



Appeal Decision

Site visit made on 5 March 2019

by J Alderman BA(Hons) MA MRICS

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2019

Appeal Ref: APP/N5090/18/3217740

22 Golders Manor Drive, Golders Green, London NW11 9HT

- 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 A Fouda against the decision of the Council of the London Borough of Barnet
 - The application Ref 18/2237/RCU, dated 30 March 2018, was refused by notice dated 14 September 2018.
 - The development seeks permission for 3 self-contained flats comprising 1 no. 2 bedroom flat and 2 no. 1 bedroom flat.
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Decision

1. The appeal is allowed and planning permission is granted for 3 no self-contained flats, comprising 1 no. 2 bedroom and 2 nos. 1 bedroom flat, retention of loft conversion involving hip to gable, rear dormer window with Juliet balcony, 2no. rooflights to front elevation and associated internal alterations at 22 Golders Manor Drive, Golders Green, London NW11 9HT in accordance with the terms of the application Ref: 18/2237RCU, dated 20 March 2018 and plans: 2011/C003/01, 2011/C003/03B and 2011/C003/04D, Design and Access Statement and the Sustainability Statement and subject to the conditions in Schedule 1.

Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, the Council amended the description of the development from the planning application form to: "loft conversion involving hip to gable, rear dormer window with Juliet balcony, 2no. rooflights to front elevation. Associated internal alterations". The appellant has also used this description in his appeal statement. I shall consider the appeal accordingly.
3. The Council accept that following an enforcement notice served in January 2016, and remedial works carried out by the appellant, the roof extension and dormer fall within permitted development limitations. Furthermore, the Council also find the two rooflights already installed in the front roof slope acceptable.
4. Against this background, the Council's remaining concern relates to the use of the building as three flats, instead of a single-family house. I am aware that the appellant has previously attempted to regularise the use for flats in 2016 when the appellant applied for planning permission (ref:16/4942/FUL), which included the associated works. That application was refused. I also note that

that there is an extant enforcement notice (Barnet reference ENF/01138/15) against the unauthorised subdivision of the property.

Main Issue

5. With the above in mind, the main issue is the effect of the development on the character of the area.

Reasons

6. The appeal site is situated on Golders Manor Drive a fairly long predominantly residential tree lined street, with a mixture of property styles, including semi-detached and detached properties and some bungalows. The appeal site is situated close to Golders Green Road, which is a fairly busy road with a parade of shops and is a bus route. Golders Manor Drive has a different feel as it approaches Golders Green Road, it feels more urban with a block of modern three storey flats and a rank of three storey buildings on the corner of Golders Green Road (some with commercial space below). Immediately opposite the appeal site there is a modern building, which has separate entrances suggesting it is flatted development. Heather Close, is a turning near the appeal site linking Golders Manor Drive with Golders Green Road, it has a similar mix of purpose built flats and semi-detached properties.
7. The Council are concerned that the division of the appeal property into three flats would result in the loss of family homes thus impacting upon the character of the area. It should be noted that from a visual perspective the front elevation of the appeal property remains with a single entrance and thus does not appear as a sub-divided dwelling.
8. The Council have stated that three properties on Golders Manor Drive are registered as flats with the Valuation Office Agency. This does not appear to include the blocks of flats adjacent to the entrance with Golders Green Road. It is not clear in which part of Golders Green Road the three flatted properties are located. The appellant has pointed out a number of properties containing flats in the immediate vicinity of the appeal site in Golders Green Road, including the neighbouring house at no. 20 and properties in Heather Close. Although the Council have no records of planning permission, or certificates of lawful use recorded, my visual observations confirmed that there were properties that appeared to have been converted from houses into flats in the vicinity of the appeal site.
9. The development should be considered in the context of its location within Golders Manor Drive. There are clearly flats within this area, particularly taking in to account the purpose built flats close to Golders Green Road which contribute to the creation of a mixed and urban feel. The appeal site is on the cusp of this area, with flats opposite and apparently next door. Away from this immediate area, Golders Manor Drive has a much more residential and suburban feel which would be more typical of family type homes.
10. In their statement the Council refer to concerns regarding the effect of increased traffic movements, noise, differing life style factors and refuse storage and deliveries.
11. In relation to an increase in vehicle movements the Council took advice from their Highways Officer and concluded that the number of vehicles as a result of the development would not have a significant impact on parking. No

information has been provided to explain the impact of additional traffic movements. Refuse storage facilities were found to be satisfactory.

12. I have no evidence before me to demonstrate the impact of the life style and noise concerns that have been raised in relation to the division of the appeal site from a single dwelling into flats.
13. I have considered the general environment in the part of Golders Manor Drive that the appeal site is situated. This includes the more urban feel as a result of the greater number of flats located within the immediate vicinity and its proximity to Golders Green Road. I have concluded that the loss of a family home and the conversion of the property to flats in this specific location would not be detrimental to the character of the area.
14. Therefore, I find that the development would comply with the Core Strategy (2012), specifically Policies CS NPPF, CS1 and CS5, the latter requiring development to respect local context. It also complies with Policy DM01 of the Adopted Development Management Policies (2012), which states that the conversion of family homes into flats in particular types of properties or streets may be appropriate. This is amplified further in the Adopted Residential Design Guidance SPD (2016), which explains the requirements for such conversions.

Other Matters

15. Concerns have been expressed by neighbours in relation to a number of matters. The appearance and overlooking issues have been dealt with through the acceptance by the Council of the roof extension as permitted development. The Council have explained that the impact on street parking would be within their assessed standards and would not consider it to be harmful on surrounding streets.
16. No specific evidence has been provided to demonstrate any detrimental effect as a result of the impact of the alleged increased occupancy of the appeal property. Moreover, the planning system considers land use and not the behaviour of individuals"
17. Concern regarding standards of construction should be dealt with by the Council under relevant statutory and regulatory powers.

Conditions

18. The conditions to be imposed are set out in Schedule 1. Condition 1 from the Council's list of conditions has not been included as the development has already been substantially completed. To include this condition would mean that on the grant of planning permission the appellant would immediately be in breach of this condition as they are unable to carry out a development that has already been undertaken. Instead a list of the relevant plans have been included within the decision for the purpose of clarity.
19. The purpose of condition 1 in Schedule 1 is to ensure a satisfactory appearance of the development and satisfactory accessibility; and to protect the amenities of the area.
20. The purpose of condition 2 is to protect the amenity of adjoining occupiers.
21. In addition both conditions 1 and 2 are to require the appellant to comply with strict timetables for dealing with refuse storage arrangements and the

screening of the communal garden. Both of which need to be addressed in order to make the development acceptable. The conditions are drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place. The purpose and effect of the condition is therefore to ensure that the use of the site authorised by the grant of planning permission may only continue if the appellant complies with each one of a series of requirements.

- 22. Condition 3 is to protect the amenity of adjoining occupiers.
- 23. Condition 4 is to ensure the efficient use of water and has been amended to provide confirmation that the condition has been discharged.
- 24. Condition 5 is to protect the amenity of occupants of the development and adjoining occupiers.
- 25. Condition 6 has been amended in order to provide confirmation that the condition has been discharged.

Conclusion

- 26. For the reasons given above I therefore conclude that the appeal should be allowed.

J Alderman

INSPECTOR

Schedule 1 Conditions

- 1. a) Unless within one month of the date of this decision details of enclosures and screened facilities for storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable together with a satisfactory point of collection are submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within two months of the local planning authority's approval, the occupation of the flats shall cease until such time as a scheme is approved and implemented.
- b) If no scheme in accordance with this condition is approved within 3 months of the date of this decision, the occupation of the flats shall cease until such time as a scheme is approved and implemented the occupation of the site shall cease until such time as a scheme approved by the local planning authority is implemented.
- c) Upon implementation of the approved refuse storage scheme specified in this condition, that scheme shall thereafter be retained.
- d) In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time

limits specified in this condition will be suspended until that legal challenge has been finally determined.

2.
 - a) Unless within one month of the date of this decision details of the means of enclosure, separating and screening the communal garden from the ground floor unit are submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within two months of the local planning authority's approval, the occupation of the flats shall cease until such time as a scheme is approved and implemented.
 - b) If no scheme in accordance with this condition is approved within 3 months of the date of this decision, the occupation of the flats shall cease until such time as a scheme approved by the local planning authority is implemented.
 - c) Upon implementation of the approved scheme specified in this condition it shall thereafter be retained.
 - d) In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
3. The flat roof elements of the extended building shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.
4. Within 3 months from the date of this decision provide written evidence to the Local Planning Authority that optional Regulations 36(2)(b) of Part G2 Water Efficiency, of the Building Regulations has been complied with. The development shall be maintained as such in perpetuity thereafter.
5. Within 3 months of the date of the decision and following the internal alterations as required under condition no.6, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).
6. Within 3 month of the date of the decision notice, the ground floor layout as illustrated on drawing no 2011/C003/04D shall be implemented in full and confirmation of this provided in writing to the Local Planning Authority and retained as such thereafter.