
Appeal Decision

Site visit made on 11 October 2017

by G Rollings BA(Hons) MA(UD) MRTPI

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

Decision date: 7th November 2017

Appeal Ref: APP/N5090/W/17/3179619

10 Golders Green Crescent, London, NW11 8LE

- 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 A J McGinty against the decision of the Council of the London Borough of Barnet.
 - The application Ref 17/1350/FUL, dated 22 February 2017, was refused by notice dated 8 May 2017.
 - The development proposed is a loft conversion to form new studio flat, and internal alterations to existing ground and first floor dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's evidence includes an error, in that it referred to Policy 3.8 of *The London Plan* (2016), whereas in fact it meant to refer to Policy 3.5. This error was repeated on the issued decision notice. The Council advised me of its error within its appeal evidence, and that the appellant has had the opportunity to comment on this error and substitute the correct policy within his own evidence, I consider that no party would be prejudiced by the policy substitution. I have therefore decided the appeal on the basis that Policy 3.5 of *The London Plan* is correct and that it conveys the correct intent of the Council's assessment and decision.

Main Issue

3. The main issue is whether the proposed development would provide satisfactory living conditions for future occupiers, with regard to outlook, quality, and layout of the proposed flat.

Reasons

4. The appeal site comprises a two-storey, semi-detached building with separate flats on the ground and first floor. The proposal incorporates a slight reconfiguration of these flats to allow the creation of a separate entrance and stairwell leading to a new studio flat within the existing loft space of the building, which would be altered through the addition of a rear dormer extension, and installation of roof windows set parallel with the existing roof pitch.

5. The Council has not raised any objection to the external effects of the proposed works, and thus I have limited my consideration of the proposal to the main issue. I turn firstly to the issue of the layout of the proposed internal space. The appellant considers that the proposed flat would have a floor area of 37 square metres (sq.m.), and would therefore comply with the minimum space standard set out in London Plan Policy 3.5, which is expanded within the Mayor of London's *Housing Supplementary Planning Guidance* (2016) (SPG), and the Council's adopted *Sustainable Design and Construction Supplementary Planning Document* (2016) (SPD). All of these reflect the Government's *Technical Housing Standards - Nationally Described Space Standard* (2015).
6. The Council has calculated that the internal area of the main part of the dwelling, being the living space within the roof, would measure approximately 24.7 sq.m., with the remainder of the space standard requirement made up from the floorspace of the stairwell and its landings. The SPG is clear that the space standard is measured between the internal faces of a dwelling's perimeter walls, and includes flights of stairs and voids above stairs. Including these areas, the dwelling achieves the requirement, and thus complies with the relevant policies and guidance.
7. However, the Council considers that the additional design features of the proposed dwelling would lead to a poor standard of accommodation overall. Accordingly, I now turn to the matter of quality and outlook. The main window into the 'open-plan' studio would be that set within the rear dormer, with additional light to this area from three roof windows. The dormer window would allow outlook from this area, and given its open-plan nature whereby the window would be visible throughout, I consider that this would be sufficient.
8. On the matter of light, the position of the additional kitchen and stair windows would be unlikely to allow sufficient light through to the main living area. The proposed roof dormer window is relatively small in relation to the external size of the dormer, and although it could be enlarged, a condition requiring such enlargement (were the appeal to be allowed) would not allow neighbours an opportunity to comment on the alteration, and would therefore be unsuitable and unreasonable. Bearing in mind the SPD's guidance of providing 20% of a room's floor area in glazed areas, the ratio of glazing to floor area in this instance is unsatisfactory, and would result in a substandard amount of light within the flat. This matter alone provides sufficient reason to dismiss the appeal.
9. I therefore conclude that the proposed development would not provide a satisfactory quality of accommodation for future occupiers, and that this would harm their living conditions. The proposal would conflict with the Council's adopted *Core Strategy* (2012) Policies CS1, CS4 and CS5, *Development Plan Document* (2012) Policy DM01, and London Plan Policy 3.5, for the reasons set out above. The Council included Core Strategy Policy CD14 in its decision notice, but it is not relevant to this main issue, and I have therefore not included it. Together, the included policies require development to provide high-quality design and a good standard of amenity for occupiers, amongst other requirements, and this reflects the similar aim of the relevant core planning principle set out in the *National Planning Policy Framework* (paragraph 17).

Other issues

10. I acknowledge the appellant's view that the development would make a contribution to local housing supply and choice. However, in this case there is no evidence before me to suggest that the Council has not achieved its housing provision targets, or to demonstrate an undersupply. I consider that the benefit gained in providing an additional housing unit is outweighed by the detrimental impact of the proposed development, and have therefore given this matter only limited weight.
11. The appellant has also made comments regarding its views on the Council's handling of the application, but this has not affected the planning merits of the case, on which my decision has been based.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Rollings

INSPECTOR