



Appeal Decision

Site visit made on 10 April 2019

by A. J. Boughton MA (IPSD) Dip. Arch. Dip. (Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 9th July 2019

Appeal Ref: APP/N5090/W/18/3219422
104 Cumbrian Gardens, London NW2 1EL

- 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 Khaled Khateeb against the decision of Barnet Borough Council.
 - The application Ref 18/4705/FUL, dated 30 August 2018, was refused by notice dated 5 November 2018.
 - The development proposed is 'single storey rear extension and loft conversion into habitable space and conversion of the single dwelling house into 3 No. separate dwellings: 1 x 3 Bedroom Flat, 1 x 2 Bedroom Flat, 1 x 1 Bedroom Flat and associated front parking arrangement and rubbish/recycling store area plus a front porch'.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and loft conversion into habitable space and conversion of the single dwelling house into 3 No. separate dwellings: 1 x 3 Bedroom Flat, 1 x 2 Bedroom Flat, 1 x Studio Flat and associated front parking arrangement and rubbish/recycling store area plus a front porch at 104 Cumbrian Gardens, London NW2 1EL in accordance with the terms of the application, Ref 18/4705/FUL, dated 30 August 2018, and the plans submitted with it, subject to the 9 conditions set out on the schedule attached.

Preliminary Matter

2. Amended proposals were submitted and considered by the Council in their determination. That is the development I have considered. No party would be prejudiced by my determining the appeal on the basis of those amendments and the description of development approved has been amended accordingly.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and the surrounding area having particular regard to the loss of the single dwelling and proposed roof extensions.

Reasons

4. 104 Cumbrian Gardens lies within the Golders Green Estate dating from the inter-war period originally comprised of single family dwellings, almost wholly in semi-detached form. The character of the area is defined by its conventional suburban layout notwithstanding the not-insignificant number of roof extensions that have taken place. Consistency in frontage alignment and a

predictable visual rhythm together with tight spacing make views of roof extensions and similar alterations incidental rather than dominant along most of the streets near the site. However, and significantly, that character changes in the immediate vicinity of the appeal site for a number of reasons.

5. The host dwelling is the last in the street frontage and extended in its width. Due to the converging geometry of the estate layout the appeal site is wider, tapered, shallower and thereby closer to the rear of properties fronting Pennine Drive than is generally the case. The configuration of buildings creates a gap and thus views of the rear of properties not available in other parts of the street¹.
6. Of properties in proximity, Nos. 115 and 119 Pennine Drive have rear-facing dormers that look towards the appeal site. No.119 occupies a corner plot with its recent extension and subdivision into two dwelling-houses (119A). Also a substantial outbuilding has been recently erected close to the side boundary of that property adjacent to Cumbrian Gardens and the front of the appeal site. Subdivision of No.115 has recently been permitted. Numbers 123, 127 and 131 Cumbrian Gardens opposite the appeal site have large hip-to-gable extensions which create asymmetry in their respective housing pairs and these are also more evident due to the curvature of the road.
7. Therefore, whilst the majority of the street (and the Golders Green Estate more widely) is 'overwhelmingly characterised' by single-family dwellings, the architectural coherence inherent in 'high quality suburbs' which Policy CS5 of Barnet's Core strategy (2012) (BLPCS) seeks to protect is significantly diminished in the immediate vicinity of the site.
8. Policy DM01(h) and (i) of the Barnet's Local Plan Development Management Policies (2012) (BLPDMP) states that the loss of houses to flat development in roads characterised by housing would not normally be permitted, although it is clear that what is to be considered are cumulative effects of increased activity and changes in external appearance. Policy DM01 is also linked to Section 9 of the Core Strategy² which sets out priorities for the delivery of housing and acknowledges that a large proportion of new housing delivered in the Borough is, or will be, in the form of smaller, flatted units at higher density. Whilst family housing with gardens are a resource to be protected where appropriate, it is implicit in the tension which the Council acknowledge between Policy DM01 of the BLPDMP and the strategic Policy CS1 of the BLPCS that a balance has to be struck between housing delivery and the retention of family housing on a case by case basis.
9. The Council refer to the change in character of use arising from loss of dwellings from single-family use and the impacts of intensification and population churn due to tenure change. Whilst it is plainly the case that a multiplication of dwelling numbers through conversion will have such an effect it seems to me that unless intensification is signalled by some prominent negative factor such as wholesale loss of front gardens to multiple parking, cycle stands or bins, or unkempt amenity spaces, the sense of suburban tranquillity is retained. Although many of the single family dwellings have been enlarged with similar visual consequences, nevertheless, due to the low numbers of conversions, that sense of tranquillity remains, for the large part,

¹ Except where the road curvature is found.

² Paragraph 9.2.13 of Barnet's Core Strategy

in Cumbrian Gardens. I am not persuaded, therefore, that the loss of one single family dwelling in this particular location would itself, or cumulatively, bring about the harms referred to.

10. Whilst I note the Council's observations as to extensions being outside their control as permitted development in many cases, nevertheless consistency in the original built form of the houses has been significantly degraded in the locality by diverse side, rear and roof extensions and other work. I note the Council's reference to an appeal decision at 22 Wessex Gardens³. In this decision the Inspector referred to cumulative harm arising from conversion/subdivision due to the different occupancy characteristics of flatted development making reference to other conversions close by. Although it may be correct that occupiers of flats behave differently to those in family housing, it is occupancy levels which are the primary generator of activity and the enlargement of family dwellings are a mark of family size and therefore of potentially increased activity.
11. The proposal involves the loft conversion of the host building, raising of the subsidiary hipped roof and its extension to a gable, the construction of a rear dormer and a single storey rear extension. The resultant accommodation would be achieved with a not-disproportionate increase in the building mass; the site coverage would increase only by the addition of the rear extension. The change visible from the street, other than the front porch, would affect the roof only and be consistent with the degree of change that has taken place to many buildings in the area. The dwelling is already extended and to my mind any incongruity with the general rhythm and spacing of other properties along Cumbrian Gardens is balanced by the 'end of row' location and particular setting as I have explained.
12. Overall, the degree of change which has already taken place to the surrounding properties suggests to me that three households replacing a single one would not unacceptably increase the apparent level of activity in the locality.
13. Based on my assessment of the area, and in particular the locality of the site, I conclude that the proposal would not adversely affect the character and appearance of the host building and the surrounding area having particular regard to the loss of the single dwelling and to the proposed roof extensions. It therefore accords with Policy DM01 of BLPDMP, Policy 7.4 of the London Plan, which require development to be based on an understanding of local characteristics and with the Brent Residential Design Guide SPD that guides development towards high quality design. I further conclude that the proposal supports the objectives of Policy CS1 which seeks to manage growth whilst protecting the character of the Borough and for the reasons given, any conflict with CS5 of the BLPCS attracts little weight.

Other Matters

14. With respect to the comments of interested parties as to the effects of introducing flats where family housing exists, I have considered the issues of overlooking in the specific circumstances of this development and am satisfied that the proposal would not result in an unacceptable loss of privacy. Nuisance from neighbouring gardens is not a consequence of a particular residential type. I note the Council's comments as to the location of the amenity area for

³ APP/N5090/W/18/3208325 28 January 2019

one of the apartments. Although this is uncharacteristic of the street as a whole, the rear gardens of Nos.119 & 119A Pennine Drive are adjacent to the appeal site and the pavement at this point which is also uncharacteristic of the general layout and due to the configuration of plots adjoining the site.

Conditions

15. I have considered the conditions suggested by the Council and made adjustments to meet the tests set out in Planning Practice Guidance. I have imposed conditions to ensure the development proceeds in accordance with the approved drawings in the interest of clarity, and to protect visual amenity in terms of materials used. Conditions to require the installation of cycle parking and designated parking, also to reduce CO2 emissions and water use have been imposed and are necessary to ensure compliance with relevant standards and policy requirements set in the London Plan. To protect privacy of neighbouring occupiers I have imposed a condition to prevent the insertion of additional windows or external doors, however there is no accessible flat roof so the condition suggested to prevent use as a balcony is not relevant. Although it is clear that the development would be separate flats (C3 use class) bearing in mind concerns as to intensification a condition removing permitted development rights for changes of use is necessary.

Conclusion

16. For the reasons given and taking all matters raised into account, I conclude that the proposal accords with the development plan taken as a whole, consequently the appeal succeeds.

Andrew Boughton

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 approved shall be carried out in accordance with the following plans:

Proposed Ground Floor Plan	104CG/P/04 (revision A)
Proposed First Floor Plan	104CG/P/05 (revision A)
Proposed Second Floor Plan	104CG/P/06 (revision A)
Proposed Roof Plan	104CG/P/07 (revision A)
Proposed Elevations	104CG/P/08 (revision A)
Site Plan	104CG/P/09 (revision A)
- 3) The materials to be used in the external surfaces of the works hereby approved shall match those used on the existing building.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or external doors shall be installed other than those expressly authorised by this permission.
- 5) Prior to the first occupation of the development hereby permitted 3 parking spaces shown on the approved drawings shall be provided and retained for the use of the development thereafter.
- 6) Prior to the first occupation of the development hereby permitted cycle storage in accordance with details that have previously been submitted to, and approved in writing by, the Local Planning Authority shall be provided and retained for the use of the development thereafter.
- 7) The development hereby permitted shall be used as self-contained units under use class C3(a) and for no other purpose (including any purpose in Class C3, C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any equivalent class of use in any statutory instrument revoking and re-enacting that Order.
- 8) The development hereby approved shall not be occupied unless and until measures have been undertaken to achieve carbon dioxide emissions levels for the development which are 6% below the minimum Target Emission Rate requirements set out in the relevant parts of the Building Regulations 2010 (or as subsequently amended). Those measures shall be retained for the life of the development.
- 9) The development hereby approved shall not be occupied unless and until water saving measures which comply with regulation 36(2)(b) of Part G2 of the Building Regulations (or subsequent amendment) to limit personal consumption of mains-supplied water to 105 litres/person/day have been installed. Those measures shall be retained for the life of the development.