
Appeal Decision

Site visit made on 6 May 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 21 May 2021

Appeal Ref: APP/N5090/W/20/3264573

Kendale, 99 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 Marc Trup against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/4130/FUL, dated 1 September 2020, was refused by notice dated 9 November 2020.
 - The development proposed is the erection of a rear extension at lower ground, ground, first and roof levels with new lightwell grills to front elevation and conversion to form 3 No. flats. Ancillary parking and landscaping alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of the appeal application the London Plan has been adopted. A copy of the current policy concerning trees and woodland has been provided but this does not materially alter the assessment of the appeal scheme when compared to the previous policy referred to in the Council's reasons for refusal.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area and (b) the living conditions of the occupiers of 56 Hampstead Lane and (c) whether there would be satisfactory living conditions for the future occupiers.

Reasons

Character and Appearance

4. The appeal property is a large semi-detached dwelling which is located at the junction of Hampstead Lane and Winninton Road. The proposed development includes the property being extended and sub-divided into flats.
5. Predominantly low density housing, principally large family dwellings, located on large plots together with areas of open space are positive features of the Hampstead Garden Suburb Conservation Area. The verdant and spacious character of the streetscenes is also a positive feature of the Conservation Area. The identified characteristics of the Conservation Area are noted in the *Hampstead Garden Suburb Character Appraisal*. There is a statutory duty to

- preserve or enhance the character or appearance of the Conservation Area which is echoed in Policy DM06 of Barnet's Development Management Policies (DMP).
6. Policy CS5 of Barnet's Core Strategy (CS) seeks to enhance the Borough's high quality suburbs and historic areas through the provision of buildings of the highest quality that are sustainable and adaptable. *Barnet's Residential Design Guidance Supplementary Planning Document* (RDG) refers to proposed extensions being consistent with the form, scale and architectural style of the original building, particularly where it is a period or suburban property. The appeal scheme includes a rear extension, the design of which would echo the form and architectural style of the host property, including its fenestration. A suitable condition could be imposed to secure the use of matching external materials.
 7. However, the proposed extension would be more than half the width of the rear elevation which would be contrary to the *Hampstead Garden Suburb Design Guidance Supplementary Planning Document* (HGSDG). The proposed full width extension would not represent a high quality, subservient addition to the host property but would be a physically and visually dominant addition. Together with the increased size of the parking and manoeuvring area, the scale of the extension would fail to preserve the character and appearance of the Conservation Area.
 8. Although some information is provided, there is a lack of detail concerning the potential effects of the appeal scheme on the existing trees within the property's curtilage. The proposed extension would be outside the root protection areas (RPAs) associated with the trees. However, the increased size of the parking and manoeuvring area would potentially be within the RPAs of some trees which are not clearly shown. Further, the bin store for the flats is proposed to be sited between trees which may affect their roots.
 9. There is insufficient Arboricultural information available to determine whether the alterations to the layout of the front garden would have a detrimental effect on the health of existing trees which positively contribute to the character and appearance of the streetscene. In the absence of more details, I cannot be certain unacceptable harm would not be caused to the existing trees and, for this reason, there would be a conflict with Policy G7 of the London Plan (LP) where proposals should ensure that, wherever possible, existing trees of value are retained.
 10. DMP Policy DM01 refers to the conversion of dwellings into flats in roads characterised by houses not normally being appropriate. The RDG identifies that conversion proposals are likely to be resisted in areas of low density housing where predominantly there are single family occupation houses and where the external alterations would impact on the appearance of the local area.
 11. Although there is an extensive area of open space to the south of Hampstead Lane, from what could be observed during the site visit the built forms of development surrounding the property are predominantly low density family houses. For the reasons already given, the conversion to 3 flats would result in an impact on the appearance of the property and its curtilage. Further, although Hampstead Lane is a busy road, there would be an increase in comings and goings of people and vehicles onto Winninton Road generated by

the future occupiers of the proposed flats. The conversion element of the proposed development would conflict with DMP Policy DM01 and the RDG.

12. Reference is made by the appellant to other schemes within the surrounding area where the Council has granted planning permission for the conversion of a house into flats. However, details of these other schemes and their planning circumstances are limited. Further, for one of the schemes the Planning Officer identified circumstances supporting that proposal based upon the condition of the building and the change to the character of the locality. The appeal property is occupied and in good condition and there does not appear to be any material deterioration in the character of predominantly family adjacent to the property. For these reasons, limited weight is given to these other schemes in the determination of this appeal.
13. The National Planning Policy Framework identifies that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal. In this case, the principal benefit identified by the appellant is that the proposed development would create 2 additional residential units. However, no cogent evidence has been provided to explain why this type of accommodation is needed in this location. Accordingly, this is a case where the harm which has been identified to the significance of the designated heritage asset outweighs the public benefit.
14. Accordingly, on this matter it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would conflict with CS Policy CS5, DMP Policies DM01 and DM06, LP Policy G7, the RDG and the HGSDG.

Living Conditions

15. Although shown on the proposed elevation drawing, the appellant amended the proposed ground floor plan to remove the originally proposed terrace that would have been sited close to the boundary with 56 Hampstead Lane. A condition could be imposed to preclude the proposed flat roof being used as a terrace or for other amenity purposes.
16. The first floor terrace extending from the proposed Study of Flat 1 would afford direct views into the rear garden and side windows of No. 56. However, a condition could be imposed to require the erection of suitable privacy screens to preclude, or limit, views from the proposed terrace towards No. 56.
17. The Council has assessed the potential effect of the proposed development the on levels of daylight and sunlight reaching the windows of the habitable rooms which are within the side elevation of No. 56. The Council's assessment is that unacceptable harm would not be caused to the neighbouring occupiers by reason of significant reductions in levels of sun and day light. Although the claim of the occupiers of this neighbouring property have been carefully noted, including consideration of the technical report provided, there are no reasons to depart from the Council's assessment.
18. On this issue it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 56 Hampstead Lane and, as such, it would not conflict with DMP Policy DM01. Amongst other

matters this policy refers to maintaining adequate daylight, sunlight and privacy for adjoining occupiers.

Living Standards

19. Two lightwells are proposed to provide sun and day light to basement rooms, including a bedroom. The opening for the bedroom is proposed to be full height and include both a door and window. By reason of size and orientation of the opening, sufficient sun and daylight would reach the bedroom. The other lightwell would serve a non-habitable room.
20. For the reasons given, it is concluded that the proposed development would not result in unsatisfactory living condition for the future occupiers of the proposed development and, as such, there would not be a conflict with DMP Policy DM01 which requires proposal to be designed to allow for adequate daylight and sunlight for potential occupiers.

Conclusion

21. Although the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 56 Hampstead Lane and would not result in unsatisfactory living conditions for the future occupiers, these issues are demonstrably outweighed by the significant harm which would be caused to the character and appearance of the surrounding area. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR