



Appeal Decision

Site visit made on 22 September 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/N5090/W/19/3243775

141 Station Road, Hendon, London NW4 4NJ

- 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 I Ahmed against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/2090/RCU, dated 08 April 2019, was refused by notice dated 11 November 2019.
 - The development proposed is described as retrospective planning application for the retention of existing self-contained annex to the rear.
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Procedural Matters

1. I observed that the development has already been undertaken and I have made my decision on this basis.
2. The Council's decision notice describes the development as: Conversion of single storey rear outbuilding to studio flat (Retrospective Application). The appellant also uses this description on the appeal form. The description on the planning application refers to an annex, whereas the Council's decision notice refers to a studio flat. The Council Officer's report refers to the use as a C3 self-contained unit and as a studio flat. The appellant's statement notes that there has been a tenant in the property for around one and a half years. Given the evidence before me I have dealt with the appeal based on the development being a self-contained studio flat, which is what the Council based its decision on.
3. The plans show that the building has been extended to create the property as it is now. Bearing this in mind, along with the comments above, I consider a more accurate description of development is 'extension of outbuilding and change of use to a self-contained studio flat', and I have made my decision on this basis.

Decision

4. The appeal is dismissed.

Main Issues

5. The main issues are:
 - the effect of the development on the character and appearance of the area, with particular regard to the pattern of development;

- the effect of the development on the living conditions of occupants of the studio flat, with particular regard to layout, outlook, light and privacy,
- the effect of the development on the living conditions of occupants of the property No 141 Station Road, with particular regard to privacy and outlook.

Reasons

Character and appearance

6. The predominant pattern of development in the area is of generously sized two-storey detached and semi-detached dwellings arranged in blocks, set back from and fronting a road, with gardens to the rear and front. Most of the front gardens have been covered with hard standing which is generally used for parking vehicles. The rear gardens back on to either the rear or side of other rear gardens. Most of the dwellings have dual-pitched, hipped roofs.
7. The site includes No 141 Station Road and the studio flat. The appeal building is single-storey and sited at the bottom, western end of the rear garden of No 141. Its footprint and floor area are considerably smaller than surrounding properties. Access to the property is via a gate to the side of No 141, which leads into its rear garden. The appeal building does not sit in a plot that is divided from No 141 and as such it does not have any delineated outdoor space. I note that the appellant is willing to sub-divide the remaining rear garden area to provide some outdoor space. However, even if this were to be undertaken the resultant garden sizes of both the studio flat and No 141 would not be commensurate with the garden sizes of surrounding properties.
8. For these reasons I conclude that, with particular regard to the pattern of development in the area, the development has a detrimental, eroding effect on the character and appearance of the area. As such, it does not accord with Policy CS5 of Barnet's Local Plan (Core Strategy) (2012), (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) (2012), (DMP), or guidance in the Supplementary Planning Document: Residential Design Guidance (2016), (SPD:RDG). Collectively, and among other things, these policies and guidance seek to ensure that development is of high-quality design, respects local context and preserves or enhances local character.

Living conditions – occupants of the studio flat

9. As noted, the appeal building is not within a plot that is physically divided/separated from No 141. It does not have its own outdoor amenity space. Its front elevation is only around 14 m from the rear elevation of No 141. Except for 2 small skylights, the only windows in the property are 2 positioned on its front elevation. Consequently, the property receives limited natural light, and the only outlook for occupants is that of the rear garden of No 141. The internal layout is mainly open plan. There is barely any space between the rear and side elevations of the building and the site boundaries. The range of habitable room windows on the ground and first-floor of the rear elevation of No 141 result in the appeal property being overlooked.
10. Due to the factors outlined above, I conclude that, with particular regard to layout, outlook, light and privacy, the living conditions of the occupants of the studio flat are not of a satisfactory standard. As such, the development does not accord with policies CS5 of the CS, DM01 and DM02 of the DMP or guidance in the SPD:RDG or guidance in the Mayor of London – Housing Supplementary

Planning Guidance (2016), (HSPG), which collectively, and among other things, seek to ensure that developments provide satisfactory living conditions for occupants.

Living conditions – occupants of 141 Station Road

11. Some of the factors already described above, ie the appeal property and No 141 not being sited in plots that are physically divided/separated from each other; the distance between the rear elevation of No 141 and the front elevation of the studio flat being only around 14 and neither property having its own outdoor amenity space, the occupants of the studio flat are able to see through some of the windows of No 141 and overlook its rear outdoor amenity space.
12. Consequently, I conclude that occupants of No 141 are not provided with a satisfactory level of privacy or outlook. As such, the development does not accord with Policy DM01 of the DMP or guidance in the SPD:RDG which, among other things, seek to ensure that occupants of existing properties retain satisfactory living conditions.

Other Matters

13. As noted above, the appellant is willing to sub-divide the existing outdoor space to the rear of No 141 to ensure each property has its own outdoor space. In addition, the appellant is happy to include cycle parking for the studio flat. Although such measures would provide some improvements over the existing arrangements, they would not overcome all the issues I have identified and therefore would not outweigh the harm I have found.
14. My attention has been drawn to examples of other similar developments in the area. However, I do not know the full circumstances of such developments, such as whether they have planning permission or not and if so under which policies they were granted. Notwithstanding this, I consider the examples I saw to be of poor design, and as such should not be drawn upon to justify other unacceptable development.
15. I also note the appellant's concern regarding the Council's handling of the application. However, this matter is outside the scope of the appeal, but one that the appellant may wish to pursue through the Council's complaints procedure.

Conclusion

16. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR