



Appeal Decision

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2021

Appeal Ref: APP/N5090/D/3260750

53 Ridge Hill, Golders Green, London NW11 8PR

- 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 Adil Malik against the decision of the Council of the London Borough of Barnet.
- The application Ref 20/3361/HSE, dated 21 July 2020, was refused by notice dated 16 September 2020.
- The development proposed is described on the application form as *"To provide two further bath/shower rooms at the property"*.

Summary of Decision: The appeal is allowed and planning permission is granted subject to conditions set out below in the Formal Decision.

Procedural Matters

1. In response to travel restrictions currently in place due to the COVID-19 pandemic, I consider that the appeal can be determined without the need for a site visit. This is because I have been able to reach a decision based on the information already available. The appellant agreed to the appeal proceeding on this basis. In the absence of a response to the contrary, I have assumed that the Council also raised no objection.
2. In the context of an appeal under s78 of the Act it is not within my remit to formally determine whether the proposal requires planning permission. The lawfulness of the proposal is a matter for an application for a Certificate of Lawful Use or Development (LDC) under s192 of the Act. However, I shall consider the evidence as to whether permission is required so far as it is material to this appeal.

Application for costs

3. An application for costs was made by Mr Adil Malik against the Council of the London Borough of Barnet. This application is the subject of a separate Decision.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal concerns a semi-detached residential property, with living accommodation arranged over three floors. The property is located in an

established residential area, largely made up of pairs of family houses of similar age and appearance.

6. On 9 May 2019 the Council issued an enforcement notice alleging the unauthorised material change of use of the property to five self-contained flats, requiring such use to cease. On 6 January 2020, the notice was upheld at appeal¹. The notice also required the removal of works that facilitated the material change of use, including three bathrooms and all but two kitchens. On 10 July 2020, the Council issued an LDC under s192 of the Act concerning conversion of the property to a single family dwelling with two kitchens and two shower rooms². According to the plan which accompanied the LDC application, the dwelling would have two large bedrooms and a dressing room on the ground floor; a kitchen, dining room, two living rooms and a bathroom on the first floor; and two further bedrooms, a kitchen and a shower room in the loft area.
7. The two further shower rooms proposed would serve the two large bedrooms on the ground floor. The application form makes it clear that permission is sought for works to a dwelling. Permission is not sought for a material change of use to two or more dwellings. The proposed shower rooms would be in different locations to those that served the unauthorised flats. The proposal would not result in the ground floor having all the facilities required for day-to-day private existence. Therefore, the proposal would not involve works that facilitate the use of the property as more than one dwelling. It follows that the proposal would not be inconsistent with the notice. None of the notice requirements would cease to have effect if permission were granted. In the event of works being undertaken that facilitated use of the property other than as a single dwelling, the Council could take further enforcement action.
8. The proposal would mean that the property is provided with four shower rooms in total. However, it is not particularly unusual for a dwelling to be laid out internally so that the larger bedrooms in particular have an ensuite shower room, or access to such a facility on the same floor. Occupiers using the ground floor bedrooms would otherwise have to use the facilities on the first or second floors. As larger bedrooms are more likely to be used by couples, convenient access to washing and toilet facilities is likely to be of considerable importance in terms of the occupiers' living conditions. Therefore, the proposed internal layout is entirely practical in terms of the use of the property as a single dwelling. Moreover, the two shower rooms are the only difference from the internal layout of the dwelling in the LDC application. Consequently, the proposal would not create an excessive or unreasonable number of shower rooms in terms of use as a single dwelling, having regard to the size and internal layout of the property.
9. Additionally, evidence of the local population demographic suggests it is entirely likely that the property would be occupied by persons with stringent personal hygiene requirements, due to their religious or cultural beliefs. Given the size of the property, the future occupiers are likely to be a large family, members of which would all benefit from convenient access to washing facilities. The positive implications the proposal would therefore have in terms of promoting equality also adds weight to my conclusions regarding its reasonableness in the context of the use of the property as a single dwelling.

¹ Appeal Ref: APP/N5090/C/19/3230596.

² Council Ref: 20/2805/192.

10. Therefore, the proposal would not adversely affect the character of the property as a single dwelling or that of its surroundings. Also, as the works would be internal, there would be little by way of visual impact on the appearance of the area. It follows that the proposal accords with Policy CS1 of Barnet's Local Plan Core Strategy (CS), as the distinctiveness of the Borough as a place to live would be conserved. The proposal also accords with CS Policy CS5, as it would respect the local context and distinctive character. Furthermore, the proposal accords with Policy DM01 of Barnet's Local Plan Development Management Policies, as the character and appearance of the locality is preserved and it would not result in subdivision of a house in an area characterised by houses.

Conditions

11. In addition to the standard commencement condition I shall impose a condition specifying the approved plans, in the interests of certainty.

Conclusion

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

Formal Decision

13. The appeal is allowed and planning permission is granted to provide two further bath/shower rooms at 53 Ridge Hill, Golders Green, London NW11 8PR in accordance with the terms of the application, Ref 20/3361/HSE, dated 21 July 2020, subject to the following conditions:
- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Ref: MP/02 Proposed Floor Plans.

Stephen Hawkins

INSPECTOR