



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/18/3219536

10 Wentworth Avenue, Finchley, London N3 1YB

- 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 Chaim Ben Arzi against the decision of the London Borough of Barnet.
 - The application Ref 18/5765/FUL, dated 7 September 2018, was refused by notice dated 28 November 2018.
 - The development proposed is 'To convert the existing dwelling property to create three self-contained flats of C3 classification by way of a two-storey side extension, ground and first floor rear extension, the creation of a basement and a rear dormer in the loft'.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing property into 3no. self-contained flats including a part single, part two storey side and rear extension plus creation of basement with lightwells at rear, roof extension including rear dormer window, 2no. rooflights to side roofslope and 1no. rooflight to front roof slope; associated amenity space, refuse and cycle storage and off-street parking spaces at 10 Wentworth Avenue, Finchley, London N3 1YB in accordance with the terms of the application, Ref. 18/5765/FUL, dated 7 September 2018, and the plans submitted with it, subject the 8 conditions set out in the schedule appended.

Preliminary Matter

2. The Council amended the description of development on validation. As this description more accurately reflects the nature of the development proposed I have used that description in the decision. I have determined the appeal on the basis of the revised drawings submitted to the Council prior to determination and listed in the condition appended. The appellant has suggested a reduced parking provision may be acceptable to address concerns as to manoeuvring. The description of development approved has been amended to allow this to be agreed by condition. No injustice is caused to any party by these changes.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character of the area; and
 - highway and pedestrian safety having regard to parking provision.

Reasons

Character of the Area

4. Wentworth Avenue is undisputedly a suburban environment, laid out with detached and semi-detached housing of a typology from the inter-war period. Typically with 3 or 4 bedrooms, sitting within generous plots, some of the foregardens are lost to parking. Nevertheless, elements of suburban greening remain at the front of properties and along with the small pavement trees, garden trees and shrubbery occasionally overflow into the street scene such as those near the existing access to the appeal site from Wentworth Park. Together these make positive contributions to the character of the area and create a sense of permanence.
5. The host dwelling is a 2-storey detached house occupying a prominent corner position in the street scene. It is substantially original in its form and appearance, retaining distinctive features such as the porch canopy and characteristic joinery detailing. Significantly however, the Council have already granted permission to extend and alter the host dwelling. These works have not been carried out, but closely resemble the works included in the appeal proposal and, broadly, double its size.
6. 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. This is emphasised where the architectural coherence inherent in 'high quality suburbs' which Policy CS5 of Barnet's Core Strategy (2012) (BLPCS) seeks to protect, is found. These policies seek to protect character, appearance and amenity, and are also linked¹ to Section 9 of BLPCS which sets out priorities for the delivery of 3/4 bedroom family market housing and acknowledges that most new housing delivered in the Borough is, or will be, in the form of smaller, flatted units at higher density.
7. To amplify their case as to the 'unacceptable impact on the established character of an area' of intensification arising from subdivision, at section 8 their Statement of Case (SoC) the Council quote Chapter 2 of the Local Plan 'Protecting Barnet's character and amenity'², referring to this as a material consideration. I have, however, been unable to find in the adopted version the fourth sentence there appearing which (in the SoC) says; "Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation". To my mind, noting the appellant's comment that DM01 (h) is a 'normally' policy (and the use of quotation marks), this suggests a layer of meaning which not found in the adopted Policy.
8. It is implicit in the tension 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. Although single-family occupancy is predominant in Wentworth Avenue, it

¹ Paragraph 9.2.13 of the Core Strategy

² The Council incorrectly suggest this is from the Core Strategy, it appears at Chapter 2 of the Local Plan Development Management Policies.

seems to me that a small number of conversions and subdivided dwellings have been successfully assimilated into the area and have not changed its essentially suburban character.

9. To my mind, the architectural coherence of the original built form of the estate, pertinent to appreciation as a 'high quality suburb' in the terms of Policy CS5 of the BLPCS, is no longer present in the locality of the site due to the proportion of dwellings that have been extended in various ways. In this regard the permitted extensions and alterations to the host dwelling are particularly relevant.
10. The proposal would have a shared single entrance door and a bicycle store located in the garden in a concealed accessible location. Additional bin storage, subdivision of the garden and introduction of a formal parking area would signify a change in the character of activity. However, the garden is screened from the street and bearing in mind the level of domestic activity potentially arising in a large family dwelling such as that already approved at the appeal site, the increase and change in activity would not be significant.
11. I therefore conclude that the proposed development would not adversely or cumulatively harm the character of the area nor, thereby, conflict with Policy DM01 of the BLPDMP nor Policies CSNPPF, CS1 and CS5 of the BLPCS, which together seek to manage housing growth and change in a manner that conserves and enhances distinctiveness. There can be no conflict with the Residential Design Guidance SPD as the proposed extensions have already been permitted.

Highway and pedestrian safety

12. The proposal would result in four parking spaces in the rear garden where there is currently a narrow driveway. The configuration of these spaces is such that the appellant acknowledges that to leave in a forward gear would require more than one manoeuvre.
13. There is a possibility that users would reverse onto the highway rather than be inconvenienced in this way. However, I note the quiet nature of the road and that the same risk is already present on the site and in other nearby properties. No evidence of accident or injury has been put to me. Given that the Council have already permitted a significant increase in the size of the dwelling such that a large family could occupy the property, it seems to me that any additional risk to pedestrians and highway safety from the proposed use of the pavement crossing would not be sufficient to warrant a refusal of the proposal.
14. The proposed parking provision of four spaces exceeds the maximum requirement in DM17 having regard to the PTAL rating. The appellant has suggested a reduction to three spaces which would comply with the standards and allow a more suitable parking arrangement to be agreed with the Council. As these adjustments can be dealt with by condition, on that basis I conclude the proposal would not conflict with Policies CS9 of the BLPCS, Policies DM01 or Policy DM17 of the BLPDMP or the Residential Design Guidance SPD which together seek to ensure the safety of all road users and appropriate arrangement and levels of parking provision. Policies CS14 and the Sustainable Design and Construction SPD do not add to the Council's case in this matter.

Conditions

15. Conditions are appropriate to ensure the development proceeds only in accordance with the plans approved, being the basis of this decision, but also that external materials shall match the existing building to ensure a satisfactory appearance. To prevent further intensification of use a condition preventing change to other use classes is necessary. Conditions to require the installation of cycle parking and parking provision as I have set out in my reasoning, 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.
16. As there is no accessible flat roof, a condition to prevent use as a balcony is not necessary or appropriate. As my observations indicate an adequacy of on-street parking within the controlled parking zone there is no reason to conclude the off-street parking will be used by other parties and the suggested condition is not necessary.

Conclusion

17. Taking all matters raised into account, I conclude that the proposal accords with the development plan overall, consequently, there being no material considerations sufficient to outweigh, the appeal should succeed.

Andrew Boughton

INSPECTOR

Schedule of Conditions

- 1) This development must be begun within three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed ground and first floor plan	Drawing No. 04 rev b
Proposed second floor and roof plan	Drawing No. 05 rev b
Proposed elevations and section	Drawing No. 06 rev b
Existing and proposed block plan	Drawing No. 07 rev b
- 3) The materials used in the development shall match those used in the existing building.
- 4) Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors other than those expressly authorised by this permission, shall be placed at any time in the east and west flank elevations of the extensions hereby approved.
- 5) Notwithstanding the details appearing on drawing 07b, the development hereby permitted shall not be first occupied unless and until the following works have been completed in accordance with details that have previously been submitted to, and approved in writing by, the Local Planning Authority:

- Cycle Storage
- Parking Layout.

- 6) 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.
- 7) 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.
- 8) 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.