



Appeal Decision

Site visit made on 19 November 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/N5090/W/19/3236224

17 Old Rectory Gardens, Edgware HA8 7LS

- 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 Illir Shamolli against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/2939/FUL, dated 23 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is the conversion of the dwelling into two self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character of the area.

Reasons

3. The appeal property is a two-storey semi detached dwelling with roof space accommodation. It is situated in a cul-de-sac of other residential properties that are mainly semi-detached and of a similar architectural style. The street on which the appeal property is located is situated behind Station Road which is a busy commercial high street, however due to it forming a cul-de-sac which is shielded from the commercial area, the street is relatively sedate. The street has the ambience and character of an area of family housing.
4. The development would result in the loss of the existing family sized dwelling. The Council have commented that all of the original semi-detached dwellings in the street remain in their originally intended form as single dwellings.
5. The proposal would therefore conflict with the established character of the immediate surrounding area that is made up of dwelling houses. I accept that, as the appellant refers to, the site is close to a busy commercial area and has good public transport accessibility. However, as I observed on my site visit, there is a sudden transformation in the composition and character of the area between the commercialised high street setting and the established residential area of family sized dwellings, of which the appeal site is part.

6. Conversion of dwellings such as that proposed, and in areas such as that in which the appeal site is located, can have a cumulative effect that is harmful to the character of established residential areas. The increase in activity that inevitably occurs in such conversions, combined with smaller units often being more attractive to singles and couples and transient occupiers, can harm the character of area. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries, and whilst these are not specifically cited in the Councils reason for refusal they cumulatively contribute to the overall character of an area.
7. Whilst each application and appeal must be treated on its individual merits, allowing the appeal could be used in support of similar proposals. I consider that this would not be a generalised fear of precedent, but a realistic and specific concern given the shared characteristics with similar properties in the street. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, and I consider that the cumulative effect of that would contribute to an overall harm to the wider area which I have described above.
8. I therefore conclude that the proposal would have a harmful effect on the character of the area. It would be contrary to Policies CS1 and CS5 of the Barnet Local Plan (Core Strategy) (2012) and Policy DM01 of the Barnet Local Plan (Development Management Policies) (2012). These policies seek to ensure, amongst other things, that development respects local context and character and that the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.
9. The proposal would also be contrary to the Barnet Local Plan Supplementary Planning Document – Residential Design Guidance (2016). In relation to residential conversions, the guidance outlines that conversions can impact upon the character and appearance of a locality and are likely to be resisted in areas of low-density housing where predominantly there are single family occupation houses.

Other Matters

10. The appellant has referred to the benefit of providing additional housing which is supported in the National Planning Policy Framework (the Framework) and the London Plan. I find that the benefit of one additional unit to be relatively minor and it would not outweigh the harm I have identified would be caused to the character of the area.
11. My attention has been drawn to a building that has been constructed at 22 Old Rectory Gardens which forms two flats. This building also appears to form part of Rectory Lane as it does Old Rectory Gardens, and whilst I have had regard to its presence, it is clear that it is an exception to the dominant character of Old Rectory Gardens which is of single, family sized dwellings.
12. The appellant also contends that the proposal would represent a sustainable form of development and therefore the presumption in favour of sustainable development as outlined in the Framework would apply. As I have found that the proposal does not accord with the up-to-date development plan, the presumption in favour of sustainable development does not apply.

13. The appellant puts forward the lack of harm in relation to design, parking, refuse storage, living conditions for the future occupants, and on the living conditions of existing residents. I have considered these matters, however they are not in dispute and are not pertinent to the main issue. They therefore have little weight in support of the appeal.

Conclusion

14. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR