



Appeal Decision

Site visit made on 24 November 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2020

Appeal Ref: APP/N5090/W/20/3247108

68 The Ridgeway, Golders Green, London NW11 8PG

- 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 68 Ridgeway Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/6271/FUL, dated 21 November 2019, was refused by notice dated 20 January 2020.
 - The development proposed is conversion of the existing dwelling into 5no self-contained flats. Roof extension including erection of dormer windows to front, rear and side elevations. Associated refuse and recycling, parking, cycle store and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for 'conversion of the existing dwelling into 5no self-contained flats. Roof extension including erection of dormer windows to front, rear and side elevations. Associated refuse and recycling, parking, cycle store and amenity space' at 68 The Ridgeway, Golders Green, London NW11 8PG in accordance with the terms of the application, Ref 19/6271/FUL, dated 21 November 2019 subject to the conditions set out in the attached schedule.

Procedural Matters

2. The appeal follows previous applications on the site which include a grant of planning permission under application reference 19/3650/FUL for development including conversion of the existing dwelling to 4 flats. The appellant has also drawn my attention to a 'minor material amendment' to that permission which was approved by the Council under application reference 20/3580/S73 ('the MMA'). Under the MMA, there is extant permission for 4 flats which would provide for a total of 10 bedrooms and occupancy of 17 people on the site. The MMA was approved subsequent to the submission of the appeal and is a material change in circumstances. The Council were afforded an opportunity to comment on this change, and I am satisfied that my consideration of the MMA would not prejudice the interests of any party. I have therefore taken it into account in determining this appeal.
3. At the time of my visit, construction work was taking place on the site. I have nevertheless determined the appeal on the basis of the submitted plans.

Main Issues

4. The main issues are the effect of the proposal on the character of the area and the living conditions of the occupiers of neighbouring dwellings with particular regard to noise and disturbance.

Reasons

5. The appeal proposes alterations to a semi-detached dwelling on The Ridgeway and its conversion to 5 flats. The appeal site is close to the junction of The Ridgeway with Gresham Gardens, and includes a gated access from this street to the rear garden. The predominantly residential streets near to the site are for the most part characterised by a mix of detached and semi-detached buildings. Although many of the buildings along The Ridgeway appear to be single dwellings, several have been converted to varying numbers of flats. There are also some purpose-built flats and a residential care home close to the site.
6. From my visit and the information before me, I see no reason to disagree with the Council's assessment that the proposed alterations to the roof of the appeal property would be acceptable.
7. Turning to the conversion of the building, there would be no increase to the number of bedrooms on the site from the 9 within the large dwelling that would be replaced. The suggested occupancy of 14 people would also be broadly similar to the total number that could potentially occupy that dwelling. Even so, as a single dwelling, there would be a higher likelihood of shared trips by residents that would not be the case for separate households. Even if there were a small reduction in the total number of residents as the appellant contends, I therefore consider that occupation of the building by 5 independent households would still be likely to result in additional comings and goings at different times. This activity and the proposal would result in some change to the character of the appeal building from that of a single-family dwelling.
8. Nevertheless, that there is extant planning permission for conversion of the appeal property to flats is an important material consideration which cannot be ignored. Under the MMA scheme, the appeal site could provide for 4 flats with a total of 10 bedrooms and an occupancy of 17 people. Against this position, the appeal proposal would result in an additional dwelling on the site, but the total number of bedrooms would be reduced by one and the suggested occupancy would fall by 3 people. Notwithstanding the additional household, taking these factors and the larger size of 2 of the flats under the MMA into account, I consider that any increase in the intensity of activity by residents, deliveries and other visitors to the site would be fairly limited overall.
9. Moreover, while I acknowledge the close proximity of neighbouring dwellings, there would be no change to the provision of parking within the site from the 4 spaces under the extant permission. An increase in car movements to and from the site itself would therefore be unlikely, with any additional comings and goings by pedestrians, reducing the potential for noise and disturbance associated with such movements. Given the lower levels of occupation, any change in use of the communal garden would also be likely to be very modest. I therefore consider that any increase in the intensity of activity overall from that which could already result under the MMA would be very limited, and as a result would not impact on the living conditions of neighbouring occupiers in any meaningful way.
10. Given other nearby buildings which accommodate varying numbers of flats, occupation of the appeal building as flats would not in itself be out of keeping or incongruous. There would be separate outdoor amenity space for the 2 ground floor flats, but the main garden would be communal, avoiding excessive subdivision of the site. The garden is also shown to accommodate cycle storage

and the majority of the storage for refuse and recycling for the flats. This would be accessible from Gresham Gardens, and there is no substantive information before me to indicate that this arrangement would be unacceptable. Boundary treatment to the site means that the storage to the rear of the building would not be generally visible from the street scene, and the modest extent of the remaining refuse and recycling provision to the front of the site would not be prominent or out of place. As already noted, there would also be no change to the number of parking spaces from those already approved. In any case, I saw many examples of similar or greater levels of hardstanding to the front of nearby buildings and it would not therefore appear out of keeping.

11. The Council suggest that the proposal would result in a higher number of flats than has typically been provided through conversion of other single dwellings nearby. Be that as it may, for the reasons above it seems to me that there would be little outward indication of the number of flats on the site over and above the 4 already permitted. Accordingly, I do not find that the proposal would result in any tangible harm to the character or appearance of the area.
12. I note previous appeals on the site had been dismissed, but they related to proposals for a greater number of dwellings and occupancy of the site. They are therefore materially different to the appeal before me which I have determined on its own merits and taking into account its particular circumstances.
13. For all of these reasons, I conclude that the proposal would not unacceptably harm the character of the area nor the living conditions of neighbouring occupiers. Accordingly, I find no conflict with Policies CSNPPF or CS5 of the Local Plan Core Strategy 2012 or with Policy DM01 of the Local Plan Development Management Policies 2012 which include requirements to broadly conserve and enhance the distinctiveness of Barnet and its character and amenity. I also find no conflict with guidance in the Residential Design Guidance Supplementary Planning Document 2016 or the Sustainable Design and Construction Supplementary Planning Document 2016 which generally seek protection for existing living conditions.

Other Matters

14. At the time of my visit, a large number of parking spaces were available on street near to the site. Although this was during the day, the Council has also not disputed the appellant's parking assessment which shows capacity in the area, and there is no clear evidence before me of existing parking stress that would be exacerbated by the proposal. While I have had regard to representations by interested parties, none of the other matters raised alter or outweigh my conclusions on the main issues.

Conditions

15. I have considered suggested conditions having regard to the tests set out at paragraph 55 of the Framework. I have amended them where necessary for the sake of clarity and to avoid duplication or the use of pre-commencement conditions where this is not necessary for a condition to achieve its purpose.
16. I have imposed a condition specifying the approved plans (1) for the avoidance of doubt and in the interest of certainty. In order to ensure a satisfactory appearance, I have imposed a condition relating to the external materials of the development (2), although I consider that the use of materials to match the

existing building would be an appropriate response and I have not therefore required submission of further details. Conditions to require details and implementation of landscaping including hard surfacing materials (3); of refuse and recycling storage (4) of cycle storage (5) and parking as suggested by the Council's Highways consultee (6) are necessary in the interests of the character of the area and to ensure satisfactory provision. The Highways consultee has also suggested a construction management plan be required, but I am not persuaded that this would be necessary given the nature of the appeal site and the scale of the development, and so I have not imposed this condition.

17. The Council has suggested a condition to require details of the subdivision of the amenity area, though the proposal only indicates separate areas for the ground floor flats. I have nevertheless imposed a condition to require implementation of boundaries to these spaces (7) to ensure defensible space at the rear of the flats. In the interests of the living conditions of neighbouring and future occupiers, I have imposed conditions to ensure there is no unacceptable overlooking to 66 The Ridgeway (8), and to secure suitable sound insulation (9). Finally, a condition relating to water use (10) is necessary in the interests of resource efficiency.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: U-BY-LP001; U-BY-EP001; U-BY-EP002; U-BY-EP003; U-BY-EE001; U-BY-EE002; U-BY-PLL001; U-BY-PP001; U-BY-PP002; U-BY-PP003; U-BY-PE001; U-BY-PE002 Proposed Side Elevations; and U-BY-PE002 Proposed Section.
- 2) The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building.
- 3) Before the development hereby permitted is first occupied, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping and materials for hard surfaced areas.

All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use

Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion

- of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- 4) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the development and shall be permanently retained as such thereafter.
 - 5) Before the development hereby permitted is first occupied, cycle parking and cycle storage facilities shall be provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The cycle parking and cycle storage shall be permanently retained thereafter.
 - 6) Before the development hereby permitted is first occupied, vehicle parking shall be provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority including the dimensions of the existing/proposed crossovers and off-street parking and that space shall thereafter be kept available at all times for the parking of vehicles in connection with approved development.
 - 7) Before the development hereby permitted is first occupied, details of boundary treatment to the gardens for the ground floor flats shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the development and shall be permanently retained as such thereafter
 - 8) Before the development hereby permitted is first occupied, the dormer to the side of the building facing 66 The Ridgeway shall be glazed with obscure glass only to a height of 1700mm above floor level and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.
 - 9) Before the development hereby permitted is first occupied, copies of pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).
 - 10) Before the development hereby permitted is first occupied, the dwellings shall have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings-based approach used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

End of Schedule