
Appeal Decision

Site visit made on 5 January 2021

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 01 February 2021

Appeal Ref: APP/N5090/W/20/3258269

1 Priory Villas, London, N11 3DB.

- 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 Pietro Sabatello against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/0134/FUL, dated 7 January 2020.
 - The development proposed is described as *alterations to ground floor to form one bedroom flat*.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council did not determine the application within the prescribed period but its appeal statement indicated that it would have refused the application for two reasons; these were in essence; (i) justification for the proposed provision of off-street car parking in the form of a Car Parking Survey conducted in line with the Lambeth Methodology was not provided and (ii) the potential harm to future residents living conditions in respect of the provision of private amenity space, outlook and natural light.

Main Issues

3. I have considered the application afresh and consider the main issues to be:
 - a) whether the development would provide sufficient private amenity space to meet the satisfactory living conditions of existing and further residents, the proposed bedroom window would provide adequate privacy and the proposed windows would in general afford sufficient natural light and outlook for existing and future occupiers; and,
 - b) whether the proposed development would provide adequate off-street parking to serve the occupiers of the proposed and existing flats.

Reasons

4. The property the subject of this appeal, 1 Priory Villas, is a two-storey building built in the mid 1980's. Since when it has been extended and altered. From the Design and Access Statement I understand it comprises 3 self-contained flats (with a total of 5 bedrooms) and one off-street parking space located to the front of the property. In addition there is an area of land identified as

amenity space to the rear. There is also an existing undercroft area and a large store.

5. The appellant proposes the alteration of the existing ground floor store together with extension into the undercroft area to form an additional one bedroom flat. The new flat would have direct access to the existing amenity space.

Living conditions

6. The existing area of amenity space to the rear of the property is currently an unfenced unattractive utilitarian area surfaced with concrete. On the occasion of my visit it housed a single large commercial wheelie bin.
7. The new flat would have direct access to this amenity area. From the evidence I understand that it is proposed that existing amenity area would be for the sole use of the occupants of the new flat. In this respect the Council state that it would provide adequate outdoor amenity space for the new flat. However, the scheme design does not indicate any outside amenity space for the occupiers of the other flats, or indeed areas identified for the storage of waste, recyclables and bicycles.
8. I accept that if, as proposed, the existing amenity space is for the sole use of the occupiers of the new flat then the other residents may well have access to local parks etc. for recreation. However I do not consider that adequate amenity provision would then be provided for example their refuse, recyclables and cycle storage. This would result overall in a lack of amenity space for the building when considered as a whole.
9. The proposed bedroom would have only one window located hard against the edge of the narrow access road and looking directly over it. Given the distance to the property opposite it may well provide adequate natural daylight to satisfy building regulations. However, unless obscure glazed it would, in my judgement, fail to offer future residents adequate privacy from people using the access road. However, given that this room only has one window, if it were obscure glazed, it would provide insufficient outlook.
10. The kitchen/lounge would be dual aspect. However, because the proposed small side window would be under part of the existing undercroft this would, in respect of this window, to some extent reduce the degree of outlook and natural light. In my judgement, given the proposed large bi-fold doors and window overlooking the private amenity space, the overall size of the room and the fact that the undercroft window faces the street I am satisfied that the kitchen/living room would have sufficient level of natural light and the proposed windows would provide adequate outlook, given this urban location.
11. I have found that the kitchen/living room would have adequate natural light. However, the bedroom window would not provide adequate privacy. Further, if as proposed the existing amenity area were to be for the sole use of the occupiers of the new flat then overall the development would provide insufficient private amenity space to meet the satisfactory living conditions of existing residents. I therefore conclude in respect of the first main issue that the development as proposed would result in inadequate living conditions. This would be contrary to Policy DM02 of the of the London Borough of Barnet's – Barnet's Local Plan (Development Management Policies) (Adopted September

2012) (DMP) and the London Borough of Barnet – Local Plan Supplementary Planning Document: *Residential Design Guidance* (Adopted October 2016) (SPD) as they seek to provide adequate living conditions for residential occupiers.

Off-street parking

12. I understand from the Council's evidence that the site lies within a PTAL 3 zone and therefore it requires one off-street parking space to serve the new flat. The appellant has identified an area of land adjacent to the proposed amenity space for this purpose, where I noticed a car was parked on the occasion of my site visit.
13. However, that would result in just one parking space to serve the existing 3 flats. The Council are silent on how many parking spaces are required to meet its standards and the appellant's survey drawing fails to identify existing provision beyond the one space shown.
14. Based on the appellant's evidence given four flats, four off-street parking spaces would seem to be required, however only two spaces are illustrated. However, even if I am mistaken in the number of spaces required, it is nevertheless, given the number of flats, likely that the development may well result in some parking stress. Accordingly I agree with the Council that a detailed parking survey in line with the Lambeth Methodology should be carried out to demonstrate whether sufficient off-street parking is available to serve the development.
15. I conclude in respect of the second main issue that based on the lack of justification the number of parking spaces to be provided the development is likely to result in parking stress locally. This would be contrary to Policy CS9 of the London Borough of Barnet's – Barnet's Local Plan (Core Strategy) Development Plan Document (Adopted September 2012) (DPD) and Policy DM17 of the DMP as they seek, amongst other things, effective parking management.

Other Considerations

16. The appellant has referred me to an Officer's report in respect of a similar development within 20 meters or so of the appeal site. It would appear from the unidentified extract provided that the development was found to be acceptable despite no on-site parking and a short fall in amenity space. Whatever the background to that case, the Officer's finding there are not an appropriate justification for permitting the development here for the reasons set out above.

Conclusions

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR

