
Appeal Decision

Site visit made on 28 June 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/N5090/W/21/3267060

32 Portsdown Avenue, Golders Green, London NW11 0NG

- 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 John and Danielle Cook and Vides against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/5211/FUL, dated 2 November 2020, was refused by notice dated 30 December 2020.
 - The development proposed is the conversion of existing dwelling house into 2 no self-contained flats, together with provision of external access stairs, refuse, recycling and cycle parking.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character of the local area with particular regard to the loss of a single dwelling.

Reasons

3. The proposal is primarily to convert the appeal property, which is a 2-storey dwelling within a mainly residential area into two self-contained flats. The site is not within a conservation area. The appeal property is not a listed building.
4. Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (DMP) deals with character and amenity. Criteria (h) and (i) of this policy are particularly relevant. When read together, these criteria state that the conversion of dwellings into flats in roads characterised by houses or the loss of houses along such roads will not normally be appropriate. As the appellants point out, DMP Policy DM01 does not prohibit the conversion of dwellings into flats.
5. The number of properties along Portsdown Avenue and the proportion of them that are not single dwellings vary in the submitted evidence. According to the appellants' Design and Access Statement, 4 out of 19 properties on this road are not single dwellings whereas the grounds of appeal indicate that the ratio is 5 out of 25 properties. The Council estimates that 5 out of 27 properties along Portsdown Avenue are not single dwellings. Irrespective of which of these figures are used, the evidence indicates that single dwellings predominate along this highway.

6. The Council accepts that planning permission has been granted for a small number of flat conversions along Portsdown Avenue albeit some time ago and well before the adoption of the DMP in 2012, which the appellants do not contest. The planning policy context within which these historic decisions were taken is therefore different to that of the proposal before me. The main parties appear to agree that there is a single example of a conversion to a House in Multiple Occupation along Portsdown Avenue. I am advised that a lawful development certificate was issued in that case before an Article 4 Direction was put in place to remove permitted development rights so that planning permission would be required to convert a dwelling in this way. Against that background, there are few, if any, direct parallels to be drawn between these planning decisions and the appeal scheme.
7. From what I saw, Portsdown Avenue is lined on both sides by mainly 2-storey dwellings typically behind front gardens. I observed nothing to indicate a significant presence of converted properties along the highway in the vicinity of the site or on any nearby streets. On that basis, I consider that the area within which the site falls consists mainly of a coherent group of single dwellings. The appeal property can reasonably be described as being a road that is characterised by houses, to which DMP Policy DM01 refers.
8. No significant external alterations to the appeal building are proposed at the front with modest changes to the forecourt including landscaping, vehicle parking and the introduction of storage for refuse and cycles. When seen from the road, the property itself would not appear to be significantly different from the existing building or those in the vicinity of the site. Fewer people could occupy the new flats than a single family within the existing house, which has been extended. As such, the movement of people to and from the site in this case would not necessarily be greater and could be less if the proposal were to come forward.
9. Nevertheless, DMP Policy DM01 seeks to protect the characteristics of the built environment, which is much broader than addressing matters of appearance or general activity. It is the sum of all the qualities that distinguish an area. The explanatory text to this policy notes that the conversion of existing dwellings into flats can have a cumulative effect that is damaging^[1] to the quality of the environment and detracts from the character of established residential areas. Even in accessible locations such as this, the supporting text notes that conversions can harm the character of areas by changing external appearance and increasing activity such as more people and car movements, with more waste to be collected and more deliveries.
10. While each proposal should be assessed on its own merits, allowing the development sought would make it harder for the Council to resist other similar proposals especially along Portsdown Avenue where properties are similar in type. Flat conversions would change the character and feel of the residential area to which the site belongs in which single houses predominate if decisions to grant planning permission for such proposals are taken consistently over time. To my mind, the combined effect of those decisions would cause significant harm to local character.
11. On the main issue, I conclude that the proposed development would materially harm the character of the local area. As such, it conflicts with Policies CS1 and CS5 of the Barnet's Local Plan (Core Strategy) Development Plan Document,

DMP Policy DM01 and the Council's Supplementary Planning Document, *Residential Design Guidance*. These policies and guidance aim to ensure that development achieves a high standard of design and respects local character.

12. I note that the appeal property was originally 2 flats although it was converted to a single dwelling a number of years ago. Reference is also made to the Council's decision to grant planning permission to convert the appeal property into 2 units in 1994. However, the decision notice describes the approved scheme in that case as 'front, rear and roof extensions to garage to provide annexed living accommodation'. Condition 2 of the planning permission also stipulates that the permitted extension should not be occupied at any time as a separate dwelling unit. An arrangement in which there is a main house and an annex differs to that of the proposal, which involves 2 self-contained flats. As such, this consideration does not weigh in support of the appellants' case.
13. Once in place, the proposal would add to the number of residential units and the choice of living accommodation, which has policy support at all levels including the London Plan 2021. I agree that small sites and flats have an important role to play in meeting future housing needs. On the other hand, the National Planning Policy Framework states that development should be sympathetic to local character and add to the qualities of an area. For the reasons given, that would not be the case here.
14. The proposal would make efficient use of the property in a location that is accessible to shops, public transport, parks and local facilities. Measures could also be introduced to reduce energy demand and use. However, these factors would equally apply if the appeal property were occupied by a single-family. While the larger of the 2 new flats may be suitable for occupation by a family, so is the existing house. These considerations, taken individually or collectively, do not outweigh the significant harm that I have identified.
15. An interested party raises additional concern that the proposal represents an over intensive form of development and that it would increase parking and congestion. These are important matters and I have taken into account all of the submitted evidence. However, given my findings in relation to the main issue these are not matters on which my decision has turned.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR