



Appeal Decision

Site visit made on 6 April 2021

by **Peter D Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021

Appeal Ref: APP/N5090/W/20/3263288

President House, 81 Winnington Road, East Finchley, London N2 0TT.

- 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 and Mrs Lipman against the decision of the London Borough of Barnet Council.
 - The application Ref 20/1564/FUL, dated 16 March 2020, was refused by notice dated 20 May 2020.
 - The development proposed is conversion to form 2 no. self-contained flats with alteration to existing terrace and fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for conversion to form 2 no. self-contained flats with alteration to existing terrace and fenestration at President House, 81 Winnington Road, East Finchley, London N2 0TT in accordance with the terms of the application, Ref 20/1564/FUL, dated 16 March 2020, and subject to the conditions at Schedule A below.

Procedural Matter

2. The proposal is chargeable development in respect of the Community Infrastructure Levy (CIL). The collection of the CIL contribution is undertaken by the relevant charging authority on service of a notice that planning permission has been granted in relation to chargeable development. As such the requirement for and any enforcement of the payment of a contribution in relation to the development is not for consideration at this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the established character and appearance of the host property and surrounding area of Winnington Road and the Hampstead Garden Suburb Conservation Area.

Reasons

4. The location of the appeal site on Winnington Road lies towards the southern edge of the Hampstead Garden Suburb Conservation Area which is recognised as highly significant in architectural and historic terms as the first garden suburb. This part of the Conservation Area is identified in the *Conservation Area Character Appraisal* (CACA) as being less consistent in its character but important for its green and spacious character which, on Winnington Road, is accentuated by the open and treed landscape of the Hampstead Golf Course.
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Winnington Road, in the immediate vicinity of the appeal site, is composed of large, detached houses in large plots. The properties have a broadly similar character both in terms of their architectural design and the fact that they occupy most of their frontage and are positioned towards the front of the plot behind paved forecourts. In this respect the appeal property is atypical. It is to a modern contemporary design and is set deep in its plot towards the rear boundary and well screened from the road. It is not identified as a positive contributor to the Conservation Area unlike some of the properties in Winnington Road.

5. It is apparent from the street numbering along Winnington Road and indeed from observation on the site visit that for the most part the character of the road in the immediate vicinity of the appeal site is predominantly one of large single occupancy houses.
6. That being the case the policy position set out in Policy DM01 of the *Barnet Local Plan Development Management Policies* (BLPDMP) at section h) is that conversion into flats will not normally be appropriate. The reason for this is set out in the supporting text where it states 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....by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries"*.
7. For a number of reasons I am not persuaded that these negative factors envisaged in the BLPDMP would arise in the case of the appeal proposal.
8. With respect to the external appearance of the property it is clear from the submitted plans that, externally, the house would remain almost entirely in its pre-existing form. Minimal external alterations to the building itself are proposed to facilitate the conversion to two apartments and principally would involve change to the section around the entrance to Flat 1 and ground floor front and the access to the main terrace. Indeed, the relocation of the stairs accessing the front terrace from the front of the house to the side would be an improvement in the appearance of the frontage. The proposed entrance door to Flat 1 already exists and therefore there would be no change necessary to create a second entrance which would be more difficult to achieve in respect of other properties in Winnington Road.
9. It is acknowledged that in some conversions the subdivision of external private amenity space can impact on character but, given the extensive well landscaped grounds there is no reason why the proposed subdivision and any boundary separation necessary could not be satisfactorily controlled by condition.
10. Therefore, the house, post conversion, would largely retain its current appearance with no significant change to the appearance of the surrounding area. This is particularly the case as the house, together with the proposed modest increase in parking space provision, would continue to be set well back in the plot and well screened from Winnington Road. I am therefore not persuaded by the argument that allowing the conversion would somehow accentuate President House as an anomaly in the character of the area.
11. In regard to whether the conversion would impact on the established character

of the area through an intensification of use I acknowledge that the proposal would result in a second household being resident at the site. However, the current house provides 7 bedrooms and could be occupied by a large extended family with a high car ownership generating as much activity and comings and goings and refuse levels as the 2 proposed apartments which would still only have 7 bedrooms between them. There is no proposal to increase the floor area of the house - merely to subdivide it. Moreover, the appeal site already benefits from permission, granted on appeal, to demolish the existing house and construct two large, detached family dwellings with independent access points from Winnington Road unlike the single shared existing access and parking area that is proposed with this conversion.

12. Notwithstanding the argument that the decision to allow two individual houses is consistent with the character of the road as one of single occupancy houses, intensification of use as a result of the conversion and any potential impact on the character of the area would not be any greater than the construction of 2 separate houses.
13. The level of activity involved in travel to work and for leisure and shopping purposes or as a result of deliveries etc from two apartments, if the conversion were implemented, would not be substantially different to the trip patterns of individuals in the two households if the detached dwellings were constructed. Indeed, the continuation of use of the single access and existing parking area for both households rather than the creation of two separate accesses with garaging etc would result in less of an impact on the character of Winnington Road. Thus I am not persuaded that there would be any significant additional impact on the character through the conversion of the existing single occupancy house than the alternative permitted development.
14. For the reasons above I conclude that the proposal would not substantially change or be inappropriate to the character of the area and would not conflict with the *Barnet Local Plan Core Strategy* at Policy CS5 or BLPDMP Policy DM01 and with the *Residential Design Guidance Supplementary Planning Document* (SPD) which require development to preserve local character. The development would not give rise to a significantly different outcome for the character of the road to what could already take place at the property.
15. Given the minimal change to the character of the area as set out above and the fact that the conversion would have no impact on the spacious green character of Winnington Road or on protected trees on site there would be no harm to the significance of the Conservation Area. I am satisfied that the changes would have a neutral effect on the character and appearance of the Hampstead Garden Suburb Conservation Area and as such it would be preserved. Accordingly, the proposal would comply with both the requirements of the *National Planning Policy Framework* (the Framework) at section 16 in respect of the historic environment and also with the BLPDMP Policy DM06 which seeks to protect and enhance the Borough's heritage assets including its Conservation Areas.
16. I acknowledge that if a significant number of conversions were permitted, then cumulatively over a period of time the character of Winnington Road could change through more intensive use. However, allowing this appeal would not of itself erode the character because of the specific circumstances of this case, namely the atypical character of the host dwelling and its positioning. Other

cases would have to be assessed on their own individual merits. I am satisfied therefore that the conversion in this particular case would not conflict with the criteria in the above policies or with the objectives of the CACA.

Other Matters

17. Although it has been put to me that the Council's *Housing Delivery Action Plan 2020* demonstrates that the Council has a 5 year housing supply, the recently published *Housing Delivery Target* results for Barnet for 2020 show that in the last 3 years the Borough only achieved a 94% delivery rate. The proposal would result in the provision of an additional house of a size suitable for family occupation. It would constitute the effective use of land on small housing sites encouraged by the *National Planning Policy Framework* (the Framework) at Paragraphs 68 and 117 without conflicting with the requirement in paragraph 122 that making efficient use of land must maintain an area's prevailing character and setting. In that way it would make a small contribution to meeting housing needs in Barnet and London as a whole as sought by the *London Plan 2021* Policy H2 which includes a 10 year Barnet target for housing provision on small sites up to 2028/9 of 4340 dwellings.

Conditions and Conclusion

18. The Council suggested a number of conditions, which I have considered in the light of the advice in the Framework and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty. Control of a number of elements not fully detailed in the submitted application is necessary both to protect the character of the area and to ensure the living conditions of the two apartments are protected. These are as follows and all need to be submitted and approved and implemented before the development is first brought into use or occupied:

- details of the privacy screens, principally those on the main terrace and upper terrace to Flat 2 which overlook the main private amenity space of Flat 1.
- details relating to refuse storage and recycling.
- details relating to cycle parking and storage.
- details of the means of enclosure to the site and boundary treatments to the private amenity spaces serving the two flats.

The Council suggested that details of the subdivision of the private amenity space should also be conditioned. However, this is adequately detailed in the submitted application plans other than any boundary treatments proposed between these areas which should be controlled in the interests of protecting the character of the area.

The appellants interpreted the need for privacy screens as relating to the neighbouring properties. However, the need for privacy is mainly that between the terraces to Flat 2 and the main private amenity space for Flat 1 which would be directly in front of the terraces. The proposed balustrade glazing to the terraces should therefore be obscure glazed.

The appellant also questioned the need for details regarding refuse storage and cycle storage on the grounds that there would be plenty of space available.

However, the details of this have not been provided and therefore if provision needed to be enforced it could not be. Conditions are therefore necessary.

19. To ensure pedestrian and highway safety is protected it is also necessary to ensure that the parking spaces as shown on the submitted plans are provided and retained and not used for any purpose other than the parking of vehicles.
20. Finally, it will be necessary in the interests of highway safety and the living conditions of occupants on or around the site that a construction management plan (CMP) is in place prior to the commencement of development. As this must control the development from the very start it is essential that this is a pre-commencement condition. The appellant is aware of the proposed condition but questions the necessity of it as the proposal is a small development. Whilst I agree the Council has simply proposed a standard CMP and some elements are clearly not required including demolition controls, other aspects are necessary for the reasons above. I have therefore included a reduced, simplified version of the condition.
21. I have considered the matters before me and, for the reasons given above, I conclude that the appeal should be allowed and permission granted for the conversion subject to the conditions set out in Schedule A below.

P. D. Biggers

INSPECTOR

SCHEDULE A – CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of approval.
- 2) The development hereby permitted shall be carried out in accordance with the Design and Access Statement and the following approved plans:
Existing floor plans - Drawing No. 5161 PL 01
Proposed floor plans - Drawing No. 5161 PL 02
Existing Elevations - Drawing No. 5161 PL 03
Proposed elevations - Drawing No. 5161 PL 04
Existing site plan - Drawing No. 5161 PL 05
Proposed site plan - Drawing No. 5161 PL 06 (amended with a scale bar)
- 3) a) Before the development hereby permitted is first occupied, details of the obscure glazed balustrades to the front main and upper terraces shall be submitted to and approved in writing by the Local Planning Authority.
b) The glazed balustrades shall be installed in accordance with the details approved under this condition before first occupation and retained as such thereafter.
- 4) 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 before first occupation and the storage spaces retained as such thereafter.

5) a) Before the development hereby permitted is first occupied details of cycle parking spaces and cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition before first occupation and the storage spaces shall be permanently retained thereafter.

6) Before the development hereby permitted is first occupied the parking spaces on Drawing No. 5161 PL 06 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

7) a) Before the development hereby permitted is first occupied details of the means of enclosure and boundary treatments, including any boundary treatments to the private amenity spaces for the 2 flats shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation.

8) a) No development or site works shall take place on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan submitted shall include the following:

- i. details of hours of working, access and egress arrangements within the site and security procedures;
- ii. the provision on site of a storage/delivery area for all plant, site facilities and materials;
- iii. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway;
- iv. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- v. details of interim car parking management arrangements including residents' and contractors' car parking for the duration of construction;

b) The development shall thereafter be implemented in accordance with the measures detailed within the Construction Management Plan.