



Appeal Decision

Site visit made on 27 October 2020

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/N5090/W/20/3252455

89 Burleigh Gardens, Southgate, London N14 5AJ

- 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 Veli Bunul against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/6710/FUL, dated 16 December 2019, was refused by notice dated 17 February 2020.
 - The development proposed is conversion of the existing dwelling into 2no self-contained flats involving first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site has an extensive planning history relating to proposals to convert and extend the property including enforcement action and an appeal relating to the unauthorised conversion of the appeal property into three self-contained flats¹ and enforcement action relating to the unauthorised use of an outbuilding at the rear of the property as a self-contained residential unit².
3. It is clear from the evidence provided and my site visit that the main property has been converted into self-contained flats. For avoidance of doubt, my decision relates solely to the change of use as identified on the submitted proposed plans and in the main parties submissions, that show the conversion of the main property into 1 x 2 bed self-contained flat and 1 x 3 bed self-contained flat, involving a first floor rear extension.
4. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

Main Issues

5. The main issues are the effect of the proposed development on:
 - (i) the living conditions of the future occupier of the single bedroom no. 2 in the proposed ground floor flat, with particular regard to outlook;

¹ ENF/00777/16 and APP/N5090/C/16/3163604

² ENF/00967/17

- (ii) the character and amenity of the area; and
- (iii) the character and appearance of the host property and the area, with regard to the proposed first floor rear extension.

Reasons

Living conditions of the future occupiers

6. The submitted plans show that the proposed development would create a reasonable sized area for the ground floor flat with two bedrooms, a living room/kitchen and a bathroom. The single bedroom no. 2 would be served by an obscured glazed window with high level opening only on the side elevation directly facing a common shared pedestrian accessway between Nos. 87 and 89 Burleigh Gardens.
7. Whilst such design elements would reduce the impact of the proposal on the adjacent property and would allow reasonable light penetration, I consider this feature would severely restrict the outlook for the future occupant of bedroom no. 2 and result in a poor quality living environment for the future occupier in this particular case.
8. I note the appellant's willingness to carry out further work and accept a planning condition to install a boundary fence with a minimum height of 1.8m along the side of the appeal property in order to safeguard the amenities of the future occupier of bedroom no. 2. This, however, would result in material changes to the proposal before me and in any event, I am required to consider the proposal on the basis of the same details that were before the Council when it made its decision.
9. Taking all matters into account, I consider that the development would result in an unacceptable impact on the living conditions of the future occupier of the single bedroom no. 2 in the proposed ground floor flat, with particular regard to outlook. It would conflict with Policy 3.5 of the London Plan 2016, Policies DM01 and DM02 of Barnet's Development Management Policies Document 2012 (DMP), the Council's Residential Design Guidance Supplementary Planning Document 2016 (RDG SPD) and the Council's Sustainable Design and Construction SPD 2016. These policies and guidance, amongst other things, seek to ensure that all development proposals including extensions and alterations provide the highest standards of sustainable design and construction internally and externally and protect the amenity of neighbouring and potential occupiers.

Character and amenity of the area

10. The appeal property is a two storey semi-detached dwelling located at the end of a mature well-established residential street, typically characterised by semi-detached properties set back from the road behind a front garden/driveway. It is situated close to the commercial area of Southgate High Street with a range of local services and facilities immediately to the east of the site. I observed during my daytime site visit that the area was fairly busy, experiencing a certain level of noise and disturbance from the surrounding uses and traffic along the road to the front of the site.
11. Whilst the Development Plan acknowledges that existing houses can be converted into flats, Policy DM01 of the DMP recognises that the conversion of

existing dwellings to flats can have a cumulative effect that has the potential to damage the quality of the environment and detract from the character of established residential areas. In seeking to protect Barnet's character and amenity, Policy DM01 of the DMP states that the conversion of dwellings into flats in roads characterised by houses and the loss of houses in roads characterised by houses will not normally be appropriate.

12. The Council have provided details that, apart from the purpose-built block of offices converted into flats at No. 193 Burleigh Gardens, none of the semi-detached properties within the immediate vicinity of the site had been converted into self-contained flats. The Council also state that the internal layout of the proposal, with five reasonable sized bedrooms, could potentially occupy up to 10 residents in the proposed flats compared with its pre-existing use as a 4 bedroom family house with a maximum of 8 people. However, the appellant has stated that the appeal proposal for two self-contained flats, including two single bedrooms, would accommodate a maximum of 8 persons and involve no external changes to the front of the property.
13. Notwithstanding the difference between the main parties, single family housing would remain the predominant housing type in this location. Visually, the proposed self-contained flats would be indistinguishable from the appearance of the family dwellings in this location and there were few obvious physical signs on my site visit of the existing use of the property as self-contained flats.
14. The Council has also expressed concerns that the proposal would increase the intensity of the development and be detrimental to the character and amenity of the area as a result of increased comings and goings, noise, activities and pressure on local infrastructure. It is recognised that a multiple occupation use is of an essentially different character to that of a single family use, often being more transient in nature, with more comings and goings. However, there is little substantive evidence before me to demonstrate that these problems and the pressure on local infrastructure would be materially greater when compared with use of the appeal property as a single dwelling house, which could be occupied by a large family with young children and students.
15. Therefore, based on the evidence before me and my observations during my site visit, I am unconvinced that the proposed use within this area would have a significant effect on the housing mix of the area nor result in an overconcentration of flats leading to a material detrimental change in the character of the area within this particular location. Given the proposed limited intensification of the use of the property and the noise and activities associated with the surrounding uses in this particular location, I consider that the development would not give rise to any significant harm to the character and amenity in the area.
16. I have considered the Council's statement relating to the Inspector's comments on the enforcement appeal on the appeal site. However, the previous appeal related to the conversion of the appeal property into three self-contained flats³ and has different development characteristics to the appeal scheme. I also note the Council's argument's that the granting of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission on these grounds.

³ APP/N5090/C/16/3163604

17. Consequently, I conclude that the proposed development would not result in significant harm to the character and amenity of the area. It would be consistent with Policy DM01 of the DMP, RDG SPD and the Council's Sustainable Design and Construction SPD 2016. These policies and guidance, amongst other things, seek to ensure that development and the conversion of dwellings into flats are of a high standard of design that protect the quality of the environment and the character of the established residential areas.

Character and appearance of the host property and the area

18. The appeal property consists of a two storey semi-detached property in a mature well-established residential location. I observed on my site visit that a number of the nearby properties had single storey and two storey extensions projecting out from the rear of the buildings. The rear of the appeal property is dominated by a large single storey flat roofed extension projecting from the rear across the full width of the house and a large flat roofed dormer on the rear roof plane. As a result, the original rhythm and harmony of the rear elevation of the existing property has been significantly eroded.
19. The proposed first floor rear extension would project out about 3.0m from the rear elevation and extend partially across the width of the house. It would be stepped down below the main ridge of the house with a flat roof. Given the site's location, the proposed first floor rear extension would only be partially visible between the buildings when passing the site. The proposal would be seen in the context of the current varied architectural styles at the rear of the host property and the surrounding properties.
20. Against this backdrop, the scale, form and siting of the proposed first floor extension would not look significantly out of place or excessive in relation to the built form of the host property and the adjacent properties. The overall scale and proportions of the extension, stepped down, together with use of matching materials and fenestrations would ensure the development sits relatively unobtrusively against the built form of the host property. The development would therefore achieve an appropriate degree of subordination to the host property and as such would limit any significant adverse impacts on the street scene in the surrounding area.
21. Consequently, I conclude that the proposed first floor extension would not have a harmful effect on the character and appearance of the host property and the area. It would be consistent with Policy CS5 of the Barnet Core Strategy 2012, Policy DM01 of the DMP and the RDG SPD. These policies and guidance, amongst other things, seek to ensure that development is of a high standard of design that respects the local context in terms of appearance, scale and design of the scheme and responds to the overall character of the area.

Other Matters

22. I have considered the various benefits put forward by the appellant that the proposal would bring, including the scheme's design and providing additional self-contained flats to meet the local housing needs within an accessible location. While I have given them some weight, these modest benefits would not be sufficient to outweigh the harm I have identified in this case. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

23. Notwithstanding my findings on the lack of significant harm to the character and appearance of the host property and the character and amenity of the area, this is outweighed by the harm found to the living conditions of the future occupiers of the proposed ground floor flat. The proposal would conflict with the development plan taken as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR