



Appeal Decision

Site visit made on 21 October 2020

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2020

Appeal Ref: APP/N5090/W/20/3249979
25 Florence Street, London, NW4 1QG

- 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 SAKS Property Ltd against the decision of Barnet London Borough.
 - The application Ref 19/4249/FUL, dated 1 August 2019, was refused by notice dated 1 October 2019.
 - The development proposed is the conversion of no. 25 Florence Street into 2 no. self-contained flats and single storey rear extension to both properties and associated cycle store, refuse and recycling store.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application describes the proposed development as the erection of a single Storey Rear Extension to Nos. 23 and 25 and Conversion of No.25 to Two Self-Contained Flats (Joint Application), whilst the Council's decision notice refers to it as the conversion of no. 25 into 2 no self-contained flats and single storey rear extension to both properties and associated cycle store, refuse and recycling store. Since the Council's description is more complete, I have adopted it in the heading above.
3. At my site visit I saw that both properties now have completed single storey rear extensions. In that regard, I note that the Council's appeal statement includes the following explanation: *'The material manifestation of the extensions has been assessed and approved under planning application reference 19/2238/FUL. Given there has been no change in circumstance on site or local or national policy since the determination of that scheme, the proposed extensions in isolation are considered acceptable'*. In addition, it is stated that *'No. 23 benefits from a Lawful Development Certificate relating to its already existing conversion to 3 flats (19/1046/191)'*.
4. In view of the above, the matters before me relate only to the conversion of no. 25 into 2 no self-contained flats and associated cycle store, refuse and recycling store. I have therefore amended the address in the heading above to refer only to that dwelling. Since the rear extensions have been granted planning permission by the Council, they will not feature in my consideration of the merits of the appeal.

Main Issues

5. There are 2 main issues in this case: i) the effect of the loss of a single family, 3 bedroom dwellinghouse at no. 25 in respect of the established character of Florence Street; ii) the living conditions for future occupiers in terms of outside amenity space, level of privacy, and 'stacking'.

Reasons

Established character

6. Essentially Florence Street consists of small Victorian terraces, a familiar part of the suburban character of Barnet. The properties have small forecourts that are generally too small to provide space for car parking. Policy DM01, of the Council's Development Management Policies DPD (2012), states that development proposals 'should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.'
7. The Council considers is that the cumulative impact of introducing flats to the site, together with the associated increase in density and refuse/cycle requirements, the proposed conversion would conflict with the established character of the street. The proposal would result in the requirement of significant built form to the front forecourt (for refuse and cycle storage) which would look cramped and at odds with the established overall street scene.
8. In response, the appellant considers that self-contained flats already form a part of the established character of Florence Street, with nos. 23 and 36 already being flats. In addition to the rear of the site on Church Road, there are a further 4 examples of self-contained flats at 1a, 5a, 6a and 9a Sutton Parade, and recently applications at Craymere Cottage and Fordfield Cottage on the corner of the junction of Florence Street and Parson Street were approved. There was also a development on the opposite side for a further 8 self-contained flats. This demonstrates that flatted development is part of the character of the surrounding area.
9. In my judgement, it is the situation in Florence Street, rather than the wider area, that is important. At my site visit I was able to identify that no. 36 Florence Street is in use as flats, but otherwise every house, other than no. 23, has the appearance of being a single family dwelling. Thus, it appears that there are currently only 2 properties that have been converted into flats. A good number of front gardens have hedges and shrubs, although there are also examples where front boundary walls have been removed to allow for a degree of parking, but I only saw a limited amount of bin storage.
10. The conversion of no. 25 would necessitate bin and cycle storage which would occupy a substantial part of the front curtilage. This would be highly intrusive in the street scene and would be very much at odds with the present character. The additional residents and associated activity would also tend towards a change in the character of the street. Once the character of the street begins to change, increased pressure would be likely to build for further conversions of a similar nature. Whilst every proposal must be considered on its merits, the arguments already used by the appellant in this case demonstrate that pressure could build on the Council to permit subsequent applications.

11. I conclude that the effect of the loss of a single family, 3 bedroom dwellinghouse at no. 25 would be deleterious to the established character of Florence Street and therefore in conflict Policy DM01. I note that the appellant states a willingness to have a condition imposed on a permission that would prohibit parking permit applications from the occupants of the property, but that does not go to the nub of the objection as I have expressed it above.

Living conditions of future occupiers

12. The rear garden area would be associated with the ground floor flat as it would not be possible to provide external amenity space for the upper floor flat, without compromising the amenity of ground floor occupiers. Its area amounts to some 23m². Table 2.3 of the Council's Sustainable Design and Construction Supplementary Planning Document sets out the requirements for each size of unit. As the Council explains, 5m² is usually required for each habitable room. Habitable rooms over 20m² are regarded as 2 habitable rooms for the purpose of this calculation. Therefore, each of the proposed flats is regarded as having 2 habitable rooms and so each would require 20m² of outdoor amenity space. Thus the standard is met for the ground floor flat, but there would be a shortfall in respect of the upper flat. The officer's report acknowledges that the shortfall of amenity space is not a reason for refusal in itself, but I regard it as a further indication that the proposed conversion is unsatisfactory.
13. Turning to privacy, the Council's concern is that Flat 2 would benefit from a rear outlook from the first floor and from a substantial dormer on the second floor; there is thus scope for substantial overlooking from Flat 2 into the limited amenity space of Flat 1. However, the appellant has provided a diagram that suggests that there would not be undue overlooking of the garden area from the first and second floors, taking into account the ground level extension which would, to an extent, protrude into the view. From this, I am satisfied that this matter does not amount to a reason for refusal.
14. As far as stacking is concerned, about half of the living room of the upper flat, which includes a kitchen area, would be situated over the main bedroom of the ground floor unit. Whilst it is true that sound insulation in accordance with building regulations would be installed, this is a further indication that the conversion as proposed is less than satisfactory.
15. My conclusion on this issue is that nature of the living conditions for future occupiers, although having shortcomings, does not amount to an additional reason for the refusal of planning permission.

Conclusions

16. The effect of the loss of a single family dwellinghouse and its conversion into 2 flats, would be harmful to the established character of Florence Street, contrary to Policy DM01 of the Council's Development Management Policies DPD (2012). I therefore dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR