

Appeal Decision

Site visit made on 22 November 2017

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 15 December 2017

Appeal Ref: APP/N5090/W/17/3180380

7 Glebe Crescent, Hendon, London, NW4 1BT

- 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 Questor Properties Limited against the decision of the London Borough of Barnet.
 - The application Ref 17/1246/RCU, dated 28 February 2017, was refused by notice dated 24 May 2017.
 - The development is for the use of the property as 5no. self-contained units.
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Procedural Matter

1. At the time of my site visit, it was evident from my inspection of four of the separate units (the first floor unit at the front of the property was not accessible) that the development had already been undertaken. This is also confirmed by the identification of the development on the planning application forms as being for *retrospective planning permission*.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are;
 - the effect of the proposed conversion of the dwelling on the character and appearance of the area;
 - whether adequate provision is made for the living conditions of the occupiers of the units, having regard to the availability of internal space; and,
 - the effect of the development on highway and pedestrian safety, having regard to the absence of off-street parking.

Reasons

Character and appearance

4. The appeal site is occupied by a semi-detached property on Glebe Crescent, a residential street located close to the services and facilities of Parson Street and Finchley Lane. The property is comprised of 5no. existing self-contained residential units, with two units on each of the ground and first floors, and a further residential unit located on the second floor within the roof storey. The
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existing disposition and occupation of the property does not benefit from planning permission, and my attention has been drawn by the appellant to a long-standing enforcement notice pertaining to the use of the site in the existing manner.

5. The Council accepts that the principle of the conversion of properties within Glebe Crescent has already been established by virtue of existing properties including Nos. 1, 3, 5, & 9 Glebe Crescent, already being occupied in this manner, or benefitting from planning permission for flats. Nevertheless, it is evident that much of the street remains occupied as single dwellings, and that this is the prevailing character.
6. The use of the property for five self-contained units has not resulted in any significant visual changes to the building itself. However, I accept that the occupation of the property as 5no. separate residential units is likely to result in a comparatively intensive use of the property, even in contrast with the other noted conversions within the street. In this respect, I would agree that the level of comings and goings of residents has the potential to be uncharacteristic, but I am not persuaded that this in itself would be likely to be harmful in the context of the existing street and area.
7. The Council has cited paragraph 2.8.1 of Barnet's Local Plan (Development Management Policies) Development Plan Documents 2012, and in particular that the conversion of existing dwellings into flats can have a cumulative effect that detracts from the character of existing residential areas. In this respect, I have had regard to the reference to increased rubbish to be collected, and I accept that there may be a visual impact as a consequence of the proliferation of refuse and recycling bins related to a property. However, from my observations of Glebe Crescent, there is already a proliferation of refuse and recycling bins at the front of many individual properties, which ultimately appears as a defining visual characteristic of the street. In any event, I see no reason why appropriate arrangements could not be made within the appeal site for the storage of refuse and recycling receptacles in such a manner as to ensure that there would not be a departure from the character of the street, and am satisfied this could be addressed appropriately by the imposition of a suitable condition.
8. The impact of an increased demand for parking has also been raised by interested parties, although I address matters related to the quantum of parking later in this decision letter. In respect of the existing character, I note that in addition to established off-street parking for the majority of individual properties, Glebe Crescent possesses defined and demarcated areas of on-street parking restricted during the daytime for use by residential permit holders only.
9. The appeal property does not possess any formal off-street parking, albeit that it appears that the land to the front of the property has been used informally for this purpose in the past, despite the presence of on-street residents parking bays along the extent of the property frontage. Nevertheless, whilst there were no cars within the informal parking area at the time of my visit, from the perspective of the character of the street off-street parking in front of properties would not in itself be uncharacteristic. Furthermore, I noted that all but one of the defined on-street spaces was occupied and in use, and therefore irrespective of any level of demand created by the use of the property, there is

only a finite level of parking which can be accommodated within the street. As a consequence, I do not consider that the property would as a result of increased parking demand have an adverse effect on the character and appearance of Glebe Crescent.

10. I am therefore satisfied that whilst the occupation of the building as 5no. self-contained flats amounts to a comparatively intensive use of the appeal site, that this would not in itself result in an unacceptable adverse effect on the character and appearance of the area. There would not be conflict with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012, Policy DM01 of the Development Management Policies, and the Council's Local Plan Supplementary Plan Document: Residential Design Guidance 2016 (the Residential Design SPD). These policies and guidance seek to advocate the highest standards of urban design, whilst requiring development to be compatible with the character of an area and respect local context, and the appearance of spaces and streets.

Living conditions

11. The 5 units within the property range in internal area from 15.99m² (flat 1) to 34.2m² (flat 5). In assessing the suitability of the flats for occupation, the Council has referred me to the *Barnet Local Plan Supplementary Planning Document: Sustainable Design and Construction, October 2016* (the Sustainable Design SPD), which I note is in accordance with the nationally described space standard (DCLG: Technical housing standards - nationally described space standard 2015).
12. The Sustainable Design SPD sets out that the minimum gross internal area for a 1 bed 2 person (1b2p) dwelling would be 50m², whilst a 1 bed 1 person (1b1p) dwelling would be 39m², reduced to 37m² where a one person dwelling has a shower room instead of a bathroom. In this respect, and allowing that Flat 2 has been accepted by the Council to be a 1b1p unit, all of the flats fall significantly under the minimum residential space standard requirements. The failure to meet the minimum space standards undoubtedly results in the living conditions of occupiers of the flats being unacceptably compromised through reduced space.
13. The appellant does not dispute that the existing accommodation fails to meet current space standards, but contends that some weight should be attached in favour of the development given that No.7 Glebe Crescent is not a 'new' proposal by virtue of its continuous use since 2009. However, as I have already highlighted, there is a long-standing enforcement notice in place for the appeal site, and whilst the units may have been in continuous occupation during this period for which it is contended is a demonstration of need, I do not consider this to be a factor which would attract any significant weight in support of the development, or would justify as acceptable the poor standard of accommodation provided.
14. The appellant has also referred me to a letter from the Council's Environmental Health Department dated 3 March 2011, which it is contended concludes that the accommodation was in fact of sufficient quality. However, whilst I have had regard to the content of this letter, it significantly pre-dates the currently adopted internal space standards referenced by the Council, and therefore I have not attached any significant weight to its conclusions.

15. On the basis of the submitted evidence and my observations of the appeal site, I am satisfied that the residential units do not provide an adequate standard of living accommodation as a consequence of a significant shortfall in internal floorspace, resulting in poor living conditions for existing occupiers. In this respect, the proposed development would not therefore accord with Policies DM01 and DM02 of the Development Management Policies, Policy 3.5 of The London Plan: The Spatial Development Strategy for London Consolidated with Alterations since 2011, 2015 (the London Plan), and the Sustainable Design SPD. These policies and guidance require development, amongst other criteria, to represent high quality design, and meet minimum floor space requirements to ensure accommodation is of a reasonable quality and meets the changing needs of Londoners.

Parking

16. The appeal property is in a Public Transport Accessibility Level (PTAL) 2 location, with Glebe Crescent a Controlled Parking Zone (CPZ) between the hours of 10:00 – 17:00. In accordance with Policy DM17 of the Development Management Policies, the Council has highlighted that the conversion of the property would have required the provision of 4 parking spaces.
17. The appeal scheme does not include any formal off-street parking provision, and although I have already acknowledged the historic informal use of the land to the front of the property, this cannot be utilised to offset any parking requirements. Whilst it is acknowledged that the previous historic use of the site as a single 3 bedroom dwelling would have required up to 2 parking spaces, there is still nevertheless a shortfall in parking provision associated with the occupation of the property by 5no. self-contained units.
18. I have had regard to the appellant's contention that the appeal site is in a location with good access to public transport and services and facilities, thus reducing the reliance on the private car. However, this contention is not borne out by the PTAL 2 rating for the appeal site, and as I have already identified, on the basis of my observations, Glebe Crescent would appear to be subject to significant parking pressure within the operating hours of the CPZ. Whilst I accept that occupiers may seek to use public transport and nearby services and facilities, in the absence of any agreed method of limiting the availability of parking permits for occupiers, the converted property would place additional parking pressure on the public highway within the immediate area. In this respect I accept that the increased demand may lead to informal kerb-side or ad hoc parking, which would have the potential to be to the detriment of highway safety for road users and pedestrians.
19. The conversion of the property to 5no. self-contained flats would therefore be unacceptable in terms of highway safety, and would conflict with Policy DM17 of the Development Management Policies, and Policy CS9 of the Core Strategy. These policies seek to ensure the more efficient use of the local road network through the management of a parking regime which recognises that many Barnet residents will continue to own and travel by car, and that parking will be provided in accordance with maximum standards.

Other Matters

20. I have had regard to the appellant's assertion that the private rented sector can in many cases provide flexibility and choice in meeting housing need, with

reference made to the Government's Housing White Paper: Fixing our Broken Housing Market. However, I have not been referred to an extract from the White Paper advocating support for the provision of housing with a poor standard of living conditions for occupiers, and therefore irrespective of the strategic aims of the White Paper, this would not justify setting aside adopted housing standards.

21. The appellant has queried why the outstanding Enforcement Notice for the converted property had not been actioned after such a long period of time. However, this is not a matter which has any bearing on the decision-making for this appeal, and neither do I consider does the extended occupation of the property in the current manner during the period of the enforcement notice without the benefit of an agreed lawful use.

Conclusion

22. For the reasons given above, the appeal is dismissed.

M Seaton

INSPECTOR