



Appeal Decision

Site Visit made on 7 June 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2021

Appeal Ref: APP/N5090/W/21/3267452

46 Hurstwood Road, London, NW11 0AT

- 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 Esther Gurvits against the decision of London Borough of Barnet.
 - The application Ref 20/2628/FUL, dated 13 May 2020, was refused by notice dated 18 November 2020.
 - The development proposed is "Part single, part two-storey rear extension. Single storey side extension following demolition of existing single storey granny annexe to side elevation. Creation of four flats at No.46 Hurstwood Road. Extension of existing basement. First storey side ext. Extension to roof including 1no rear dormer and 1no side dormer with 3no rooflights to front elevation and 1no rooflight to rear elevation following removal of 2no existing chimneys (1no shared) to No. 46 Hurstwood Road. Creation of basement level habitable space. First floor side and rear extensions. Extension to roof including 1no rear dormer and 1no side dormer with 3no rooflights to front elevation and 1no rooflight to rear elevation following removal of existing rear dormer and (part of) shared chimney to 48 Hurstwood Road. Associated alterations to fenestration and landscaping to both properties."
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments which have been received have been addressed within the appeal decision.
4. The planning application form gives the site address as being No 46 Hurstwood Road although the description of the proposal, plans accompanying the planning application and the Council's decision notice confirm the proposed development relates to Nos 46 and 48 Hurstwood Road. I have considered the appeal on this basis.

5. On my visit I observed that work was commencing on extensions to the properties and that they appeared not to be occupied at that time.

Main Issues

6. Planning permission has previously been granted for the extensions to both properties. The Council has raised no concerns with this aspect of the proposal, and on the basis of the evidence before me I have no reason to find differently in this regard.
7. The main issues are therefore the effect of the use of No 46 as four flats (including studio apartment) on:
 - the character of the area with particular regard to the effect on the supply of family housing,
 - highway safety with particular regard to parking, and
 - the living conditions of future occupiers of the studio apartment with particular regard to privacy.

Reasons for the Recommendation

Character

8. Amongst other matters and to protect Barnett's character and amenity Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document sets out that the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate and that loss of houses in roads characterised by houses will not normally be appropriate.
9. The guidance in the Council's Supplementary Planning Document: Residential Design Guide sets out that the conversion of existing dwellings into flats can have a cumulative effect in damaging the quality of the environment and the character of established residential areas. It establishes that conversions may be appropriate in certain types of property or street particularly where they are highly accessible but recognises that in such areas that such development may harm the character of areas by changing external appearance and increasing activity, including more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries.
10. Hurstwood Road is residential in character with semi-detached dwellings set behind small front gardens and parking areas; many of which have been extended. Whilst private dwellings are the predominant form of property in Hurstwood Road, there are a number of properties that have been converted to flats and there is a flatted development on the corner of Hurstwood Road with Finchley Road. There is no evidence before me to demonstrate that such uses have had a harmful effect upon the character and appearance of the locality. Furthermore, at No 46, there were 2 residential units; the 2 storey dwelling and the former annexe to the side which had a lawful separate residential use.
11. The proposal includes No 46 being converted into 3 flats, a one bedroom flat at both lower ground floor and loft level, and a two bedroom flat at first floor level. The separate residential unit to the side would be a studio flat. Part of the ground floor would be used as extended living accommodation for No 48. The appeal site is within an accessible location, in close proximity to Finchley Road where there is a range of shops and services, as well as a number of bus

- stops. The intended future occupiers of the new flats would be able to walk or cycle to these services and facilities.
12. Both properties would retain their appearance as a dwelling and whilst there would be likely to be more refuse bins associated with the proposed use at No 46, which could draw attention to the number of units within the property, this would, subject to suitable refuse storage areas, only be apparent on refuse collection days. The bins would therefore be unlikely to detract from the character and appearance of the area.
 13. Furthermore, whilst noting the Council's concerns in respect of the levels of activity and noise associated with the proposed use, I find that this would be unlikely to be dissimilar to that associated with a large family dwelling, particularly if there were teenagers, younger and older adults living together, where there could be coming and goings on foot and by car at different times of the day and evening associated with employment and social activities, as well as deliveries to the property.
 14. Although the Council has indicated that there is a demand for large dwellinghouses, I am not persuaded on the evidence before me that the loss of the 3 bedroom dwelling in its unextended form at No 46 would have a harmful effect on the supply of such dwellings. Furthermore, whilst having fewer bedrooms than the host property, there would be a high probability that the two bedroom flat would be occupied by a small family and as a consequence the proposal would have a neutral effect on the supply of family housing in the locality. Moreover, the provision of smaller units would provide a mix of housing products in the locality which would provide choice for all households and enable residents to progress on a housing journey that meets the aspirations of home ownership.
 15. Given the above I conclude that the proposal would respect the character and appearance of the area in accordance with the aims of Policies CS4 and CS5 of the Barnet Core Strategy (2012), Policies DM01 and DM08 of the Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD9 (2016) (SPD) which together seek to ensure that development protects the character of the area and provides a range of dwelling sizes and types.

Highway safety

16. The submitted drawings indicate that 3 car parking spaces would be provided to the front of both No 46 and 48, whilst allowing space between the vehicles to provide access to the front doors of the respective properties. This would exceed the Council's standards, with reference being made to a requirement of 5 spaces, including 2 spaces for the dwelling at No 48.
17. Whilst cars would be parked close to the windows of the respective properties, there would be space for pedestrians to walk past the cars into each of the properties and also space to wheel bins to the pavement on refuse collection days.
18. The appellant has indicated that the parking spaces would be served by 3 crossovers with space between each to comply with the Council's standards. Whilst noting that the Council consider that their width would exceed that normally found to be acceptable by the highway authority, I have not been directed to its standards in this regard. Accordingly, from the evidence before

me I am satisfied that suitable access to the spaces could be provided from the public highway and as a consequence there would be no conflict with Policies CS9 and CS15 of the Barnet Core Strategy (2012), Policy DM17 of the Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016) SPD which together seek to ensure that development takes into account the safety of all road users.

19. The Council has referred to the Planning Obligations SPD, which is not relevant in this case.

Living conditions

20. The studio flat has its main entrances onto the narrow passageway to the side of this property, as well a window serving the living/sleeping space.
21. In order to access the rear garden of No 46 the intended future occupiers of the proposed flats would be likely to use the narrow passageway to the side of the new studio flat, in very close proximity to these doors and window. As a consequence there would be a high probability that the occupiers of the studio flat would have low levels of privacy within the property, with users of the passageway having direct views into the flat. A poor standard of living accommodation would be provided for the intended occupiers of this unit.
22. Whilst I acknowledge that the studio apartment to the side of No 46 already exists, there would be a high probability that there would be more comings and goings along the passageway compared to the existing situation, as a result of the building being occupied by more households than the current use. The likelihood of the privacy of the occupiers being invaded would therefore be greater.
23. I note that appellant has suggested that amendments could be made to the internal layout of the studio apartment to reduce privacy issues. However, amended plans are not before me and in any event, I can only determine the scheme on the basis of the plans submitted to and taken into consideration by the Local Planning Authority.
24. I therefore conclude that the proposal would result in significant harm to the living conditions of future occupiers of the studio apartment with particular regard to privacy, in conflict with Policies DM01 and DM02 of the Development Management Policies DPD (2012) which together seek to ensure that development is designed, amongst other matters, to allow adequate privacy for potential occupiers. It would also conflict with guidance in the Sustainable Design and Construction SPD (2016) and the Residential Design Guidance SPD (2016) which also requires that development does not result in a loss of privacy.

Other Matters

25. Whilst I note the concern in respect of cycle storage areas and refuse storage, there would be space to provide such facilities to the rear or side of No 48 in respect of that property's needs and to the rear of No 46, matters which could be controlled by planning condition.
26. I have had full regard to the personal circumstances that have given rise to the need for the proposal. Whilst I am sympathetic to this need as there is no mechanism available to me to ensure that the property would be occupied by

extended family members, I do not consider that it outweighs the harm I have identified.

27. My attention has been drawn to other appeal decisions for similar proposals. Whilst the proposals appear to be similar to the case before me, matters such as privacy were not in dispute and in this regard, and given my findings above, they are not directly comparable. I have considered this appeal on its own merits based on the site-specific circumstances of the case.

Conclusion and Recommendation

28. The proposed development conflicts with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

29. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR