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## Appeal Decision

Site visit made on 23 February 2021

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 March 2021**

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**Appeal Ref: APP/N5090/W/20/3264108**

**30 Wessex Gardens, Golders Green, London NW11 9RR**

- 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 Ms S Kuszer against the decision of the Council of the London Borough of Barnet.
  - The application Ref 20/4342/FUL, dated 1 September 2020, was refused by notice dated 13 November 2020.
  - The development proposed is for a conversion of the existing dwelling into 2no self-contained flats including two storey side extension with new pitch roof, single storey rear extension, roof extension involving rear dormer window and front, side and rear facing roof lights. New front porch to provide access to both flats. Reinstatement of 2no existing garages with new flat roof and garage doors. Associated amenity space.
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### Decision

1. The appeal is allowed and planning permission is granted for the 'conversion of the existing dwelling into 2no self-contained flats including two storey side extension with new pitch roof, single storey rear extension, roof extension involving rear dormer window and front, side and rear facing roof lights. New front porch to provide access to both flats. Reinstatement of 2no existing garages with new flat roof and garage doors. Associated amenity space' at 30 Wessex Gardens, Golders Green, London NW11 9RR in accordance with the terms of the application, Ref 20/4342/FUL, dated 1 September 2020, subject to the conditions set out in the attached schedule.

### Procedural Matters

2. For clarity, the title of the appellant differs on the appeal form when compared to the application form. As the appeal form is the most recent document in the appellant's submission, I have used the title displayed in this document.
3. The London Plan 2021 (LonP 2021) has been published by the Mayor during the course of this appeal. The LonP 2021 comprises the spatial development strategy for London and is now part of the development plan, to which I attribute full weight to its policies. S38(5) of the Act<sup>1</sup> states that where there is conflict between policies in different plans, the conflict must be resolved in favour of the more recent policy. Both main parties were given the opportunity to comment on any implications for the appeal, although no comments have been received. In this instance, I will not prejudice either party in taking the LonP 2021 or the comments received into account in the determination of this appeal.

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<sup>1</sup> Town and Country Planning Act 1990

## **Main Issue**

4. The main issue of this appeal is the effect of the proposed development on the delivery of housing choice in Barnet and whether the scheme would provide an appropriate location for the development proposed having regard to the established character of the area.

## **Reasons**

5. The host property comprises a semi-detached house within an established residential suburb that is predominantly characterised by traditional family sized 2-storey semi-detached houses with front and rear gardens, varying in design. The appeal proposal is to subdivide the property into 2no. self-contained flats, comprising a 2no. bedroom, 4no. person bedroom dwelling on the ground floor and a 3no. bedroom, 4no. person dwelling at first floor and in the roof space. Both units would have their own outside amenity space and a garage. The site is located within an accessible location with a PTAL<sup>2</sup> rating of 3.
6. Policies CS1 and CS5 of the Council's Local Plan (Core Strategy) Development Plan Document 2012 (CS) seek to protect and enhance those high quality suburbs not protected by conservation area designation. Policy DM01 of the Council's Local Plan (Development Management Policies) Development Management Document 2012 (DMP) requires an understanding of local characteristics and for development proposal to preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. This is reinforced by the Council's Supplementary Planning Document: Residential Design Guidance 2016 (SPD), which states that the conversion of existing dwellings into flats can have a cumulative impact on environmental quality and the character of established residential areas.
7. The SPD further advises that conversions may be appropriate in certain types of property or street particularly where they are highly accessible. Although, I acknowledge that it recognises that even in such locations they can still potentially harm the character of areas through external alterations and an increase in activity. My attention has been drawn to 2no. appeal decisions by the Council. The first decision<sup>3</sup> was for the conversion of a semi-detached house to a one bedroom flat at ground floor with a studio/shed and a two bedroom flat at first floor and in the roof space, which was allowed. The second decision<sup>4</sup> was again for 2no. self-contained flats. Although, there is little detail surrounding the number of bedrooms proposed in this scheme, the Inspector states that the proposal would make a positive contribution to meeting the Council's need for one and two bedroom units. On this site, a further self-contained flat was present in a single storey outbuilding.
8. Whilst I acknowledge the comments from the previous Inspector on the second decision, particularly the conclusion that he reached in dismissing the appeal. This was before the introduction of the LonP 2021. The scheme before me will result in the conversion of a house to a pair of flats and would introduce an additional 2no. bed unit to the area. However, in the case of this appeal the

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<sup>2</sup> Public Transport Accessibility Level

<sup>3</sup> APP/N5090/W/16/3163250

<sup>4</sup> APP/N5090/W/18/3208325

proposed development would have a 3no. bedroom family unit incorporated within it, facilitated by the proposed extensions and alterations to the property. Thus, I consider that there are material differences between this scheme and that proposed under the previous appeal.

9. The proposed development would contribute to the existing flats<sup>5</sup> and HMO<sup>6</sup> already present in the immediate vicinity of the site and the additional 3no. properties granted planning permission<sup>7</sup> for a flat conversion elsewhere in Wessex Gardens and 1-5 Wessex Court on Wessex Way. Given the design of the proposed development, particularly the retention of a single external door on the front elevation of the host property and the proposed landscaped front garden, refraining from installing hardstanding the area for vehicular parking, the appearance of the host property will largely retain that of a single dwelling. However, on days when refuse is collected, I accept that it is likely that more bins would be displayed on the footpath.
10. The introduction of the LonP 2021 is a matter which I attach very significant weight. The LonP 2021 seeks to make the best use of land<sup>8</sup>, exploring the potential to intensify the use of land to support additional homes, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. This approach is to ensure that more homes are delivered, delivering the homes Londoners need<sup>9</sup>, delivered through a design-led approach<sup>10</sup>. Furthermore, the LonP 2021 identifies that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites<sup>11</sup>, and the need for additional family housing and the role of one and two bed units in freeing up existing family housing<sup>12</sup>. The objectives of the LonP 2021 aligns with the thrust of the National Planning Policy Framework (the Framework), which requires more dwellings to be delivered.
11. For the reasons given above, I find that the proposed development would not conflict with local and national planning policies, which seek to achieve a sustainable housing choice in appropriate locations. Although there would be minor conflict with CS Policies CS1, CS5, DMP Policy DM01 and the guidance contained within the SPD, I have found that there would be no conflict with the Council's overall development strategy and character aims. Therefore, when the development plan is taken as a whole, I find the minor conflicts with CS Policies CS1, CS5, DMP Policy DM01 and the guidance contained within the SPD are clearly outweighed through the objectives outlined in the LonP 2021. Furthermore, the proposed development would accord with the requirements of the Framework.

## Conditions

12. The Council has suggested conditions which I have considered, making amendments and minor corrections, where necessary, to ensure clarity and

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<sup>5</sup> No's 22, 26 and 40 Wessex Gardens

<sup>6</sup> No 28 Wessex Gardens

<sup>7</sup> No's 23, 43 and 51 Wessex Gardens

<sup>8</sup> LonP 2021 Policy GG2, p.17

<sup>9</sup> LonP 2021 Policy GG4, p.20

<sup>10</sup> LonP 2021 Policy D3, p.110

<sup>11</sup> LonP 2021 Policy H2, p.166

<sup>12</sup> LonP 2021 Policy H10, p.190

compliance with the tests contained within Paragraph 55 of the Framework and the Planning Practice Guidance (PPG).

13. In addition to conditions relating to the time limit for implementation and the approved plans for certainty. I have included a condition surrounding external materials as it is reasonable and necessary in the interest of the character and appearance of the area. I consider that it is both reasonable and necessary to include a condition defining the use of the flat roof on the single storey rear extension in the interest of the living conditions of the occupiers of the adjoining house.
14. A condition to secure 2no. off street parking is both reasonable and necessary in the interest of highway safety and to ensure that the appropriate level of off-street parking is available. A condition is reasonable and necessary for details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins in the interest of the character and appearance of the appeal site and surrounding area. A condition is reasonable and necessary for details of cycle parking to be submitted to ensure that alternative methods of travel and its security are available to future occupants of the proposed development.
15. I have not included conditions relating to water meters or sound insulation as it is not reasonable or necessary, as this will be covered under Building Regulations legislation. A condition for a hard and soft landscaping, and a pre-commencement condition for a CEMP<sup>13</sup> and related condition survey are not reasonable or necessary in this instance, given the scale of the proposed development. A condition for a dropped crossing is also not reasonable and necessary, as a dropped crossing already exists in front of the garages and there is little detail provided by the Senior Development Control Engineer<sup>14</sup> to justify the imposition of such a condition or acknowledgement of the existing dropped crossing.

### **Planning Balance and Conclusion**

16. Given my findings above, the proposed development would result in the provision of an additional dwelling that would generate additional social benefits, albeit modest. In addition, there would be economic benefits for the locality, both during construction works and occupation. Although the proposed development would result in minor conflict with CS Policies CS1, CS5, DMP Policy DM01 and the SPD, it would nonetheless be in an accessible location and would accord with the objectives of the LonP 2021 and the requirements of the Framework.
17. Taking all matters into consideration, I conclude that the appeal should succeed.

*W Johnson*

INSPECTOR

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<sup>13</sup> Construction Method Statement

<sup>14</sup> Highways Consultation email dated 18 October 2020

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: C24 20-FE; C2420-T; 503-A01 A; 503-A02; 503-A03; 503-A04; Location Plan; Simon Pryce Arboriculture – Report dated 6 June 2020; Trees and Proposed building work – existing site. Ref: 20/026; Trees and Proposed building work – proposed site. Ref: 20/026 and Design and Access Statement by KO Architects– dated May 2020.
- 3) The materials to be used in the external surfaces of the building shall match those used in the existing building.
- 4) The flat roof of the single storey rear extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.
- 5) Before the development hereby permitted is first occupied, the 2no. off street parking spaces in the garages shall be implemented, fully in accordance with the approved drawings, and then shall not be used for any purpose other than the parking of vehicles in connection with the approved development.
- 6) a) 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.  
  
b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.
- 7) Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, a minimum of 4 (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of cycles in connection with the approved development.

End of Schedule