
Appeal Decision

Site visit made on 20 August 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2019

Appeal Ref: APP/N5090/W/19/3229698

35 Dartmouth Road, Hendon, London NW4 3HY

- 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 Heinonen against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/1010/RCU, dated 20 February 2019, was refused by notice dated 30 April 2019.
 - The development proposed is described as 'retrospective 1) proposed ground floor one bedroom flat; and 2) 3 bedroom flat on first and second floors'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant's description of the development proposed refers to it being "retrospective". However, the matter of the appeal scheme being retrospective is not itself an act of development within the meaning of S55 of the 1990 Act. I observed during my site visit that the building did not appear to be in use as a single dwellinghouse and that the appeal scheme floor plans I have been provided with do not accurately reflect the layout of the building or the use of all the rooms. In particular, the living room at first floor appears to be in use as a bedroom. I have therefore dealt with the appeal on the basis of the development shown on the plans referenced: Site Location Plan, Site Plan, Existing Plans (Drawing Nos 1, 2, 3, 4 and 5) and Pre Existing Plans (Drawing Nos 1, 2, 3, 4 and 5).
3. The appeal is related to another at the same address¹ for which there is a separate decision.

Main Issues

4. The main issues in this appeal are whether the proposed development provides adequate living conditions for future occupants; and the effect of the proposed development on the free flow of traffic and highway safety, and the character and appearance of the street scene.

¹ APP/N5090/C/19/3231033

Reasons

Living conditions

5. In order to provide good quality homes, the Council's development plan policies and supplementary planning documents² set bench mark standards for internal and external space, including the floor space requirements for bedrooms. Based on the occupancy of the proposed flats³, the Gross Internal Area of each flat would fall somewhat short of what is required by the Council's policies.
6. All but one of the proposed bedrooms would also be below the required standards and their layout does not make provision for cupboard or wardrobe space. As I experienced on my visit, when such storage is in place, it constricts the internal space of the bedrooms, leading to a cramped and claustrophobic environment.
7. The appellant has suggested that the floorspace has been reviewed since the Council made its decision and that this now meets the minimum internal floorspace requirements. However, there is no substantive evidence before me which demonstrates that this would be the case. Therefore, I have based my assessment of the proposed floor space on the evidence that is before me. The proposed flats would not therefore provide satisfactory living conditions for future occupiers, nor would they result in good quality homes.
8. In terms of the external space for the proposed flats, the Council's decision was based on there being no provision for the upper flat. However, the appellant has suggested that the rear garden could be subdivided between the flats, each with separate access. Whilst I have not been provided with details of the division or functionality of the gardens, the Council does not object to this proposal subject to privacy being ensured. I therefore see no reason to suppose that a satisfactory design covering these matters could not be secured by an appropriately worded planning condition.
9. For the reasons outlined above and despite my favourable consideration of the external space requirements for the proposed development, I conclude that the internal space of the proposed flats would be deficient, to the extent that it would be unacceptably harmful to the living conditions of future occupiers. Accordingly, the proposals would not accord with Policy 3.5 of The London Plan (2016), Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (CS), Policies DM01 and DM02 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP); and the guidance in the Local Plan Supplementary Planning Documents: *Residential Design Guidance* and *Sustainable Design and Construction* (both October 2016).
10. Together these policies and guidance set out minimum space standards for new residential development, including conversions, to deliver a high standard of internal design and layout, including the size requirements for bedrooms. The policies also require development that improves the economic, social and environmental conditions in Barnet; and to be designed to allow for privacy, to retain and protect outdoor spaces such as gardens.

² DM02 of the Barnet's Local Plan (Development Management Policies) Development Plan Document 2012, Policy 3.5 of The London Plan (2016) and Local Plan Supplementary Planning Documents: *Sustainable Design and Construction* and *Residential Design Guidance* (both October 2016).

³ Two persons for the 1-bedroom flat and five persons for the 3-bedroom flat.

11. I have been referred to planning applications for comparable development in Dartmouth Road⁴. Whilst the full circumstances behind those decisions are not before me, there are key similarities between the cases, namely the type of use that is referred and the access to and provision of rear external space. Nonetheless, I have determined this appeal on its own individual merits and, in any case, I have not found against the proposed development in respect of the provision and access to external space.

Traffic and highway safety

12. The properties in Dartmouth Road are arranged in long terraces close to the footpath. Subsequently, there are very few opportunities for off-street parking. In addition, on-street parking is controlled through a permitting scheme operated by the Council. This restricts on-street parking from 10am to 5pm on weekdays to permit holders.
13. The maximum parking requirement is set out by Policy DM17 of the DMP. In accordance with this policy, 1.5 spaces down to one parking space would be required for the proposed three-bedroom flat, and one or less than one space for the proposed one-bedroom flat. The appeal site incorporates a garage to the rear and the appellant has suggested that this could provide parking for the occupants of the upper flat. Whilst additional parking would need to be met on-street, the previous use of the property as a single dwellinghouse is likely to have resulted in some on-street parking demand. Furthermore, there are opportunities to travel by means other than private vehicle, as bus services and the Hendon over ground and Hendon Central underground stations are available locally. The use of these alternative means of transport should therefore be encouraged.
14. The Council has suggested that the proposed provision of parking would be likely to lead to conditions detrimental to the free flow of traffic and highway and pedestrian safety. However, the evidence before me does not demonstrate that there is a local parking issue or that the proposals would result in a material shortage in parking provision on-street in this location. Nor has it been demonstrated that even if there was a material deficiency it would be bound to have a detrimental effect on the free flow of traffic or highway safety. For these reasons, I conclude that the proposed development would not conflict with Policies CS9 of the CS and DM17 of the DMP.
15. Together these policies seek to prioritise the reduction of congestion and pressure on Barnet's transport network, including through parking management measures, by setting requirements for the provision of parking and the restriction of parking on-street in controlled zones, recognising that residents will continue to own and travel by car.

Character and appearance

16. The frontage of the site is similar to others in Dartmouth Road in that it is primarily used for the storage of bins. Whilst the proposed development would be likely to lead to a greater concentration of bins or communal bins stored at the front of the building, there would be very little difference to the other consented flatted schemes in the road, to which I have been referred.

⁴ Planning Application References 16/0445/FUL and 16/7757/FUL for Nos 43 and 18 Dartmouth Road respectively.

17. Nonetheless, as the appellant has alluded to an area to the rear of the garage being available for the storage of bicycles and bins, I see no reason to suppose that a satisfactory design for storage could not be secured in this area with an appropriately worded planning condition. Accordingly, I conclude that the proposed development would not have a harmful effect on the character or appearance of the street scene. Hence, the proposals would not conflict with Policy DM01 of the DMP or the Council's Residential Design Guidance SPD. Together the policy and guidance seek development proposals that preserve or enhance local character and respect the appearance of streets and provide safe, accessible and secure cycle parking and storage.

Conclusion

18. While I have not found harm in relation to traffic and highway safety or character and appearance, I have identified significant harm to living conditions in respect of internal space. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR