The Planning Inspectorate

Appeal Decision

Site visit made on 17 February 2020

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/N5090/W/19/3242650
49A Athenaeum Road, Whetstone, London N20 9AL

- 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 Mrs Wendy Gill against the decision of the Council of the London Borough of Barnet.
- The application Ref 19/4173/FUL, dated 29 July 2019, was refused by notice dated 25 September 2019.
- The development proposed is the conversion of a single dwelling to create one, 1 bed and one 2 bed apartment.

Decision

1. The appeal is allowed and planning permission is granted for the conversion of a single dwelling to create one, 1 bed and one 2 bed apartment at 49A Athenaeum Road, Whetstone, London N20 9AL in accordance with the terms of the application, Ref 19/4173/FUL, dated 29 July 2019 subject to the conditions set out in the schedule at the end of this decision.

Main Issues

2. The main issues are:

   (a) whether or not the development would be out of character with the surrounding area; and

   (b) the effect of the development on the living conditions of the future occupiers of the ground floor flat, having particular regard to outlook and daylight.

Reasons

Character

3. The appeal proposes to convert the existing single family house into 2 self-contained apartments. The houses in the immediate vicinity of No 49A Athenaeum Road comprise mostly of semi-detached and detached residential properties. The development would require little in the way of external alterations to the host building. Minor alterations to the rear garden would be required to subdivide the existing garden space, but as this is not visible from Athenaeum Road it would have limited effect on the character of the area.

4. The existing dwelling presently contains 5 bedrooms, while the proposed 2 apartments would only have a total of 3 bedrooms. This development would

lead to a reduction in bedrooms and would not consequently increase the number of people living in the building. This in turn would not be considered to lead to an increase in activity.

5. The surrounding area consists of large houses capable of accommodating large families. It would be expected that the occupiers of these neighbouring dwellings would have a wide variety of different lifestyles and movement patterns. I do not consider that the occupiers of these proposed apartments would have such a different lifestyle that it would change the character of the area. While I appreciate that there would be 2 independent households within the building it cannot be demonstrated that activity and functionality would detrimentally change due to these proposals.

6. Policy DM01 of Barnet's Local Plan, Development Management Policies, Development Plan Document, 2012 (the DPD), states that conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. The DPD's supporting text which relates to this policy indicates that conversions may be appropriate in certain areas. It also deems that the harm to the character of the area would be due to changing external appearance and increasing activity.

7. It is evident that this appeal proposal would preserve the visual character and appearance of the host building and the surrounding street and no substantive evidence has been provided to demonstrate that activity and movement would increase. Notwithstanding, I consider that any additional activity associated with these two apartments would not be noticeable in this residential area.

8. I have taken into account that properties Nos 25 (now 25 and 25A) and 42 (now 42A, B and C) Athenaeum Road have previously undergone conversion to self-contained apartments. Although I can give them limited weight as the conversion of these properties was implemented without planning permission. Notwithstanding, no evidence has been submitted to demonstrate that the conversion of these properties to flats has changed the character of the area.

9. I have also given consideration to the benefits that this proposal would bring. It would provide two new smaller households which would contribute to the local housing supply. The development would also enable the appellant to downsize and use the ground floor flat as a retirement property.

10. Therefore, the proposed development would not be out of character with the surrounding area. The proposals would accord with policy 7.4 of the Mayor's London Plan, The Spatial Development Strategy For London Consolidated With Alterations Since 2011, (2016) (the London Plan), policies CS1 and CS5 of Barnet's Local Plan, Core Strategy, Development Plan Document, 2012 (the CS) and Barnet London Borough, Local Plan, Supplementary Planning Document: Residential Design Guidance, 2016 (SPD). Together these require development to have regard to the character of an area.

11. Whilst there is some conflict with policy DM01 of the DPD, this policy does not exclude the conversion of houses to flats. I consider in this case that the development minimises the impact on the external appearance, would not increase activity or change the functionality and provides minor benefits. Together these outweigh this conflict in accordance with 38(6) of the Planning and Compulsory Purchase Act 2004.

Living conditions

12. The Office/Study in the proposed ground floor flat would meet the minimum space standards for a single bedroom. Therefore. it would need to be considered as a habitable room. However, the window in this room would face onto the flank wall of No 51 the neighbouring property. Consequently, this room would receive little daylight and would offer limited outlook to the future occupiers of this room.

13. As part of the appeal the appellant has submitted an amended internal plan for the ground floor apartment (195319/19-03 Rev D). These amendments would result in a larger bathroom and a smaller Office/Study which would be below the minimum habitable room size. Therefore, it could not be categorised as a bedroom in the future.

14. Consequently, the Council has withdrawn its second reason for refusal, relating to the living conditions of future occupiers of the ground floor apartment. I consider that this reduction in size would ensure that this room would be too small to be classified or used as a habitable room. Therefore, it would not require the same standards of outlook and light. The amended plans can be conditioned without prejudicing any parties. This would ensure that there is no detrimental effect on the living conditions of future occupiers.

15. I conclude that the development would have no detrimental effect on the living conditions of the future occupiers of the ground floor flat, having particular regard to outlook and daylight. As such the proposal would accord with policies CS1 and CS5 of the CS and Policy DM01 of the DPD and the SPD.

Other Matters

16. I am aware that reference was made to the loss of family housing due to this development. However, I can give this matter little weight as limited information has been submitted relating to this issue. Furthermore, the development would not result in the loss of family housing, as the first-floor apartment would continue to be suitable as family accommodation, although of a smaller size.

Conditions

17. The Council have suggested a number of conditions which I have considered alongside the advice in the National Planning Policy Framework (2019) and Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case; however, some have been edited for precision and clarity and to better reflect the relevant guidance.

18. In addition to the statutory implementation condition, I also consider that it is necessary in the interests of clarity to require compliance with the submitted approved plans, unless further modified by any condition set out below.

19. A scheme of landscaping and tree protection measures has been conditioned to ensure that the visual amenity is safeguarded. I have also imposed conditions relating to boundary treatments and screening of refuse and recycling storage, to ensure that the development protects the character and appearance of the surrounding area.

20. Details of cycle parking and storage on site have been imposed to promote cycling as a mode of transport.

21. Finally, to safeguard the living conditions of future residents I have included a condition relating to the submission of Pre-completion Sound Insulation Test Certificates to ensure the development complies with Building Regulations.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

D Hilton-Brown

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 195319/19-01, 195319/19-02, 195319/19-03 Rev D, 195319/19-04 Rev C and 195319/19-05.

3) Prior to occupation there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

5) Prior to occupation there shall have been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be carried out in accordance with the approved details, completed before the buildings are first occupied, and thereafter retained.

6) No dwelling shall be occupied until space has been laid out within the site for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.

7) The development hereby permitted shall not be occupied until details of enclosures and screened facilities for the storage of recycling containers, wheeled refuse bins and/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 full accordance with the details as approved under this condition, prior to the first occupation and retained as such thereafter.

8) Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).