raebarn Gardens. The area to the front of No 1 appears to be used for car parking. There is a boundary treatment in place on the common boundary. In addition there are no on street restrictions to prevent this part of the road from being used for parking at present.
8. The new flats would all be two bed and would therefore create four small households. This would replace a single unit. Nevertheless the existing floor plans show that the property currently has 10 bedrooms. As such it has the potential for occupation by a large family generating a similar number of people and vehicle movements. Therefore it is likely that there would be a similar number of people coming and going.
9. Taking all of these factors together I therefore conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of existing dwellings with particular regard to noise and disturbance. It would not be in conflict with LP policies 3.5 and 7.6, CS5 of the Barnet Core Strategy (CS), DMP policy DM01, Barnet Sustainable Design and Construction Supplementary Planning Document, Residential Design Guide SPD in so far as they require new development proposals to be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. It would not conflict with paragraph 17 of the National Planning Policy

¹ APP/N5090/W/16/3154654; APP/N5090/W/15/3139361

Framework (the Framework) which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Highway safety

10. The Council's concern relates to the width of the cross over that would be provided to the rear. The dwellings would have direct access onto Raebarn Gardens. The Council's report sets out that the width would not accord with its practices. However, I have not been provided with a consultation response or policy that suggests a maximum width. The SPD sets out the sizes for the parking spaces and that they should not overhang the highway. There is no indication that there would not be adequate visibility. In addition the Council's condition suggests that the detail of parking could be addressed by conditions.
11. Raebarn Gardens is not a through fare and interruptions to the footway are those for crossovers for existing dwellings. The proposed access would be from the highway and would cross the footway. I appreciate that a vehicle crossing the footway could delay a passing pedestrian and that a vehicle waiting to turn into the parking area could delay vehicles behind it. However, it is likely that in most cases it would be likely to be momentary. Even if a vehicle were to be stationary on the footway momentarily it is likely that a pedestrian would be able to safely pass. Furthermore given the number of spaces it is likely that instances of this type would be relatively infrequent.
12. I therefore conclude that the appeal scheme would not have a harmful effect on highway safety. It would not be in conflict with DMP policy DM17, Barnet Sustainable Design and Construction Supplementary Planning Document, Residential Design Guide SPD in so far as they seek to ensure that the safety of all road users is taken into account when considering development proposals.

Conditions

13. The Council has suggested a number of conditions which I have considered against Framework and Planning Practice Guidance. As a result I have amended some of them for clarity and consistency. Conditions are necessary regarding commencement of the development and compliance with the submitted plans. Hard and soft landscaping would also be necessary in the interests of the character and appearance of the area. This would include any additional enclosure if the garden was to be subdivided. In the interest of the living conditions of existing occupiers it is necessary to have a condition relating to construction management.
14. The Council suggest a condition to secure obscure glazing of windows in the flank elevations. This would not be necessary given that one window would face a road and it is shown on the plans which are secured by condition in any event. The property has been used as a 10 bed single household. Therefore it is not necessary or reasonable to control the use as the Council suggest.

Conclusion

15. For the above reasons and having regard to all other matters raised I conclude that subject to the conditions in Annex A the appeal should be allowed.

D J Board
INSPECTOR

Annex A – 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: 01, 02, 03, 04, 05, 06, 07.
- 3) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include :
 - i) a statement setting out the design objectives and how these will be delivered;
 - ii) means of enclosure and retaining structures;
 - iii) boundary treatments, including any subdivision of the garden area;
 - iv) vehicle parking layouts;
 - v) other vehicle and pedestrian access and circulation areas;
 - vi) hard surfacing materials;
 - vii) minor artefacts and structures, furniture, play equipment, refuse, recycling and other storage units;
 - viii) lighting, floodlighting and CCTV;
 - ix) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.