
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: 27 December 2017

Appeal Ref: APP/N5090/W/17/3180441

75 Sheaveshill Avenue, Colindale, London, NW9 6SA

- 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 Simon Dunne against the decision of the London Borough of Barnet.
 - The application Ref 17/1975/FUL, dated 27 March 2017, was refused by notice dated 13 June 2017.
 - The development proposed is the conversion of an existing dwelling into two self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the proposed conversion of the dwelling to two self-contained flats on the character and appearance of the area; and,
 - whether adequate provision is made for the living conditions of the occupiers of the proposed units, having regard to the availability of internal space.

Reasons

Character and appearance

3. The appeal site is occupied by two-storey semi-detached building, and is located in a residential street. The building has previously been extended to the rear at ground floor level, and is set back from the road frontage by virtue of a front garden and driveway. At the time of my visit, the property was laid out as 4 self-contained flats, although it would appear from the submissions that these are unauthorised and do not benefit from planning permission, with separate enforcement action pending. The lawful use of the property is accepted to be as a single dwelling.
 4. In their assessment of the proposed change of use, the Council has drawn my attention to Policy DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Documents 2012. The policy seeks, amongst other criteria, to ensure the protection of Barnet's character and amenity, and development proposals should be based upon an understanding of local
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characteristics. Policy DM01(h) continues by stating that the loss and conversion of dwellings into flats in roads characterised by houses will not normally be appropriate, with such action having the potential to have a cumulative effect that detracts from the character of established residential areas.

5. On the basis of my observations, I would agree with the Council's assessment that the character of Sheaveshill Avenue appears to be of a street predominated by single family dwellings. However, whilst I have had regard to the appellant's submissions in respect of the prevalence of other flatted developments or conversions within the wider area, I note that only a single further example has been referred to within Sheaveshill Avenue, at No. 102.
6. I accept that the use of the property for two self-contained units would not result in any significant visual changes to the building itself, or to the appeal site such that there would be a resultant departure from the existing appearance and character of the street. Furthermore, whilst the occupation of the property as 2no. separate residential units could potentially lead to a comparatively intensive use of the property, I am not persuaded that if this level of comings and goings was to occur, that it would have any more of an impact than that of a single dwelling occupied by a large family unit. I also note that the Council reached the conclusion within the Delegated Report that comings and goings related to the conversion to two flats would not result in an intensity of use that would be harmful to the living conditions of neighbours, a conclusion with which I would agree.
7. The Council has referred me to the effect that the subdivision of the amenity space would have on the character of the area. However, whilst I accept that such a sub-division would be likely to result in additional fencing to demarcate the gardens, I do not consider that even allowing for the smaller garden areas, that in the context of the wider residential area that the retained gardens would result in a harmful impact due to the development.
8. Further to the above, beyond referring to the wording of the Policy, the Council has not identified any additional way in which the proposed conversion of the property would be harmful in the context of the existing street and area. As a consequence, I am satisfied that the proposals would not result in an 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 DM1 of Barnet's Local Plan (Development Management Policies) Development Plan Documents 2012, 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, and protect the gardens of residential properties.

Living conditions

9. The proposed conversion of the property would result in 1 x 2 bedroom flat on the ground floor, and a 1 x 2 bedroom duplex flat over the first and second floors. The submitted plans indicate that the upper flat would provide 2 double bedrooms and a floor area of 72.6m², whilst the ground floor unit is indicated

- as providing 1 double bedroom and 1 single bedroom, over a floor area of 67m².
10. In assessing the suitability of the proposed flats for future occupiers in respect of available internal space, the Council has assessed both flats as providing 2 double bedrooms, and therefore being capable of being occupied by up to 4 persons.
 11. With regard to the ground floor unit, I have carefully considered the Council's assessment of the proposed flat as being capable of occupation as a 2 bed 4 person (2b2p) unit, despite the appellant's plans indicating one of the bedrooms to be occupied as a single bedroom, and thus only as a 2 bedroom 1 person (2b1p) dwelling. I am mindful from the *Barnet Local Plan Supplementary Planning Document: Sustainable Design and Construction, October 2016* (the Sustainable Design SPD), and the nationally described space standard (DCLG: Technical housing standards - nationally described space standard 2015), that for a bedroom to meet the space standard required to be considered as a double, that it must exceed 11.5m².
 12. In this respect, the appellant has highlighted the rear bedroom as measuring 10.85m², whilst the Council has merely referred to the bedroom as exceeding the 11.5m² requirement. I am not persuaded on the basis of the Council's failure to provide their own specific measurement that I should disregard the appellant's figure, and have therefore assessed the proposed unit on the basis of it being provided as a 2b1p dwelling. Despite the Council again offering an alternative lower measurement of the proposed ground floor gross internal area of 63m², this would still exceed the 61m² minimum standard set out in the SPD.
 13. Turning to the upper flat, the Council's measurement of the internal space of 69.7m² is indicated to represent a slight shortfall from the space standard, however not to an extent that the Council considered would warrant a reason for refusal. However, in referring to the Sustainable Design SPD, the minimum gross internal area for a 2 bed 4 person dwelling over 2 storeys would be 79m². The appellant has in further submissions identified the upper unit to be 72.6 m² but accepts that this would be below the standards set in the London Plan.
 14. I have taken into account the assertion that the accommodation would be of a good quality, and that the rooms would be comfortable and well-proportioned, with two bathrooms and plenty of storage space within the roof space. However, contrary to the Council's initial assessment, and on the basis that the space standard is to secure a minimum size of unit, I conclude that the proposed upper unit would in fact amount to a substantial shortfall in the gross internal floor area, which would have an adverse effect on housing quality. The failure to meet the minimum space standard would undoubtedly result in the living conditions of future occupiers of the unit being compromised through reduced space.
 15. On the basis of the submitted evidence, I am satisfied that whilst the ground floor unit would accord with the space standards set out within the Sustainable Design SPD, the duplex flat over the first and second floors would result in a shortfall of internal floorspace, resulting in poor living conditions for future occupiers. Whilst I accept that the Sustainable Design SPD provides guidance for development, the failure to meet the minimum standard would nevertheless

be contrary to the requirements of Policy 3.5 of The London Plan and the nationally described space standards. Furthermore, the proposed development would not accord with Policies DM01 and DM02 of the Development Management Policies. These policies and guidance require development, amongst other criteria, to ensure that new homes meet the needs of residents over a lifetime, be of a high quality of design, and meet minimum amenity and space standards.

Other Matters

16. I note that an interested party has raised a number of additional concerns including the potential intensity of use of the driveway, and in respect of the disposal of waste. However, these concerns would appear to relate to the current unauthorised use and occupation of the premises, and I have no evidence before me to suggest that the issues raised could not be effectively addressed or mitigated for on the basis of the proposed development.

Conclusion

17. Whilst I have not found the proposed development to result in an adverse effect on the character and appearance of the area, I have concluded that the proposal would not make adequate provision for the living conditions of future occupiers, having regard to the availability of internal space. Whilst I also accept that the proposed medium priority unit sizes would appear to meet an identified local need, I am satisfied that this benefit would not outweigh the harm which I have set out in the main issue. In this respect, the proposed development would be contrary to the Development Plan.
18. For the reasons given above, the appeal is dismissed.

M Seaton

INSPECTOR