



Appeal Decision

Site visit made on 3 October 2019

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 22 October 2019

Appeal Ref: APP/N5090/W/19/3224309

11 Ashurst Road, North Finchley, London N12 9AU

- 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 Nicholas Bateson against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/6260/FUL, dated 16 October 2018, was refused by notice dated 18 December 2018.
 - The development proposed is the conversion of an existing dwelling into 3 no. self-contained flats. Associated amenity space, cycle store, refuse and recycling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has confirmed that it is no longer pursuing the second reason for refusal concerning the size of the internal floorspace of flat 2.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the living standards of the future occupiers, specifically flat 1.

Reasons

4. The appeal property is a semi-detached dwelling which includes 2 flats. By reason of the existing multiple occupancy of the property the Council has not objected to the principle of its proposed conversion into 3 flats within an area of predominately family housing. Although the comments of residents have been noted, there are no reasons to disagree with the Council's assessment about the suitability of the property to remain in multi-occupancy use.
5. There is an existing bathroom window within the ground floor of the property which faces towards the shared boundary wall with 13 Ashurst Road. The outlook from this window is also towards the flank wall of the neighbouring property's 2-storey outrigger. The proposed development includes the internal reorganisation of the property's ground floor and, as a consequence, the existing bathroom window would become a bedroom window. The submitted drawings indicate that this would be the main bedroom.
6. As an obscurely glazed bathroom a low standard of outlook, including towards a boundary wall and flank wall of the neighbouring dwelling, might be expected. However, for a main bedroom window any outlook should of a

- higher standard. This is reflected in the Council's *Supplement Planning Document: Residential Design Guidance* (SPD) where all habitable rooms should contain at least one main window with an adequate outlook where nearby walls or buildings do not appear overbearing or unduly dominant. In this case, because of their collective siting, height and massing the outlook from the proposed bedroom window would be dominated by the walls and it would conflict with Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document (DMP) and the SPD. Amongst other matters, this policy requires development proposals being designed to allow for adequate privacy and outlook for potential occupiers.
7. As was demonstrated as part of the previous scheme, the rear garden could be sub-divided into dedicated private amenity spaces for the proposed 3 flats. Each amenity space would be adequate to meet the needs of the future occupiers of the associated flat. Although this sub-division is not part of the appeal scheme, a condition could be attached requiring such details to be provided. The appellant has identified that, for other outdoor amenity or recreation purposes, there is an area of public open space near-by.
 8. However, to access the rear amenity space, the occupiers of proposed flats 2 and 3 would be required to use the side access which is located between the flank wall of the property and the shared boundary with No. 13. The use of this access would require the future occupiers of flats 2 and 3 to walk past the proposed main bedroom window of flat 1. There would be the ability for these occupiers to directly look into the bedroom window and, as consequence, the privacy of the future occupiers of flat 1 would be adversely harmed.
 9. The SPD identifies that the positioning of homes, including their windows, should be carefully considered to ensure that adequate privacy is maintained. The Council's *Sustainable Development and Design Supplementary Planning Document* also refers to bedrooms having a reasonable outlook with clear glazed windows. Accordingly, the use of obscure glazing for the proposed bedroom window to provide privacy for the future occupiers of flat 1 would conflict with this guidance.
 10. Although the availability of private amenity space for the future occupiers could be addressed and there would be an effective use existing building in an accessible location for housing, these matters are demonstrably outweighed by the unacceptable living standards for the future occupiers of flat 1. Accordingly, it is concluded that the proposed development would not provide satisfactory living standards for the future occupiers of the proposed development, specifically flat 1, and, as such, it would conflict with DMP Policy DM01 and the Supplementary Planning Documents.
 11. Specific conflicts with Policy CS5 of Barnet's Local Plan Core Strategy (CS) and DMP Policy DM02 concerning the character of the place and achieving the defined development standards have not been identified. CS Policy CS1 is a general strategic policy rather than specifically identifying the effect of development on future occupiers. However, these matters do not alter the conclusion which has been reached and this appeal should be dismissed.

D J Barnes

INSPECTOR