
Appeal Decision

Site visit made on 15 September 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th October 2020

Appeal Ref: APP/N5090/W/20/3253666
73 Southfields, Hendon, London NW4 4NA

- 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 Olabisi Akindele against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/0849/FUL, dated 12 February 2020, was refused by notice dated 29 April 2020.
 - The development proposed is for a conversion into two nos. 2-bedroom flats for 2 families, with part double-storey rear extension and proposed change of use. Flat one has a total floor area of 78sq metres. Flat 2 has a total floor area of 81sqm. Flat 1 covering 78sq metres will have 2 bedrooms a living, dining and kitchen on the same level on the ground floor and would benefit private amenity space, accessed via the rear fenestrations of the unit, with a proposed 47sq metres of outdoor garden space. Flat 2 covering 81sq metres will have 2 bedrooms, living, dining and kitchen on 2 floors with the master bedroom in the loft and would access a private amenity space to the rear via a staircase from the first floor, with a proposed outdoor garden space of 36sq metres.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the site and surrounding area; and
 - The effect of the proposed development on the living conditions of the occupiers of the neighbouring properties, with particular reference to privacy.

Reasons

Character and appearance

3. The appeal site is a semi-detached property on Southfields. The area is predominately residential and is characterised by semi-detached properties, which are of a similar style and form. The property has a driveway to the front which slopes up towards the property due to the level change from the road. To the rear of the property is a large park.
4. The proposal would convert the existing single family dwelling into 2 self-contained flats. Flat A would occupy the ground floor and Flat B would extend

from the first floor to the loft. The proposal also includes a first floor rear extension with a pitched roof and rear access steps, which would extend from the rear wall of the first floor rear extension and would provide separate access for the first floor flat.

5. Policy DM01 of the Development Management Policies Development Plan Document (DMP) (2012) states that the loss of houses in roads characterised by houses will not normally be appropriate. It also states that the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.
6. The property is currently a single-family dwelling house, and the surrounding area is characterised by single family dwellings. As such, the proposed conversion of the property to flats, would be in contrast to the existing character in the road. I acknowledge that the external appearance of the property would not be significantly altered. The effect on the appearance of the street scene by the proposal would be limited, as such, in this respect, it would not be harmful. However, the conversion would change the character of the property. The 2 flats would be operating independently of each other and would lead different lifestyles, compared to that of a family home. It would create the opportunity for independent comings and goings for up to 8 people, which would be in distinctly different to the existing character of the nearby single family properties.
7. The appellant has highlighted that there are examples of flats nearby, such as those on Watford Way and Hendale Avenue. However, these are not immediately adjacent to the site, or even on the same road. Therefore, they do not form part of the immediate character of the site. I note that it has been suggested that No 1 Southfields is currently being used as flats. However, the Council has confirmed that it does not have planning permission for this use. Consequently, its presence does not justify the conversion of this dwelling, as the use is not currently lawful.
8. In terms of the first floor rear extension, the submitted plans show that it would have matching materials to the host property. Nevertheless, the roof form and design, due to it having an extended pitched element, would appear as a stark and incongruous feature on the first floor, at odds with the style of the host property and other nearby properties. The proposal also includes a door and a staircase to the rear elevation of the property. Given the length and height of the staircase, and the way it would protrude from the rear elevation, it would appear as a relatively large addition to the host property. When combined with the door at the first floor, it would also appear out of place and out of context given the surrounding context of single family homes.
9. I acknowledge that the appellant has sought to create a scheme which would provide outdoor space for the occupiers. However, the route to access this space would appear unsympathetic and inappropriate within the context of the property. Furthermore, I did not observe any other examples of external staircases within the immediate vicinity.
10. Whilst the elements to the rear of the property would not be visible from the street scene to the front, they would be visible from the gardens and houses of the neighbouring properties, as well as from the park to the rear. The appellant has suggested that the views to the rear would be largely restricted due to the vegetation on the boundary of the site. However, landscaping cannot be

considered a permanent feature, and the vegetation would not obviate the harm caused by the proposal. Consequently, the proposed development would be out of context and at odds with the existing character and appearance of the area, which is characterised by single family dwellings.

11. The appellant has suggested that the Council's policies contradict the emphasis in the National Planning Policy Framework and the London Plan to make effective use of land and the use brownfield sites. However, given the existing character of the area, the host property aligns with the local context being a single family home. In any case, these documents must be read as a whole, and they also include policies which also require developments to respond to the local character and reflect the identity of the local context and surroundings.
12. The proposed development would harm the character and appearance of the site and surrounding area. Therefore, it would be contrary to Policies CS1 and CS5 of the Barnet Local Plan: Core Strategy (CS) (2012), Policy DM01 of the DMP and Residential Design Guidance Supplementary Planning Document (RDG) (2016). These policies, amongst other things, require development to be high quality and to be reflective of the local character of the area.

Living conditions

13. The introduction of the proposed rear staircase along with the door, which would be at an elevated height, would increase the opportunities for overlooking into the neighbouring gardens. In addition, the platform at the top of the steps is of a sufficient size that future occupiers of the flat may dwell in this location. Therefore, this would give the occupiers of the neighbouring properties an increased sense of being overlooked, which would impact on their privacy when in their gardens.
14. I note that there is some surrounding vegetation around the garden area. However, landscaping cannot be considered a permanent feature, and it is likely to be less effective during autumn and winter months. Therefore, this would not be considered a suitable way to protect the neighbouring occupiers from being overlooked. The appellant has also suggested that the garages would provide some screening for the neighbouring residents, and that the time spent on the steps would be brief, as the occupiers would only use this area to access the garden area. Nevertheless, the occupiers of the flat could dwell on the stairs and the platform and use this as part of their outdoor space and would provide an elevated position in comparison to the gardens of the neighbouring properties. As such, it would impact on the privacy of the occupiers of the neighbouring properties.
15. The appellant has also suggested that a screen could be installed on the first floor landing and staircase, which could be added as a condition to the decision. However, as I have already identified that the staircase would have a harmful effect on the character and appearance of the area, I do not consider this would be appropriate.
16. I acknowledge that the neighbouring properties did not object to the proposal. However, the lack of objection does not necessarily make the proposal acceptable, and is considered a neutral consideration.

17. The proposed development would have a harmful effect on the living conditions of the neighbouring occupiers, with particular reference to privacy. Therefore, it would be contrary to Policies CS1 and CS5 of the CS, Policy DM01 of the DMP (2012) and the RDG. These policies, amongst other things, require development to protect the amenity and privacy of neighbouring occupiers.

Other Matters

18. I note that the proposal would provide an additional dwelling and could be high quality and accessible. Nevertheless, it would only provide one additional dwelling, as such the benefit would be limited, and it would not overcome the harm that I have identified above.

Conclusion

19. For the reasons set out above, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR