



Appeal Decision

Site visit made on 12 June 2019

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2019

Appeal Ref: APP/N5090/W/19/3226267 **22 Bunns Lane, Mill Hill, London NW7 2NE**

- 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 Ms Lara Harrington against the decision of the London Borough of Barnet Council.
 - The application Ref 18/4708/FUL, dated 27 July 2018, was refused by notice dated 10 October 2018.
 - The development proposed is conversion of house into 3 flats including two storey side and rear extensions and rear dormer.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has raised concerns regarding the process followed in determining the application but I am determining the appeal on its planning merits and these concerns do not form part of my assessment. If the appellant wishes to pursue these concerns the normal complaint procedures of the Council should be followed.
3. The appellant, in submitting her appeal statement, included an alternative floor plan in respect of the studio flat on the first floor changing the bedroom from a double to a single bedroom. Although further neighbour consultation has not been carried out on this amendment, having viewed the revised floorplan, I consider this would be a minor amendment to the application as originally submitted and the interests of third parties would not be prejudiced as a result of the change. Accordingly, I have taken this amendment into account in my determination.

Main Issues

4. The main issues are:
 - the effect of the proposed conversion on the character and appearance of the surroundings of Bunns Lane and the host property; and
 - whether the proposed development would have an adverse impact on the living conditions of future occupants of the proposed flats in terms of available internal space and noise transmission as a result of the proposed stacking.

Reasons

Character and Appearance

5. Bunns Lane and adjacent streets in the vicinity of the appeal site are mainly characterised by large semi-detached houses and, in the case of the appeal

property, short terraces which, for the most part, are in single occupancy and have not been converted into flats. I acknowledge that there are some purpose-built flat blocks particularly west of the A1 Watford Way and some to the east. However, other than No. 16 Bunns Lane which has been converted into two flats (a decision that predates the current Development Plan), the character of the road, especially in the vicinity of the appeal site, remains generally one of larger properties in single occupancy.

6. The proposal would permanently convert the house to 3 flats intensifying the occupancy of the property to accommodate potentially up to around 8 people. Policy DM01(h) of the *Barnet Local Plan Development Management Policies 2012* (BLPDMP) specifically looks to restrict such flat conversions in areas where roads are characterised by houses because such conversions can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas.
7. The change from one single occupancy dwelling to three flats would result in more comings and goings to the property, increased parking demand at the property, increased refuse storage and cycle parking requirements and the subdivision of the garden, which is not particularly large, into 3 separate spaces materially changing the character of this corner plot.
8. I have been referred to appeal decisions where colleague inspectors have taken a different view in respect of impact on character but these cases are not in the same area as the appeal proposal nor are the specific circumstances of these cases necessarily the same. In this particular case the effect of a conversion to 3 units would be an over-intensive use of this site and would have a harmful effect on an area which is largely characterised by larger single occupancy dwellings. I saw on my site visit that other properties in the road are of a similar style, nature and plot size to the appeal site and offer the potential for conversion. Therefore, whilst each application must be treated on its merits, I can appreciate the Council's concern that approval of this proposal, contrary to policy, could be used in support of similar schemes to the cumulative detriment of the settled character of this part of Bunns Lane as single occupancy housing.
9. Although I have been invited to conclude that Bunns Lane is not a road characterised by housing because of a number of purpose-built flat blocks, in fact a significant stretch of Bunns Lane, incorporating the appeal site, has no flat blocks and is characterised by single occupancy houses. Allowing the appeal would escalate the process of change in character in this section of Bunns Lane.
10. In terms of the extensions proposed to the property, No 22 is located on the corner of Copthall Drive and, being a corner plot, there would be slightly more scope to extend closer to the side boundary than would be the case in other locations where neighbouring properties are immediately adjacent. The proposal would remove the existing single storey garage and see the construction of side and rear extensions plus a loft conversion and dormer extension to accommodate the 3 flats.
11. The design of extensions proposed would be subservient to the main house with the side extension stepped down and back from the frontage and the rear extension substantially lower again than the side extension roof. The extensions would be hard on the side plot boundary but, given that Copthall Drive is a tree lined road with a wide verge, the impact of the side extension, in the same position as the existing garage, would not be particularly overbearing. Moreover it

would balance a similar side extension to No 24 on the opposite side of Copthall Drive.

12. The proposed dormer roof extension, similarly, would be acceptable being subservient to the roof plane of the main house as it is set down from the ridge and up from the eaves and aligned with the first floor window beneath it. Moreover rear facing dormer windows are a common and established feature of the surrounding area and it would be unreasonable not to allow the dormer in this case.
13. However, the fact that the physical changes to the property necessary to extend it would be acceptable in terms of their impact on the character and appearance of the host dwelling would not outweigh the impact of the conversion into 3 flats, as discussed above. The proposal would be detrimental to the character of Bunns Lane in the immediate vicinity of the appeal site where single occupancy homes dominate. Accordingly it would conflict with the *Barnet Local Plan Core Strategy 2012* (BLPCS) Policy CS5 which seeks to ensure development respects local context and distinctive local character and with BLPDMP Policy DM01 at sections b) and h) in particular.

Living Conditions

14. The ground floor apartment would provide 3 bedrooms albeit 2 of them smaller single rooms. The floor area and layout would meet the *Technical Housing Standards* (THS).
15. It has been put to me that the studio flat on the first floor, in proposing a separate double bedroom, albeit without a dividing door, is a flat that would accommodate 2 people and as such the minimum floorspace set out in the THS should be 50m². The proposed flat would be short of this amount and would only extend to about 46m². The appellant as stated above in the '*Procedural Matters*' section indicated a willingness to amend the bedroom to a single bedroom in order that the floor area of the studio flat as a 1 bed /1 person dwelling would comply with standards. That amendment has therefore addressed the Council's concern.
16. Notwithstanding this, the issue over the space within the studio flat is indicative of the fact that, in trying to accommodate 3 flats in the conversion, available space is compromised. Policy DM08 of the BLPDMP clearly states that the priority for residential accommodation is larger 3 and 4 bed accommodation in support of paragraph 9.1.5 of the plan where it states that "*maintaining and increasing the supply of family housing is a priority in Barnet*". Against this policy objective the proposal to convert the property to 3 flats (two of which are 1 bed flats) would not deliver the kind of housing which is identified as the priority in the BLP.
17. With regard to the vertical arrangement (or stacking) of the flats the proposal would result in the living areas of flats 2 and 3 being directly over bedroom areas of flat 1 and the bedroom area of flat 3 partly over the kitchen /living area of flat 2. This would be contrary to the guidance set out in the *Residential Design Guidance Supplementary Planning Document* (RDG-SPD) which seeks to avoid the vertical and horizontal proximity of bedroom and living spaces in separate households.
18. I acknowledge that a condition requiring submission and implementation of a noise insulation scheme may resolve these issues but there is no evidence before me to confirm whether this could be accommodated within the fabric of the building. However, again the situation is indicative of the fact that the proposed conversion is seeking to achieve a higher number of flat units from the property than would

be consistent with a quality conversion scheme. As such the proposal would not comply with the objectives of Policy 3.5 of *The London Plan* (LP).

19. The three properties would have some outdoor private amenity space but it would be limited and only the ground floor flat would have direct access to its garden. The other two flats would only have separate external side access from Copthall Drive.
20. The proposal, viewed as a whole, constitutes an over-intensive use of the property which would fail to provide the quality and type of accommodation sought in LP Policy 3.5 and BLP Policy DM08.

Other Matters

21. I acknowledge that the proposal would contribute 3 units of accommodation in place of one house, albeit only one unit would be large enough to accommodate a small family. In that way it would make a small contribution to meeting housing needs in Barnet and London as a whole as sought by LP Policy 3.3. I acknowledge that it would constitute the effective use of land on small housing sites encouraged by the *National Planning Policy Framework* (the Framework) at Paragraphs 68 and 117 and in LP Policy 3.4. However Paragraph 122 of the Framework requires that making efficient use of land must take into account the desirability of maintaining an area's prevailing character and setting including residential gardens and in this case the proposal fails. The LP carries a similar caveat at Policy 3.4.
22. It has been put to me that the Council has a housing shortfall. However the Council's *Authorities Monitoring Report 2016/17*, referred to by the appellant, shows that there is currently a 5 year supply of available and deliverable housing land sufficient to meet even the London Plan target to 2025. Moreover the recently published *Housing Delivery Target* (HDT) results for Barnet show that in the last 3 years the Borough achieved an 82% delivery rate i.e. above the 75% threshold trigger point for the 'tilted balance' set out in the Framework at Paragraph 11d). Accordingly, the policies which are important for the determination of the appeal are not out of date in the terms of Paragraph 11 of the Framework and the 'tilted balance' does not apply.

Conclusion

23. I have considered the matters before me and conclude that the appeal should be dismissed.

P. D. Biggers

INSPECTOR