

Appeal Decision

Site visit made on 11 May 2021

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2021

Appeal Ref: APP/N5090/W/20/3258016

46 Moss Hall Grove, North Finchley, London, N12 8PB

- 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 Generative Developments & Properties Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/2581/FUL, dated 8 June 2020, was refused by notice dated 4 August 2020.
 - The development proposed is the conversion of a single dwelling house into 3no self-contained flats with associated amenity space, refuse storage, cycle stores and off-street parking. Provision of glazing at the rear at ground floor level.
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Application for Costs

1. An application for costs was made by Generative Developments & Properties Ltd against the Council of the London Borough of Barnet. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issue

3. There is one main issue which is the effect of the proposed conversion of a single family dwelling to flats on the character and appearance of Moss Hall Grove.

Reasons

4. The appeal property is an extended, detached dwelling house which lies in a predominantly residential street in an established suburban area. It lies at the western end of Moss Hall Grove at one end of a long row of dwelling houses of mixed age and appearance. The closest properties in the adjoining street, Nether Street, are also dwelling houses. There is a school on the opposite side of Moss Hall Grove which is set back from the street and separated from it by close boarded fencing and vegetation. Schools are common in residential areas and I consider it neutral in terms of the residential character of the road.
 5. Some distance to the east, dwelling houses give way to a band of purpose-built flatted development and mansion blocks which then give way to a mixture of
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low-rise, purpose-built flats and dwelling houses at the eastern end of the street. A cluster of two or three houses at the far eastern end are understood to have been converted to flats historically.

6. The proposed development comprises the division of the existing six bedroom family dwelling into three flats. The ground floor flat would have three bedrooms and accommodate four people, the first floor flat would have two bedrooms and accommodate three people and the second floor flat would have one bedroom and accommodate one person.
7. Policy CS5 of Barnet's Local Plan (Core Strategy) (CS), 2012, states that the Council will ensure that development respects local context and distinctive local character. Policy DM01 of Barnet's Local Plan (Development Management Policies) (DMP), 2012, makes clear that the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate and that the loss of houses in roads characterised by houses will not normally be appropriate. This is consistent with the National Planning Policy Framework (NPPF) which expects development to be sympathetic to local character and history.
8. The nub of the issue is therefore whether the proposed conversion would respect local context and character and specifically whether it would result in the conversion and loss of a dwellinghouse in a road characterised by houses. The appellant argues that because Moss Hall Grove comprises a mixture of houses and blocks of flats it cannot be characterised by houses and to suggest it is would be to apply Policy DM01 in a selective way, to a part of the road, and hence in a manner that is not supported by the policy wording or the explanatory text.
9. However, in my view a residential street would not need to be exclusively or even primarily one type of residential development for that type of development to be characteristic. In a long street it is not unusual to find that the character is not uniform along the whole length. Moreover, neither Policy DM01 nor the explanatory text requires the whole or even the majority of the street to be characterised by houses for it to apply.
10. I consider that Moss Hall Grove is characterised by two distinct types of residential development: single dwelling houses and purpose-built flats and mansion blocks. Conversely, it is not characterised by dwelling conversions, of which there are very few and those that exist are located a significant distance from the appeal dwelling. The proposed conversion would, therefore, conflict with DMP Policy DM01.
11. The character of family dwellings is different from that of flat conversions. Conversions alter the density and the demographic of occupation, increasing the number of households and the likelihood of a higher concentration of adult occupants. This in turn can affect the level of activity generated by both people and vehicles and the quantity of refuse to be stored. Lifestyle is also likely to be different, leading to comings and goings at different times of the day and night when compared with a single family. As a result, flat conversions, whether or not they result in a change to the appearance of a dwelling house, can be materially detrimental to its character and that of the wider area.
12. The purpose-built flats in Moss Hall Grove may also result in smaller and more adult orientated households. Nevertheless, the nature of the accommodation,

including dedicated parking and refuse storage areas, mostly to the rear and well separated from the street and other dwellings, and communal entry points away from neighbouring dwellings, ensures that the impact on the character of the area due to activity associated with these flats is limited.

13. Existing flat conversions in Moss Hall Grove, understood to have been permitted under a different policy regime, have a distinctive character and appearance which harms the pleasant suburban quality of the majority of the street and fails to respect local context and character. They do not in my view provide any justification for allowing the proposed development.
14. In consequence, I conclude on the main issue that the proposed dwelling conversion would not only conflict with DMP Policy DM01 but would fail to respect local context and would harm the distinctive local character of Moss Hall Grove, in conflict with CS Policy CS5 and the NPPF.
15. The appellant suggests that the proposed conversion would make more efficient use of space than the single family dwelling and that Council policy recognises the important contribution that flat developments can make to housing provision. It is pointed out that the proposed conversion would result in two additional dwellings in a location close to public transport and local amenities and that activity would, to an extent, be screened by two large trees in the front garden. Nevertheless, whilst there is a need for additional housing in London, housing mix to cater for a wide range of households is also important. Therefore, these matters would not outweigh the harm caused to the character of the area through the loss of a family dwelling and its replacement with three flats in a location characterised by single dwelling houses.
16. The appellant also refers to the recently adopted London Plan, March 2021, which was in draft when the appeal statement was written. This emphasises in Policy H1 the need for additional housing in London and expects local authorities to maximise housing delivery on suitable and available brownfield sites. Policy H2 highlights the role that small sites have to play in increasing housing supply and the explanatory text refers to conversions as well as other forms of development. However, it is clear that where such development necessitates allowing changes to the character of an area, this should be planned. Adopted Council policy makes clear that the appeal site is not in a location suitable for the proposed intensification of use, owing to the harmful effect this would have on the character of the area. Notwithstanding its PTAL rating of 3, Policies H1 and H2 would not therefore provide a justification for allowing the appeal proposal which comprises the piecemeal conversion of a family dwelling.
17. For the reasons set out above and having regard to all other matters raised, including appeal decisions relating to other streets in the borough, the lack of any highway objection or any objection to the proposed glazing to the rear, the fact that the proposed flattened accommodation would meet space and amenity standards, and the representations of third parties, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR