



Appeal Decision

Site Visit made on 12 April 2021

by R E Jones BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2021

Appeal Ref: APP/N5090/W/20/3262659

2 Gainsborough Gardens, Golders Green, London NW11 9BL

- 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 Patney Ltd against the decision of London Borough of Barnet.
 - The application Ref 20/3735/FUL, dated 13 August 2020, was refused by notice dated 12 October 2020.
 - The development proposed is side and rear extensions and loft conversion with rear dormer extension to the existing property, converting the existing 2 residential units (1 x 1 bed 2 person & 1 x 2 bed 3 person) into 2 x 3 bed 5 person units with associated amenity spaces
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposed development would provide satisfactory living conditions for future occupiers in relation to internal layout;
 - ii) the effect of the proposed roof extension on the character and appearance of the host property and the surrounding area; and
 - iii) the effect of the proposed parking arrangements on the safe and efficient operation of the highway network in the vicinity of the site.

Reasons

Living conditions

3. The appeal site comprises a two-storey semi-detached property that is subdivided into two self-contained flats. It is proposed to increase the number of bedrooms in each flat to three, while extending the property at its side, rear and roof.
4. The vertical arrangement (or stacking) of the proposed flats would result in the living areas in Flats 1 and 2 being either directly below or above bedrooms of the other unit. This would be at odds with the Council's Residential Design Guide Supplementary Planning Guidance (October 2016) (the RDG-SPD) which advises that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Consequently, the use of the living areas in Flats 1 and 2, particularly late at night, would likely lead to harmful noise and disturbance to occupants wishing to sleep in bedrooms above or below.

5. The appellant states that sound insulation would be provided, while indicating that this would be governed by Building Regulations where noise tests would need to be passed. Yet, I cannot be certain that the layout proposed would comply with those standards. Furthermore, there is no evidence before me to confirm whether sound proofing could be accommodated within the fabric of the building, nor do I have any details of the methods that would be used to ensure that the transfer of noise between living areas and bedrooms would be minimised to acceptable standards.
6. I have considered the use of a condition to secure sound attenuation between the living areas and bedrooms. However, given the degree of uncertainty I have referred to in relation to the building's fabric and the lack of information on the proposed method of sound proofing, the use of a condition would not be reasonable in this case.
7. Therefore, I conclude that there is insufficient information before me to provide certainty that the proposed development would provide satisfactory living conditions for future occupiers in relation to internal layout. It would not fully satisfy the provisions of Policy CS5 of the Core Strategy¹, Policies DM01 and DM02 of the Local Plan² and Policy 3.5 of the London Plan (2016). Collectively, these require, amongst other things, that developments incorporate a high-quality design, while protecting amenity and meeting design standards. It would also fail to accord with the guidance in the RDG-SPD and the Sustainable Design and Construction Supplementary Planning Guidance (October 2016), where it relates to the internal layout of flats.

Character and Appearance

8. The RDG-SPD provides guidance on the scale and position of dormer roof extensions. It advises that a set-back of at least 1 metre from the party or flank wall, while it should not occupy more than half the width or half the depth of the roof slope.
9. The proposed roof extension's dimensions and positioning would exceed the standards in the RDG-SPD, as it would be constructed flush with the party wall, while it would cover over half of the roof's depth. However, it would be clearly set above the existing eaves of the dwelling, while having a width that would not exceed 50% of the widest part of the property's roof. Therefore, its scale and position would not overly dominate the dwelling, nor would it be viewed as a disproportionate addition given the overall mass and scale of the property. I am also satisfied that the roof extension's appearance and size would not overwhelm the original roof, such that it would harm its appearance and profile.
10. In terms of the wider area, the neighbouring semi-detached dwelling (No 4 Gainsborough Gardens) has a large roof extension covering the majority of its roof. This has altered its original formation from a hip to a gabled roof. Similar additions in terms of their scale and appearance exist at Nos 6, 12, 14 and 26 Gainsborough Gardens. In this context, the rear of this part of Gainsborough Gardens is considered to have a varied roof scape, and the proposed roof extension's appearance and smaller scale would not look

¹ Barnet's Local Plan (Core Strategy) – Development Plan Document, September 2012 (the Core Strategy)

² Barnet's Local Plan (Development Management Policies) - Development Plan Document, September 2012 (the Local Plan)

discordant or inconsistent, to the extent that it would harm the area's character.

11. On the basis of the above, the proposed roof extension would not have a harmful effect on the character and appearance of the host property and surrounding area. It would comply with Policies CS1 and CS5 of the Core Strategy and Policy DM01 of the Local Plan, which amongst other considerations, require proposals to preserve the character of the area and respect a building's appearance, scale and mass, in addition to its surroundings. Although the proposal would conflict with technical aspects of the RDG-SPD, it would broadly comply with the guidance that roof extensions are carried out sympathetically. Finally, the proposal would accord with Paragraph 127 of the National Planning Policy Framework (the Framework), where developments are required to respect local character.

Parking

12. The Council indicate that the increase in the level of accommodation at the appeal site would result in the requirement for 1 additional parking space. There is no off-street parking proposed but given that the site is in a Controlled Parking Zone (CPZ), the Council requires the applicant to enter into a s.106 agreement with the Council to deny future occupants the right to CPZ permits. No such agreement has accompanied the appeal. Therefore, in the Council's view, the proposal would result in increased demand for on street parking, resulting in a detrimental impact on highway and pedestrian safety.
13. Notwithstanding the Council's concerns there is no substantive evidence before me that indicates the current shortfall in spaces along Gainsborough Gardens or demonstrates the extent to which the development may affect demand for roadside parking. Furthermore, the Council have not explained how one additional on-street parking space would be detrimental to the safety of road users.
14. Despite the lack of detail on the current parking situation, at the time of my afternoon site visit, there were a significant number of on-street spaces available along Gainsborough Gardens. I accept that this was a snapshot and that the situation may be different in the mornings and overnight, nevertheless, there is no firm evidence before me to indicate a high level of parking stress locally.
15. In addition, the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The submitted evidence does not lead me to believe that an overspill of one vehicle from the site as suggested by the Council would result in unacceptable parking pressure or in harm to the safety or operation of the surrounding highway network. Moreover, the extent of available on-street parking which I observed, would be able to accommodate the additional parking generated by the development, while not causing any obstruction or obvious impacts to existing pedestrian and vehicle movements along the road. In this context, I am also not persuaded that it would be necessary for the appellant to enter into a legal agreement to prevent future occupiers from obtaining permits to park within the CPZ.

16. Accordingly, I conclude on this main issue that the proposed parking arrangements would not be harmful to on-street parking capacity or to the safe or efficient operation of the highway network in the vicinity of the site. The proposal would comply with Policy DM17 of the Local Plan which seeks safe, effective and efficient travel and the mitigation of development impacts.

Conclusion

17. Although the proposed development would not have a harmful impact on highway safety and the character and appearance of the property and surrounding area, this lack of harm would have a neutral effect. Consequently, it would not overcome my concerns in respect of living conditions, and the resultant conflict with the development plan.
18. For the reasons set out above, the appeal is dismissed.

RE Jones

INSPECTOR