
Appeal Decision

Site visit made on 18 June 2019

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2019

Appeal Ref: APP/N5090/W/19/3226400
546 Finchley Road, London NW11 8DD

- 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 Joey Ben Yoav against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/6196/FUL, dated 16 October 2018, was refused by notice dated 25 February 2019.
 - The development proposed is the conversion of the existing dwelling into 2 No. flats consisting of 1 No. 3 bedroom flat and 1 No. 4 bedroom flat.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing dwelling into 2 No. flats consisting of 1 No. 3 bedroom flat and 1 No. 4 bedroom flat at 546 Finchley Road, London NW11 8DD in accordance with the terms of the application, Ref 18/6196/FUL, dated 16 October 2018, subject to the conditions identified in the attached Schedule to this decision.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The proposed development includes the conversion of a 2-storey detached dwelling into 2 flats. The Council's objection to the appeal scheme was based upon the loss of a single family home and the detriment a flatted development would cause to the character of the surrounding residential area. Policy DM01 of the Barnet's Local Plan (Development Management Policies) (DMP) identifies, amongst other things, that the loss of single family dwellings on roads characterised by houses will not normally be appropriate.
4. However, subsequent to the Council's determination of the planning application, an appeal was allowed for the demolition of the property and erection of a 2-storey building containing 6 No. self-contained flats (Ref APP/N5090/W/18/3214504). The Council acknowledge that this other appeal decision is a key material consideration and is no longer objecting to the proposed development.
5. With the knowledge of the other Inspector's decision, I have undertaken my own site visit to enable me to assess the character and appearance of the surrounding area. Although there are a large number of family houses in the

local area, there are also a number of apartment buildings and properties converted to flats along Finchley Road. Accordingly, I share the other Inspector's assessment that there is a mixed residential character and the appeal scheme could not reasonably be described as being an uncharacteristic form of development and nor would the proposed flats be uncommon in the local area. The established mixed residential character would be preserved.

6. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would not conflict with Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy), DMP Policy DM01 and the *Residential Design Guide Supplementary Planning Document*. Amongst other matters these policies and guidance seek to ensure that new development is of a high quality, is contextually appropriate in design and appearance and understands, preserves or enhances local character.

Conditions

7. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the test in the National Planning Policy Framework and the Planning Practice Guidance. Where necessary, the Council's suggested conditions have been amended for reasons of clarity and to more closely reflect national policy.
8. In addition to the standard time limit condition, a condition specifying the relevant drawings and to require that the development be carried out in accordance with them is necessary for reasons of certainty. To protect retained trees on and around the site during construction works, a condition is attached to require submission of tree protection details. In the interests of highway safety, a condition is attached to ensure that vehicle parking is in place prior to the occupation of the new flats.
9. To ensure the satisfactory provision of facilities for the future occupiers, conditions requiring details of refuse storage, cycle storage, landscaping and provision of amenity space are necessary. Conditions to encourage water efficiency to reduce consumption and measures to reduce carbon dioxide emissions are both necessary to promote sustainable development.
10. The Practice Guidance states that conditions requiring compliance with other regulatory requirements will not meet the test of necessity and may not be relevant to planning. Accordingly, a condition to require compliance with Building Regulations and the provision of a sound insulation test certificate have not been imposed. A requirement that water be supplied through a meter has not been imposed since this is unnecessary to make the development acceptable in planning terms.

Conclusion

11. For the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR

Schedule of 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: U-54-LP001; U-54-LP002; U-54-PP001; U-54-PP002; U-54-EP001; U-54-EP002; U-54-EP003; U-54-PP003; U-54-EE001; U-54-EE002; U-54-EE003; U-54-PS001; U-54-ES001; U-54-PE001; U-54-PE002; U-54-PE003; U-54-PE004; U-54-PV001; U-54-PV002 and U-54-EV001.
- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved during the construction of the development hereby permitted.
- 4) Prior to first occupation of the hereby approved development, a scheme of hard and soft landscaping to the front forecourt area, including details of the size, species, planting heights, densities and positions of any soft landscaping, and surfacing materials, has to be submitted to and agreed in writing by the local planning authority. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or commencement of the use. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- 5) Before the development hereby permitted is first occupied, details of the sub-division of the rear amenity area for use by the occupiers of the flats shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the details approved before first occupation of the development hereby approved and retained as such thereafter.
- 6) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers, together with a satisfactory point of collection, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of the development hereby approved and shall be retained thereafter.
- 7) Before the development hereby permitted is first occupied, details of the cycle parking and cycle storage facilities shall be submitted to and approved in writing by the local planning authority. The development

shall be carried out in accordance with the approved details prior to the occupation of the development hereby approved and shall be retained thereafter.

- 8) Before the development hereby permitted is first occupied the parking spaces/garages shown on Drawing No. U-54-LP002 shall be provided and shall be kept available at all times for the parking of motor vehicles by the occupants of the approved flats and their visitors and for no other purpose.
- 9) Before the development hereby permitted is first occupied details shall be submitted to and approved in writing by the local planning authority to demonstrate that the development has been constructed to incorporate carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained in accordance with the approved details.
- 10) 9) Before the development hereby permitted is first occupied details shall be submitted to and approved in writing by the local planning authority to demonstrate that the development will not exceed a maximum water use of 105 litres per person per day. The development shall be maintained in accordance with the approved details.

End of Conditions Schedule