



Appeal Decision

Site visit made on 26 October 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 18 NOVEMBER 2021

Appeal Ref: APP/N5090/W/21/3273218

Trinity Methodist Church, 90-92 Hodford Road, Golders Green NW11 8EG

- 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 Mrs Elaine Brown (Trinity Methodist and United Reformed Church) against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/4950/FUL, dated 27 October 2020, was refused by notice dated 23 December 2020.
 - The development proposed is the change of use of church office rooms to form a separate studio flat.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The National Planning Policy Framework (the Framework) was revised on 20 July 2021 and the new London Plan (2021) published during the appeal period. Both parties have had the opportunity to comment on the implications of this for their case.

Main issue

3. The main issue is whether or not the proposal would provide adequate living conditions for future occupiers with respect to noise, disturbance and internal living space.

Reasons

4. The proposed flat is to the rear of a church complex, set in landscaped grounds near the town centre of Golders Green. It comprises 2 main rooms with a bathroom and a long hallway leading to an independent side entrance. It is proposed that one room would be a bedroom and the other a kitchen. The suite of rooms was previously used as an office and can currently be accessed via a second entrance from the back of one of the church halls.

Noise and disturbance

5. The layout of the building means that the flat would wrap around the rear corner of the church hall. The hallway runs immediately behind the stage and a bedroom wall would abut the side of the hall, running parallel to the side of the stage.

6. Limited information has been provided regarding the timing, duration or character of noise generated from activity in the hall. The Council suggests that the church premises as a whole runs services, a children's nursery and 'many other' community functions. The appellant suggests that the hall can be used for dance, meetings and study classes. I acknowledge that the present use of the hall may be low, but it remains the case that it is in use and noise will therefore be generated.
7. The potential usage must also be viewed in the context of the lifetime of the flat. The hall is large, has a stage and is well fitted and maintained. It is also on an attractive site in an accessible, town centre location. In the absence of evidence demonstrating otherwise, I consider it likely that the hall could be an attractive proposition for community groups in the future. Given that there is a stage and space for a substantial audience, the noise generated from the hall has the potential to be considerable.
8. No assessment of the resulting noise in the flat has been provided. However, it is not proposed to soundproof the flat and the accompanying plan suggests that the internal access door would only be partly filled. In the absence of a noise assessment or mitigation measures, I cannot be confident that the noise and disturbance generated from the hall would be mitigated to an appropriate degree. Given the proximity to the hall and stage, I conclude that harm could be caused from noise and disturbance to the living conditions of future occupiers of the flat.
9. I acknowledge that soundproofing could be installed as needed and that this could potentially be controlled by a condition. However, in the absence of details regarding the intensity and character of the noise source, it is not possible to have confidence that the harm could be overcome with soundproofing. For this reason, it is not appropriate for me to impose a condition to control this aspect.
10. The appellant states that 'most church activities would take place during office or working hours when the future occupiers are out for work' and, in principle, the hours of operation could be controlled by a condition. However, it would not be possible to control the hours of occupation of the flat and I cannot be confident that the residents would work away from home or during traditional working hours. I conclude that it is not possible to control activity in the hall to ensure that it does not coincide with occupation of the flat.
11. The appellant contends that the noise and disturbance from the activity in the hall would be similar to that accepted in mixed residential and commercial use, but I have no further information before me to demonstrate the extent to which this is comparable.
12. I also appreciate that future occupiers would likely be aware of the noise and disturbance from the existing use prior to occupation. However, the test in policy is to ensure that an appropriate standard of living is provided from the outset.
13. I observed at the site visit that there is a flat on the first floor of the same section of the building. I have little information regarding the structure and exact location of this flat, which makes direct comparison or use of this as a form of precedent problematic.

14. Two other permissions in Barnet have been presented, both for a change in use from offices to flats, where insulation of sound insulation is required by condition. It is not in dispute that some noise can be controlled through insulation. However, I have no information about these cases to know if the external noise was comparable to being adjacent to a church hall and immediately behind a stage, nor do these cases demonstrate that the level of noise and disturbance at the appeal site could be controlled to an acceptable level.
15. Policy DM04 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) (LP) states that proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted and that mitigation through design, layout and insulation will be expected. The proposal constitutes noise sensitive development and a potentially high level of noise could be generated from the adjacent hall during the lifetime of the site. No mitigation measures have been proposed. For these reasons, I conclude that the proposal conflicts with the requirements of Policy DM04.

Living space

16. Policy DM02 of the LP requires that development complies with the minimum floor space standards in Policy 3.8 of the now superseded London Plan (2016). I have not been provided with an updated version of this policy nor has reference been made to the equivalent policy in the London Plan (2021). However, the Council's adopted Residential Design Guidance (2016) (RDG) recommends minimum space standards to be applied to all developments, including conversions.
17. The flat would measure approximately 37 m². The bedroom would be approximately 13 m², which exceeds the minimum for a double bedroom in the guidelines. I have therefore considered the proposal on the basis that there could be two people in the flat. The guideline minimum floor area for a 1 bedroom, 2 person flat is 50 m². The proposed floor space is considerably less than that recommended and I conclude would not offer an adequate standard of living.
18. I acknowledge that if the flat was used by only 1 person then it would just meet the minimum space requirements. Occupancy is potentially something that could be controlled by condition. However, this has not been forwarded as a solution and the Council has not have had a chance to comment on the reasonableness or enforceability of such a condition. For this reason, and because I am dismissing the appeal for other reasons, I have not considered it further.
19. I acknowledge that the space standards are guidelines and that a degree of flexibility can be applied. However, they are referenced by both the local development plan and adopted guidance, and therefore attract significant weight. I am also mindful that the guidelines are clearly described as a minimum that should be exceeded where possible and that flexibility should be viewed in this context. The living space would be significantly below the guideline and for this reason I conclude would be harmful to living conditions.
20. For the reasons above, I conclude that the proposal would conflict with the requirements of Policy DM01 of the LP, which requires that all development is

of high quality design and Policy DM02, which requires the guidelines in the RDG be adhered to.

Planning balance and conclusions

21. There would be benefit from addition to the local housing supply of a small unit in an accessible location, albeit this is of modest weight given that it is only one unit.
22. I note the support given to re-development of underused buildings in the Framework. While I have no reason to doubt that this part of the building is currently under-used, there is no evidence before me that this proposal is the only alternative use, which limits the weight that I can give to this factor. I have also had regard to the other sections of the Framework brought to my attention, but do not find that these identify other significant benefits that would outweigh the harm.
23. The benefits from the scheme would not outweigh the potential harm to future occupants from inadequate living conditions caused by noise, disturbance and substandard internal living space.
24. I conclude that the proposal would conflict with the local development plan when read as a whole. There are no other considerations that would lead me to determine other than in accordance with this and the appeal should therefore be dismissed.

B Davies

INSPECTOR