



Appeal Decision

Site visit made on 7 February 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2022

Appeal Ref: APP/N5090/W/21/3279830

48 Victoria Road, New Barnet, Barnet EN4 9PF

- 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 M Koumi on behalf of Connaught Enterprises Ltd against the decision of London Borough of Barnet.
 - The application Ref 21/0640/FUL, dated 5 February 2021, was refused by notice dated 9 April 2021.
 - The development proposed is described as: 'Single storey rear extension, two side dormer roof extensions, window in front elevation at second floor level, window in side elevation at ground floor level, window in rear elevation at second floor level, provision of a balcony and glazed screening at the rear, insertion of door at rear at first floor level and provision of glazed screening around part of flat roof of ground floor rear extension. Alterations to front porch. Conversion of property into two dwellings.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. It has been brought to my attention that a draft Local Plan is emerging. However, this is at an early stage and currently attracts limited weight. I shall determine the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposed roof extensions and roof terrace upon the character and appearance of the host building and its surroundings;
 - The effect of the proposed roof terrace and balcony upon the living conditions of neighbouring occupiers at No 2 Alexander Close (No 2), having particular regard to privacy;
 - Whether or not acceptable living conditions would be provided for future occupiers of the proposed ground floor flat, having particular regard to outlook;
 - Whether or not acceptable living conditions would be provided for future occupiers of the proposed upper floor maisonette, having particular regard to the availability of private external amenity space; and
 - The effect upon highway and pedestrian safety and the free flow of traffic, having particular regard to the intended parking arrangements.

Reasons

Character and appearance

4. The site is in an area where a variety of different uses, plot layouts, building/roof forms and external-facing materials are present. Thus, whilst properties tend to be two storey and often follow consistent front building lines, a mixed character and appearance is identifiable.
5. The Residential Design Guidance Supplementary Planning Document (2016) (the RDGSPD) sets out that dormer roof extensions can have a significant effect in appearance terms and indicates, amongst other provisions, that such extensions should normally be subordinate features and not occupy more than half the width or half the depth of the roof slope concerned.
6. In this instance, large dormer extensions are proposed to both main roof slopes of the gable-fronted property in question. Instead of subordinate features, these would be read and experienced as significant and bulky additions that would fail to fully respect the form and proportions of the original building. I note that, owing to the site's corner plot positioning, the addition to the east-facing slope would be readily visible from a range of publicly accessible locations. Furthermore, whilst there are fleeting examples of other roof dormers local to the site, I am unaware of any nearby dormer of comparable size and bulk.
7. In contrast to the planned dormer extensions and notwithstanding the site's corner plot location, the intended roof terrace (to be edged with glazed screening) would appear as a discreet addition. Indeed, it would cover a modest area and be set at a relatively low base level. In the context of the mixed character and appearance identified, the roof terrace would have an acceptable visual impact.
8. However, for the above reasons, the proposed roof extensions would cause harm to the character and appearance of the host building and its surroundings. The scheme conflicts with Policy D6 of the London Plan 2021, Policy CS5 of Barnet's Local Plan Core Strategy (September 2012) (the CS), Policy DM01 of Barnet's Local Plan Development Management Policies (September 2012) (the DMP), the RDGSPD and the Sustainable Design and Construction Supplementary Planning Document (October 2016) (the SDCSPD) in so far as these policies and guidance seek to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Living conditions – neighbouring occupiers

9. The appeal property is positioned such that, to the rear, it has a direct relationship with the principal elevation of No 2. Views of this principal elevation (and of the open parking areas that it faces) are already readily attainable from publicly accessible vantage points, as well as via rear-facing openings that serve the appeal property currently.
10. The RDGSPD contains recommended minimum separation distances for new residential development, which include a 21 metre standard that relates to between properties with facing windows to habitable rooms. A 10.5 metre separation standard with respect to neighbouring gardens is also specified. It is important to recognise that neither the roof terrace nor balcony would

constitute a habitable room. In this sense, the 10.5 metre standard would appear more relevant.

11. In any event, having undertaken inspection and considered the site-specific circumstances to hand, I am content that the privacy of the occupiers of No 2 would not be compromised by the proposal. Indeed, neither the roof terrace nor the balcony would offer views dissimilar to those already available in a location that is not highly sensitive to potential overlooking given the public views that also avail.
12. For the above reasons, having particular regard to privacy, the proposed roof terrace and balcony would have an acceptable effect upon the living conditions of neighbouring occupiers at No 2. The scheme accords with Policy D6 of the London Plan 2021, Policy CS5 of the CS, Policy DM01 of the DMP, the RDGSPD, the SDCSPD and the Housing Supplementary Planning Guidance (March 2016) (the HSPG) in so far as these policies and guidance set out that development proposals should be designed to allow for adequate privacy for adjoining occupiers and users.

Living conditions – future occupiers of the ground floor flat

13. The Council's third reason for refusing planning permission relates to the standard of outlook that would be provided from two of the intended bedrooms. As regards the window that would serve the room annotated as Bedroom 2 on the proposed plans, it is not the case that it would be especially small-sized. Whilst available views would be constrained to some degree due to the proximity of neighbouring boundary treatment, I am unpersuaded that this would be to an extent that would translate to material harm. With respect to Bedroom 3, it would be served by two separate window openings. Even when acknowledging that one would be high-level and the other would face a small courtyard, I am satisfied that a suitable standard of outlook would avail.
14. For the above reasons, having particular regard to outlook, acceptable living conditions would be provided for future occupiers of the proposed ground floor flat. The scheme accords with Policy D6 of the London Plan 2021, Policy CS5 of the CS, Policy DM01 of the DMP, the RDGSPD, the SDCSPD and the HSPG in so far as these policies and guidance set out that development proposals should be designed to allow for adequate outlook for potential occupiers and users.

Living conditions – future occupiers of the maisonette

15. As set out in the SDCSPD, outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents. The relevant requirement for flats, as laid out in the SDCSPD, is 5 square metres per habitable room. Should the maisonette be considered to contain three habitable rooms, this standard would be met.
16. In any event, as set out in the RDGSPD, the rigid application of amenity space standards can restrict the creative design and layout of new residential developments. This is especially so on smaller development sites, such as the appeal site. As is apparent from the submitted plans, the provision of private outdoor amenity space has been maximised in accordance with the site-specific circumstances to hand. The external terrace/balcony areas to be provided would offer readily useable outdoor spaces broadly commensurate in cumulative size to the extent of internal floor space to be provided.

17. For the above reasons, having particular regard to the availability of private external amenity space, acceptable living conditions would be provided for future occupiers of the proposed upper floor maisonette. The scheme satisfactorily accords with Policy D6 of the London Plan 2021, Policy CS5 of the CS, Policy DM01 of the DMP, the RDGSPD, the SDCSPD and the HSPG in so far as these policies and guidance set out that development will be expected to demonstrate compliance with relevant standards/guidance and that the fundamental design considerations for amenity space should be its quality and useability.

Highway and pedestrian safety – parking

18. The scheme involves the provision of a single parking space to the front of the site where an expanse of hardstanding is already in place. This space would serve both the two-bedroomed and three-bedroomed units that are proposed. Upon inspection, I observed a limited range of unrestricted on-street parking opportunities to exist close to the site and witnessed the spaces that did prevail to be in apparent high demand. This is consistent with several representations made by local residents, who have made reference to the congested nature of Victoria Road and to a lack of on-street parking provision in the area.
19. Whilst Policy DM17 of the DMP sets out maximum parking standards for different types of residential development, it indicates that only where it can be demonstrated through a survey that there is sufficient on street parking capacity should residential development with limited or no parking outside of a Controlled Parking Zone be considered acceptable. Consistent with this requirement, the Highway Authority (the HA) has objected to the proposal in the absence of a Parking Survey. This is a matter of importance as the HA are responsible for the safety of users of the local highway network.
20. The level of demand for parking to be generated by two separate units each accommodating multiple bedrooms would be realistically expected to exceed that generated by a single dwelling. This finding would apply even should the appeal property be extended in the future under permitted development rights. Furthermore, the relative proximity of facilities and services, which include a train station, would not necessarily deter car ownership at this site.
21. For the above reasons, in the absence of convincing evidence to the contrary, the proposal would prejudice highway and pedestrian safety and the free flow of traffic and would thus cause harm. Indeed, the limited level of on-site parking that would be provided has not been demonstrated to be acceptable and would be likely to lead to instances of inconsiderate/hazardous parking to the detriment of safe and free flowing highway/pedestrian movements. The scheme conflicts with Policy CS9 of the CS, Policies DM01 and DM17 of the DMP and the National Planning Policy Framework (July 2021) (the Framework) in so far as these policies seek to guard against an unacceptable impact on highway safety.

Other Matters

22. I have noted objections/concerns raised by interested parties with respect to matters including overlooking (in a wider sense than covered under the second main issue in this appeal). However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

23. My attention has been drawn to a 'fallback' position offered by permitted development rights. Indeed, prior approval¹ was deemed not be required in March 2021 for a single storey extension of matching design to that now proposed whilst a certificate of lawfulness² was issued in April 2020 that incorporated dormer roof extensions of corresponding composition to those now intended.
24. Despite the proposal now before me being centred upon the conversion of an existing dwelling into two separate units, I accept that there is a reasonable likelihood of the works referenced in the preceding paragraph coming forward should this appeal be unsuccessful. Moreover, as illustrated upon the relevant floor plans³, the consented extensions would provide plausible/logical enlargements to existing internal living arrangements at the property. Based on these findings, I attach limited weight to the harm that I have identified would be caused (by the roof extensions now proposed) to the character and appearance of the host building and its surroundings.
25. However, the fallback position relates to permitted development rights that apply within the curtilage of a dwellinghouse. In this instance an additional unit of living accommodation is intended and an associated increased demand for parking would apply. In the absence of clear evidence otherwise, the proposal would cause considerable harm in a highway and pedestrian safety sense and the fallback position does not justify me coming to a judgement otherwise.
26. In terms of the scheme's benefits, one additional residential unit would be created, and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes and making an effective use of land. I also acknowledge that the flat and maisonette to be provided would be expected to constitute comparatively affordable market units. However, one additional unit would not make a clear or noticeable difference to the Borough-wide housing supply situation and is a benefit that attracts limited weight. The scheme would also create jobs during the construction phase and provide support to the local economy and local community facilities once occupied. However, these benefits also attract limited weight due to the extent of development under consideration.
27. The scheme's benefits, considered cumulatively, would be modest and would not outweigh the harms and associated policy conflicts that I have identified. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

28. Whilst I have found the proposal to be acceptable in a variety of respects and acknowledge the reasonable likelihood of an identified fallback position being implemented, I have identified considerable harm in a highway and pedestrian safety context. This harm is the overriding consideration in this case. Thus, for the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR

¹ 21/0654/PNH

² 20/1489/192

³ Vic/21/P/02 & Vic/20/P/04