
Appeal Decision

Site visit made on 29 March 2021

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2021

Appeal Ref: APP/N5090/W/20/3263023
93 Waterfall Road, Southgate, N11 1BT

- 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 J Bomanji against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/1747/FUL, dated 7 April 2020, was refused by notice dated 23 September 2020.
 - The development proposed is the conversion of the existing dwelling into 2no self-contained flats, with associated cycle parking and refuse/recycling store.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed conversion on the character and appearance of the area around Waterfall Road, with particular reference to the provision of single-family housing.

Reasons

3. No 93 Waterfall Road is a detached house situated on the western side of the road. This part of Waterfall Road is characterised largely by detached and semi-detached houses set back from the road and with long rear gardens. The road slopes down from south-west to north-east. The appeal property has a large full-width rear conservatory and an attached single garage. The garage, due to the slope of the terrain, is set below the level of the main house by around some 0.6 – 0.7 metres.
4. The Council's Development Management Policies Document (DMP) indicates that the conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. Policy DM01 of the DMP indicates that development proposals should be based on an understanding of local characteristics, and that conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.
5. The Council's Residential Design Guide Supplementary Planning Document (RDG) indicates that conversions can generate extra movement of people and vehicles. Conversion proposals are therefore likely to be resisted in areas of low-density housing where predominantly there are single-family occupation

houses. It continues by noting that where the conversion of a single-family home into flats is proposed certain criteria should be considered. These include that the property should be large enough to be converted without the need for substantial additional extensions, and that unit sizes should conform with the London Plan's minimum space standards. Minimum space standards are now covered by the government's Technical Housing Standards – nationally described space standard (THS).

6. At the time of my visit, the property appeared to be set out as a House in Multiple Occupation (HMO), with a number of separate locked bedrooms. I note that there has, in the recent past, been a refusal of a planning application for conversion of the property into an HMO, and that a subsequent appeal was dismissed. The Inspector, in the appeal decision letter, notes that the neighbouring dwelling, No. 95, is an HMO, and that a Lawful Development Certificate (LDC) for that use was issued in 2015. However, it would appear that this LDC was issued prior to the issue of an Article 4 Direction to restrict such a permitted conversion. The Inspector continues by indicating that otherwise, all dwellings on this section of Waterfall Road are single-family dwellings and the area has, consequently, a quiet and calm character, despite the traffic on Waterfall Road. The Inspector concluded that the use of the property as a 6 person HMO would introduce a significantly higher level of comings and goings than is associated with a single-family dwelling.
7. The current proposal would involve the conversion of the house into two flats. There would be a 4-bedroom, 6-person flat on the ground floor, and a one-bedroom, 2-person flat on the first floor. The development of the ground-floor flat would include the conversion of the existing garage into two single bedrooms and a storage area. The ground-floor flat would have a Gross Internal Area (GIA) floorspace of 99 sq metres, and the first-floor flat would have a GIA of 58 sq metres. Both would meet the minimum standard GIA as set out in the THS, albeit the ground-floor flat would be set at the absolute minimum.
8. I have concerns with regard to the ground-floor flat. The submitted floor plans do not appear to make any provision for the change in levels between the main house and the garage. The garage currently has an overall height of only around some 2.5 metres, and I am not convinced that the provision of steps down would be possible without significant alterations and/or adverse effects on the size of the bedrooms and storage area. Either would be likely to reduce the size of the unit to below the THS minimum. Moreover, the configuration of the ground floor rooms would appear to result in the provision of a very small general living area for the needs of 6 persons. Overall, whilst the unit layout may appear to provide around the minimum space standard, in practice the configuration of the rooms and the difference in levels would be likely to result in an inadequate and unsatisfactory level of accommodation for a 6-person household.
9. The Council is concerned that the conversion would result in the loss of a family dwelling. The appellant contends that the ground-floor flat would have 4 bedrooms and would be suitable for a family. However, for my reasons stated above, I consider that the ground-floor accommodation, as shown on the submitted plans, would not be suitable for a 6-person family, and that the conversion would result in the loss of what is effectively a 4-bedroom house that currently has adequate room and configuration for family use.

10. Furthermore, I note the conclusions of the Inspector in the earlier case in which it was stated that use of the property as a 6 person HMO would introduce a significantly higher level of comings and goings than is associated with a single-family dwelling. With this current proposal, the current house, which is shown as being set out as a 4-bedroom, 5-person dwelling, would be replaced by two flats with a combined potential occupation of 8 persons across two households. This would also result in a significantly higher level of comings and goings and, in addition, would result in the loss of the garage. Whilst the outside parking provision proposed may meet Council parking standards, the levels of activity in and around the house would almost certainly increase, to the detriment of the generally quiet and calm character along this part of Waterfall Road.
11. In conclusion, I find that the proposed conversion would effectively result in the loss of a large family house and would also, by virtue of the resultant increased levels of activity, be harmful to the character and appearance of the area around this part of Waterfall Road. It would, on this basis, conflict with Policy DM01 of the DMP and with guidance in the RDG.

Other Matters

12. The appellant contends that the proposal would result in one additional dwelling and that this would be of benefit to the delivery of housing in Greater London. In this case, however, the addition of one unit would not compensate for the harm caused by the proposal to the supply of suitable family housing in the Borough, and the harm caused to the character and appearance of the surrounding area.
13. Apparently, the applicant/agent has enquired whether the proposal could be deemed acceptable on the basis that the property could be kept exclusively for the council to house their homeless or any other vulnerable group, which could be secured via a legal agreement. However, no such agreement is before me, and I have no further information as to whether such an arrangement would be possible or desirable. In any case, the harm as identified above would not be resolved by such a proposition, and I attach the matter very little weight.

J D Westbrook

INSPECTOR