
Appeal Decision

Site visit made on 3 September 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/N5090/W/20/3248165

41 Gainsborough Gardens, London NW11 9BJ

- 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 Mohammad Bolooki against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/3657/FUL, dated 28 June 2019, was refused by notice dated 2 September 2019.
 - The development proposed is part first floor 3m rear extension, part roof extension and conversion from a single dwellinghouse into two self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the change of use on the character of the area and the adequacy of the proposed parking arrangements.

Reasons

3. The appeal relates to a semi-detached house in use as a single family dwelling. The house has been enlarged by a full width single storey rear extension and a more limited first floor rear extension. The Council raise no objection to the further physical alterations proposed to the building, just to its use as two flats.
4. Gainsborough Gardens is a cul-de-sac of about 50 dwellings, mainly semi-detached and similar in size to the appeal site. Whilst many have extensions and roof alterations, the vast majority appear to be in use as single family dwellings. The appellant has listed several dwellings which it is claimed are in use as flats, but the Council's records indicate only no.25 to be in use as flats.
5. Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) (2012) direct growth to most suitable locations and seek to protect and enhance distinctive local character. Policy DM01(h) of the Development Management Policies DPD (2012) (DMP) states "*Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate*". The Councils' Residential Design Guidance SPD (2016) quotes from the DMP noting, "*The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas*". The SPD notes that harm may arise through more noise and disturbance, an intensification of use involving more people movements, increased car movements, more rubbish to be collected and more deliveries.

6. The appeal property was built as a modestly sized dwelling with a small front garden in a row of closely spaced similarly sized dwellings. As such, the impacts of the intensified use highlighted in the SPD would be likely to be apparent at the site and would contrast with the established character of the road. The cumulative impact arising if other comparable dwellings were to be sub-divided into flats would be harmful to this character. The location of some bin and cycle storage in the rear gardens, as the appellant suggests, would help to address an otherwise cluttered appearance to the small front garden, but would not overcome other impacts arising.
7. The SPD also comments that the property should be large enough to be converted without the need for substantial additional extensions. The proposal is for two family sized units that rely on proposed enlargements. Although the units would meet minimum sizes, bedroom 2 of the ground floor unit would have a relatively poor outlook on to a narrow side passageway and bedroom 2 of the upper unit would have an awkward shape resulting from roof alterations.
8. Gainsborough Gardens is a controlled parking zone with on street parking restricted to vehicles with residents permits 8am to 6.30pm on Mondays to Saturdays. Few dwellings have off-street parking as the front gardens are too small to provide parking spaces, as is the case at the appeal site. The appellant comments that the property currently has one resident's parking permit and that this would not change as a result of the proposal. Whilst the site is within a PTAL3 area with moderate access to public transport options, adopted parking standards indicate a parking space should be provided for each unit. The proposal would be likely to add to on street parking pressures in the road, particularly in evening hours. The cumulative effect of such an increase in parking demand if repeated through the conversion of other houses to flats in the road would be to change the way the locality functions and adversely affect the character of the road. The proposal would be contrary to Policy DM17 of the DMP which seeks to manage parking provision and on street parking stress.
9. The appellant indicates that future occupants of one flat could be restricted from purchasing a parking permit. This would suppress parking demand but there is no completed legal agreement before me to secure such an arrangement. The appellant has suggested use of a planning condition instead, but such arrangements, when appropriate, are usually secured by a legal agreement. Moreover, planning obligations and conditions should relate to the use of land the subject of a permission rather than the subsequent behaviour of its occupiers.

Conclusion

10. The proposal would have the benefit of providing an additional dwelling in a sustainable location that would make a modest contribution to meeting housing need. However, this benefit would be outweighed by the harm arising to the prevailing character of the road through the intensification of use and through increased pressure for limited on street parking spaces. The proposal would be contrary to adopted policies that seek to manage these issues. For the reasons given and having regard to all other matters raised the appeal is dismissed.

Rory MacLeod

INSPECTOR