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## Appeal Decision

Site visit made on 15 October 2019

**by J Ayres BA Hons, Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 December 2019**

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**Appeal Ref: APP/N5090/W/19/3234394**

**68 The Ridgeway, Golders Green, London NW11 8PG**

- 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 BY Developments Limited against the decision of the Council of the London Borough of Barnet.
  - The application Ref 19/1647/FUL, dated 15 March 2019, was refused by notice dated 22 May 2019.
  - The development proposed is conversion of the existing dwelling into 6no self-contained flats. Roof extension including dormer windows to front rear and side elevations. Associated refuse and recycling, parking, cycle store and amenity space.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. As part of the appeal the appellant submitted amended plans. These plans amend the internal living accommodation and are relatively minor. The amendments would not affect the living conditions of neighbouring occupiers which are to be considered separately. As such in this case I consider it appropriate to accept the amended plans and determine the appeal on the basis of them. I am satisfied that this has not resulted in prejudice to any interested party.

### Main Issues

3. The main issues are;
  - (i) the effect of the proposal on the character and appearance of the area;
  - (ii) the effect of the proposal on living conditions of neighbouring occupiers;
  - (iii) whether the proposal would provide adequate living conditions for future occupiers; and
  - (iv) the effect of the proposal on highway safety.

### Reasons

#### *Character and appearance*

4. The property subject to the appeal is a large semi-detached house. Whilst there has been a gradual introduction of some flat style developments, the area is

generally characterised by a mixture of large detached and semi-detached properties. This residential character is reinforced through the layout of the plots, with most dwellings exhibiting traditional front gardens, providing a mixture of soft landscaping and off-street parking.

5. The conversion to provide 6 units within this plot, which would be facilitated through an extension to the dwelling, would significantly intensify the use of the site. The necessity to provide a large number of bins and cycles spaces would create a cluttered and commercial appearance to the front of the unit, which would fail to reflect the more domestic appearance of the dwellings within the area. The extension itself would not appear harmful in so far as it would match other properties and would not overwhelm the dwelling. However, the actual intensification of the use of the site, to accommodate such a substantial increase in occupiers would be detrimental to the more modest level of use of the dominant family character for the area.
6. Whilst conversion of the dwelling to flats may be acceptable in principle, it should not result in a level of occupation that would fundamentally change and be harmful to the character of the site and the immediate area.
7. In this case I find that the proposal would result in harm to the residential character of the area. It would conflict with Policies CS1 and CS5 of the Core Strategy Development Plan Document (the Core Strategy) and Policy DM01 of the Barnet Local Plan Development Management Policies Development Plan Document (the Development Plan) and would also fail to comply with the guidance set out in the Barnet Local Plan Supplementary Planning Document: Residential Design Guidance 2016 (the Residential Design Guidance). These Policies, amongst other things, require development to preserve and enhance the local character.

#### *Living conditions of neighbouring occupiers*

8. The proposed flats could accommodate up to 19 people which, albeit a small increase in the total number of people that could reside within the dwelling at present, would represent a significant increase in the number of individual households. This would result in a substantial increase in the level of movement associated with the site, and whilst there may be some variation of movement within a single household, it would not be as intense or varied as that associated with 6 separate households.
9. The neighbouring properties are extremely close to the appeal property, with No 70 being the other property in this pair of semi-detached units. This close physical relationship would mean that the neighbouring occupiers would be subject to a considerable increase in the level of noise and disturbance which would be harmful to the living conditions of those residents.
10. Accordingly, I find that the increase in noise levels and associated use of the site by the proposed occupants would result in a level of noise and disturbance that would be detrimental to amenity of neighbouring occupiers. It would therefore conflict with Policy DM01 of the Development Plan and Policy CS5 of the Core Strategy. It would also conflict with the guidance in the Residential Design Guidance and the Sustainable Design and Construction Supplementary Planning Document 2016 (the Sustainable Design SPD). These Policies collectively seek to ensure that development respects the local context and contributes to the sense of place, safety and security.

*Living conditions of future occupiers*

11. On the basis of the proposed layout as specified in the amended plans, the proposal would provide adequate levels of space for future occupants such to comply with the London Plan, and would provide adequate levels of daylight in addition to providing suitable outlook for future occupiers.
12. Units 3 and 4 would be on the first floor and units 5 and 6 would be located on the second floor of the building. In order to access the outside amenity area the occupiers of these units would be required to walk around and use the rear access to the site via Gresham Gardens. The need to physically leave the site and walk some distance to the communal garden would hinder the use of the space by future occupiers, and for this reason I am not satisfied that the proposal would achieve a suitably accessible outdoor amenity space for the occupiers of Units 3,4,5 and 6.
13. As such, whilst I am satisfied that the internal layout would be sufficient, I find that the proposed outdoor amenity space would not be suitable with regards to its separation from the units. As such the proposal would fail to provide adequate living conditions for future occupiers and would conflict with Policies DM01 and DM02 of the Development Plan and Policy CS5 of the Core Strategy which collectively seek to ensure development represents high quality design and provides satisfactory living conditions for residents.

*Effect on highway safety*

14. The proposal would provide 4 parking spaces on site, in addition a S106 Unilateral Undertaking was submitted during the appeal process, and the council has indicated that subject to the restrictions as set out in the Unilateral Undertaking it is satisfied the proposal would not have an impact on highway safety due to an increased demand for on-street parking.
15. The Unilateral Undertaking would require the owner of the property to inform each new occupier of one of the flats that they would not be entitled to a residents' parking permit, or to buy a contract for a space within a council owned car park; and not to occupy, or permit the occupation of, any flat by persons in possession of a residents' parking permit, or be permitted to park in a Council car park unless holding a disabled badge.
16. It has been established that the sole use of a planning obligation entered into under section 106 of the Town and Country Planning Act 1990 is not an appropriate mechanism under which to restrict access to parking permits. Case law has confirmed that this power should be used in conjunction with section 16 of the Greater London Council (General Powers) Act 1974 to legally impose obligations relating to the issue of parking permits.
17. The Unilateral Undertaking does not refer within it to section 16 of the Greater London Council (General Powers) Act 1974 and it is therefore not possible to conclude that the Unilateral Undertaking would be enforceable in preventing the issue of permits and the use of parking spaces within the controlled parking zone.
18. As I am dismissing the appeal on other substantive grounds it is not necessary for me to consider this matter in any further detail. However, on the basis that the Unilateral Undertaking would not effectively restrict the demand for parking I find that the proposal would result in an increased parking pressure within the

area and would therefore conflict with Policy DM17 of the Development Plan which seeks to ensure that new development makes satisfactory provision for parking.

### **Planning Balance and Conclusion**

19. The proposal would conflict with the development plan when taken as a whole. There are no material considerations that would outweigh this conflict, and accordingly, for the reasons above I conclude that the appeal is dismissed.

*J Ayres*

INSPECTOR