
Appeal Decision

Site visit made on 3 September 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2020

Appeal Ref: APP/N5090/W/20/3248398

Garages adjoining 39 Warwick Close, Barnet, EN4 9SF

- 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 K Hayes against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/6524/FUL, dated 27 November 2019, was refused by notice dated 4 February 2020.
 - The development proposed is conversion and extension of existing garages to create a one bedroom dwelling with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for conversion and extension of existing garages to create a one bedroom dwelling with associated parking at garages adjoining 39 Warwick Close, Barnet, EN4 9SF in accordance with the terms of the application, Ref 19/6524/FUL, dated 27 November 2019, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are
 - (a) The effect of the development on the character and appearance of the area in relation to its design, size and siting,
 - (b) The effect of the development on the living conditions of occupiers of 38 Warwick Close,
 - (c) The adequacy of living conditions for future occupiers in relation to aspect and garden space, and
 - (d) The effect of the proposal on on-street parking and highway and pedestrian safety.

Reasons

Character and appearance

3. The appeal relates to 3 garages in a row of 4 on the southern side of Warwick Close which form a break in an otherwise continuous line of two storey houses on the southern side of the road. There are flats opposite.
4. The proposed dwelling would differ from the character of houses on this side of the road in that it would be detached, rather than semi-detached, and would

have a lower ridge line than adjacent houses. However, the proposal would respect local character in that it would have two storeys, the eaves would be at the same height as neighbouring houses, it would have gable ends to the roof and it would be sited in a mid-position on the staggered building line to adjacent houses, roughly in line with the line for 31-34 Warwick Close to the east. It would be about only 1.4m from the flank wall to no.38 but the close spacing of houses is a characteristic of the road. There would be a larger gap to the other side and the house would not appear unduly cramped in the street scene. Its design and appearance would differ from other dwellings, but this is a product of the site's limited depth. The garages currently present a low and undistinguished appearance in the street and the use of the site for residential purposes would not be out of character.

5. The proposal would provide an innovative design solution to an awkward site. It would be compatible with Policies 3.5, 7.4 and 7.6 of the London Plan (2016), Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) (2012) (BLP) and with Policy DM01 of the Local Plan Development Management Policies DPD (2012) (DMP) and the Residential Design Guide (2012) (RDG). These collectively require proposals to protect and enhance local character in relation to factors including the grain of streets, and for details and materials to complement, not necessarily replicate, the local architectural character.

Neighbour impacts

6. The entrance porch to 38 Warwick Close is to the side of the house, recessed about 3m behind its front wall and adjacent to the boundary with the appeal site. The massing and proximity of the proposal would reduce natural light to glazing panels in the porch front door, but the porch is small and does not constitute a habitable room. The proposal would not have an overbearing impact or result in significant overshadowing on any habitable room windows at no. 38. Clear sight lines would also remain from the road to the porch. There would not be conflict with Policy CS5 of the BLP, with Policy DM01 of the DMP or with the RDG which require proposals to be designed to allow for adequate natural light for adjoining occupiers without having an overbearing impact.

Living conditions

7. The proposed house would be single aspect with north facing windows. Whilst this is not ideal, the ground floor lounge and first floor bedroom would both have more than one window opening. The rooms would receive adequate light for their limited depth and the kitchen to the rear of the lounge would benefit from two rooflights. Outlook from the windows would be on to frontage parking spaces similar to other houses on this side of the road. The proposal would provide satisfactory internal living standards for future occupiers.
8. The Council's Sustainable Design and Construction SPD recommends 10 sqm outdoor amenity space for a one bed 2 person dwelling. The constraints of the site's shape preclude provision of a private amenity area to the rear of the dwelling as is common in the road. In my judgement, this shortfall alone would not make the site unsuitable for residential use. Not all dwellings can be provided with outdoor amenity space. A landscape condition could ensure an attractive appearance to the front garden area, and if the Council consider that a single parking space would suffice for this small dwelling, then there would be scope to provide an outdoor garden space of the required size.

9. The proposal would not result in sub-standard accommodation. Policies CS1 and CS5 of the BLP, Policies DM01 and DM02 of the DMP and adopted SPDs require development to demonstrate compliance with local standards including in relation to single aspect units and outdoor amenity space where appropriate. As such, and given the unusual configuration of the site, there would not be material conflict with these adopted policies.

Parking

10. Warwick Close is a cul-de-sac with a narrow carriageway and limited scope for on street parking. Most houses have off street parking. The appellant and a neighbour have commented that the existing garages are used for storage rather than parking, and the Council has not challenged this. The loss of storage would not exacerbate any existing on-street parking problems.
11. The new dwelling is shown to have two parking spaces which would accord with the parking management section to Policy DM17 of the DMP for detached houses and for 1-bedroom units which generally require a single space. There would be sufficient off street parking. The proposal would not therefore add to parking pressures in the area. Nor would it be detrimental to the free flow of traffic or to highway and pedestrian safety. It would be compliant with London and local development plan policies and adopted SPDs.

Conclusion

12. The proposal would be satisfactory in relation to the main issues and would also have the benefit of providing an additional unit to meet the general need for more housing. For the reasons given and having regard to all other matters raised, including representations by interested parties, the appeal is allowed subject to conditions.
13. In addition to the standard 3 year commencement condition, I have included a condition requiring the development to be carried out in accordance with the approved plans for certainty and to enable the approval of minor material amendments should this be expedient. To ensure a satisfactory appearance to the development conditions are needed to approve external materials and to approve details of hard and soft landscape measures (including boundary treatments and enclosures for bins and a cycle) and to ensure their implementation. To safeguard privacy levels within adjacent dwellings, a glazing condition is necessary. I have adapted but included the Council's suggested conditions on water, accessibility and carbon dioxide emissions in the interests of sustainability and consider the suggested condition to limit working hours to be necessary to safeguard neighbours' living conditions. I do not consider the Council's suggested condition to establish land levels to be necessary as the proposal is for the conversion and extension of a building on existing land levels.

Rory MacLeod

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 13929-S001-1st and 13929-P002-A.
- 3) No development other than demolition works shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development other than demolition works shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of boundary treatments, enclosures for the storage of recycling containers and wheeled refuse bins, a facility for the storage of a cycle and parking which shall all be implemented prior to first occupation of the dwelling. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner.
- 5) Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the flank elevations facing east and west, hereby approved.
- 6) Prior to the first occupation of the dwellinghouse, 100% of the water supplied shall be by the mains water infrastructure provided through a water meter. This shall include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.
- 7) Notwithstanding the details shown in the drawings submitted, prior to first occupation, the new dwellinghouse shall have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in the future). The development shall be maintained as such in perpetuity thereafter.
- 8) Prior to the first occupation, the dwellinghouse hereby approved shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.
- 9) No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00am or after 1.00pm on Saturdays, or before 8.00am or after 6.00pm on other days.