
Appeal Decision

Site visit made on 10 December 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2019

Appeal Ref: APP/N5090/W/19/3237583

332 High Road, East Finchley, London N2 9AB

- 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 John Costi against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/3214/FUL, dated 6 June 2019, was refused by notice dated 5 August 2019.
 - The development proposed is conversion of the rear store rooms to create self contained one bedroom 2 person dwelling and associated refuse, cycle store and amenity.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the rear store rooms to create self contained one bedroom 2 person dwelling and associated refuse, cycle store and amenity at 332 High Road, East Finchley, London N2 9AB in accordance with the terms of the application, Ref 19/3214/FUL, dated 6 June 2019, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of future occupiers of the proposal, with regards to outlook, outdoor amenity space, noise and odour.

Reasons

3. The appeal property is part of a semi-detaching pairing that is located on the corner of High Road and Lewis Gardens in an area characterised by a mixture of uses, but the area is predominately residential in nature. Properties in the area are generally two storeys high, although as with the appeal property there are single storey elements. The submitted plans indicate that the front part of the ground floor is used as a restaurant with ancillary storage to the rear. The first floor is used as a flat.
4. The proposal seeks to convert the rear part of the property into a 2 person 1 bedroom flat fronting Lewis Gardens. This would involve utilising the existing brick-built store rooms which are accessed from Lewis Gardens. In doing so, I agree with the Council that the proposed dwelling would have an acceptable standard of internal space. Furthermore, in terms of its quantity, the proposed outdoor amenity space would, at roughly 21m², accord with the requirements

of Table 2.3 of the Council's Supplementary Planning Document: Sustainable Design and Construction (SPDSDC) even when the cycle and refuse storage areas are discounted as required by the SPDSDC.

5. However, both the SPDSDC and the Supplementary Planning Document: Residential Design Guidance (SPDRDG) explain the vital importance of functional outdoor amenity space for all new flats as it will help to protect and improve the living standards of residents. For flats, options include provision on roofs or as balconies. Whatever option is chosen it must be usable. The SPDRDG outlines that all dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides a reasonable level of privacy. The size, shape and slope gradient of the amenity space is key to its usability.
6. As the unit is unlikely to be occupied by children, the proposed terrace would offer future occupants a usable space for relaxation or to dry their clothes. The proposed garden would facilitate a similar use and accommodate a table and several chairs. An obscure glazed balustrade would offer future occupants using the terrace a degree of privacy whereas the proposed garden would be overlooked from Lewis Gardens even with the proposed evergreen hedge along the site's frontage. Future occupants would also be using this space near to the proposed refuse storage. This is not ideal, and it could well dissuade people from using this space, but given the blend of provision proposed, I am of the view that it would offer future occupants reasonably sized usable spaces, with a fair degree of privacy.
7. The Council are concerned about the proposal's relationship with the existing kitchen/preparation area. As such, there is the potential for noise and odours to affect future occupants living conditions, but a suitable planning condition could enable internal sound proofing to eliminate noise transmission. There is also an existing flat above the restaurant and there is no indication that its relationship with the restaurant has generated issues with odours.
8. Large glazed openings would serve the bedroom, lounge and dining room. The bedroom would have an outlook onto the proposed terrace and Lewis Gardens. The living room would have an outlook into the proposed garden and Lewis Gardens. Both windows would face a south-easterly direction. The outlook from the dining room would be to the north-east, into the proposed garden and across the front elevations of properties on the northern side of Lewis Gardens. The outlook from the dining room would be partially restricted by the tall boundary wall between the site and 1 Lewis Gardens, but views towards the road would still be possible. The outlook from the living room and bedroom would be towards 330 High Road¹ and nearby walls or buildings would not be unduly dominant or overbearing. So, while I note the planning permission granted by the Council in respect of No 330, I consider the proposal would offer future occupants an acceptable outlook.
9. I note that the appeal property has been subject of several other schemes, but I have considered the proposal on its own planning merits. This leads me to conclude that the proposed development would provide future occupiers of the proposal with a high standard of living conditions, with regards to outlook, outdoor amenity space, noise and odour. As such, the proposal would accord with policies CS1 and CS5 of Barnet's Local Plan (Core Strategy), Policy DM02

¹ Council Ref: 18/6292/FUL

of Barnet's Local Plan Development Management Policies Development Plan Document, the SPDSDC and SPDRDG and paragraph 127 f) of the National Planning Policy Framework. Jointly these seek, among other things, to create an attractive environment for people to live in with high quality design that provides a high standard of amenity and outdoor amenity space.

Conclusion and conditions

10. I have had regard to the planning conditions suggested by the Council. I have imposed a plans condition in the interests of certainty.
11. I have imposed conditions in respect of enclosures and screening facilities for refuse and recycling containers; and for a soft landscaping scheme in the interests of the character and appearance of the area. A hard-landscaping scheme is not necessary given the existing surface. I have imposed a condition to secure details of the cycle parking to promote a choice of transport modes, to reduce congestion and emissions and improve public health. In the interests of the living conditions of future and neighbouring occupants, I have imposed a condition to secure details of the obscure glazing for the first-floor balustrade. A condition in respect of the crossover is not relevant to planning.
12. For the reasons set out above, I conclude that the appeal is allowed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0497_00_010; 0497_00_001; 0497_00_002; 0497_00_003; 0497_00_101; 0497_00_102; 0497_00_003; 0497_98_101; 0497_98_102; 0497_98_201; and 0497_98_202.
- 3) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the dwelling and retained as such thereafter.
- 4) Prior to first occupation of the hereby approved development, a scheme of soft landscaping to the front forecourt area, detailing the size, species, planting heights, densities and positions of any soft landscaping, has be submitted to and approved in writing by the Local Planning Authority. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any trees, hedges or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- 5) Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is first occupied. The approved details, which shall be in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards, shall be provided and not be used for any purpose other than parking of cycles in connection with the approved development.
- 6) Before the development hereby permitted is first occupied, details of the first floor balustrade and obscure glazing to be installed shall be submitted to and approved in writing by the Local Planning Authority. The balustrade and glazing shall be installed in accordance with the approved details before first occupation or the use is commenced and retained as such thereafter.

END OF SCHEDULE