



Appeal Decision

Site visit made on 26 October 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18/03/2022

Appeal Ref: APP/N5090/W/21/3273192

82 Beaconsfield Road, Brunswick Park, London N11 3AE

- 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 Messrs N Patel and P Vagadia against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/4296/FUL, dated 11 September 2020, was refused by notice dated 15 February 2021.
 - The development proposed is extensions and alterations in connection with conversion of single family dwelling house to 6 flats (1 X 2B/3P and 5 X 1B/2P) together with associated car/cycle parking and refuse/recycle storage.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.
3. Since the determination of the original application the London Plan 2021 (a Replacement Plan) has been published by the Mayor of London. This London Plan (LP) replaces all previous versions. The new LP is clearly referred to within the Council's submissions. A copy of the relevant new LP policy was also submitted with the Council's statement which the appellant had an opportunity to comment on. Therefore, I am satisfied that no party has been prejudiced in this regard.
4. In their evidence the Council has referred to the emerging Barnet Publication Draft Local Plan. However, this plan has not yet been examined and found sound. Consequently, I have afforded it limited weight.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal property is a two-storey detached dwelling with an attached single storey garage to the side and rear. On the other side of the property there are two external storage areas and a small side extension on the ground floor. The property has a small amenity area to the front and a reasonably large garden

to the rear. The land level at the back of the appeal site is lower than the front, and there are steps down to the garden area.

7. On one side the neighbouring property is a slightly larger detached dwelling with a front amenity space and large back garden. It also has a ground floor rear extension that projects a similar distance along the shared boundary as the appeal property's garage. There is also a wall on the shared boundary of a similar height that projects further to the rear than the rear extension. On the other side the neighbouring property is a semi-detached two storey dwelling with an attached ground floor side garage, a front amenity space/driveway and a relatively large back garden. The other properties on this part of Beaconsfield Road comprise similar two-storey dwellings with smaller front amenity spaces/driveways and larger back gardens. Some of these other properties also have rear extensions which project a similar distance from the back building line of their respective host properties.
8. The proposed development would convert the host property into six separate residential units via a two-storey side and rear extension in addition to an upwards roof extension. The proposal would also extend downwards towards the rear resulting in a lower ground level for the back garden. Given its size, scale, bulk, massing and height, the proposal would represent a significant extension to the host property, particularly the sizeable two storey side/rear extension. When viewed from the rear it would have the appearance of a three-storey town house and when viewed from the side it would resemble a small block of apartments rather than a dwelling. Accordingly, it would also not appear subservient to the host property and represent a disproportionate addition to it.
9. Consequently, while I acknowledge that from the front it would resemble a larger detached two storey dwelling, even though the proposal takes advantage of the sloping topography of the site, when viewed from the rear and side it would still appear visually discordant and at odds with the other properties on this part of the road, nonetheless. Furthermore, the addition of multiple bin stores to the front of the property would also make the forecourt area appear visually cluttered in comparison to those of the other properties on this part of the road. As a result, the proposal would have a significant adverse visual impact in these regards.
10. The adopted Residential Design Guidance Supplementary Planning Document (SPD) states that residential extensions which exceed the specified limits will not normally be considered acceptable. In the case of detached properties, the specified limit for a single storey rear extension is 4 metres. The specified limit for two storey rear extensions which are closer than 2 metres to a neighbouring property is 3 metres. At paragraph 15.6 the SPD also stipulates that where a conversion to flats is proposed the property should be large enough to be converted without the need for substantial additional extensions.
11. According to the evidence the proposed rear extension would exceed 4 metres in depth. Therefore, while I acknowledge that it would not be closer than 2 metres to the neighbouring property it would conflict with the SPD as it would exceed the 4-metre limit at ground floor level. Furthermore, given the substantial size of the proposed extensions that would facilitate the conversion of the host property from a dwelling to flats, I consider that the proposal would conflict with paragraph 15.6 of the SPD.

12. Consequently, and considering the above I find that the proposal would not visually fit within its local context and the more suburban character of the dwellings on this part of Beaconsfield Road. As a result, it would represent an incongruous addition to the street scene thereby having a significant adverse visual impact in this regard. For similar reasons it would also represent a cramped form of development that would be out of keeping with the established pattern on this part of the road.
13. The Council has also raised a concern in relation to the impact of the proposal on the residential character of the area due to the potential increase in daily household activity and levels of waste/refuse arising from the fact that it would provide 6 apartments as opposed to the current situation of their being a single dwelling at the appeal site. They also state that the resulting need for stores that would accommodate an increased number of bins would be located on the proposed front forecourt would appear unsightly and be uncharacteristic of the area.
14. According to the Council's evidence the maximum occupancy of the proposal would be approximately 12 persons with the existing dwelling having a maximum occupancy of approximately 4 persons. Therefore, given the fact that the other nearby properties on this part of the road are also dwellings, it is likely that the proposal at full occupancy would potentially give rise to a substantial increase in 'comings and goings' and in the generation of refuse resulting in the need for more bins than are currently required at the appeal property. As a result, I find that it would also be likely to have an adverse impact on the more suburban residential character of this part of Beaconsfield Road.
15. The appellant has stated that the proposal would not significantly alter the appearance of the host property when viewed from street and that there would be no public views of it other than from the front. However, as outlined above, the proposal would only appear to blend in with the suburban character of the dwellings either side of it when viewed from a 'head on' vantage point directly opposite its front elevation. Furthermore, given the gaps between the host property and its adjacent neighbours on either side, when viewed from certain directions on the street that are more 'sideways on', I consider it likely that due to its scale, height, massing, and bulk that the proposed two storey rear/side extension would be at least partially visible from such vantage points. Moreover, the proposal would also be visible from the rear habitable rooms of nearby properties. Consequently, it would be reasonable to conclude that it would also have an adverse visual impact in these regards.
16. I note that the proposal would not project past the line of the rear wall on its shared boundary. However, it would project past further than the rear extension on the neighbouring detached property (no. 84) both at ground floor and first floor level.
17. I also note that other properties on Beaconsfield Road have a similar number of bins stored in their front amenity areas as the proposal would. However, these other properties are located further along the road where the character is different and more urban i.e., many of these properties are terraced or are apartments rather than larger two storey dwellings. Furthermore, the dwellings closest to the appeal property do not have as many bins as these other properties.

18. In addition, from what I observed on my visit, for the most part these bins outside these other properties were stored to the side of their front amenity areas and not in the centre of them as the proposed refuse stores would be. Moreover, whilst the proposed bin stores would screen the bins from view, given their size, bulk, materials and location I consider it likely that the stores themselves would have an adverse impact by creating visual clutter, nevertheless.
19. The appellant has suggested a pre-commencement condition requiring the submission and approval of alternative details for the front forecourt area and the location of the proposed refuse stores to the side rather than the centre. However, even though this would likely lessen their visual impact it would not alter the fact that the residential dwellings closest to the appeal property on this part of the road do not have such bin stores. As a result, I am not satisfied that the imposition of such a condition would adequately mitigate their visual impact resulting from their contrasting appearance and the cumulative visual clutter they would create.
20. I acknowledge that there are other properties on Beaconsfield Road that are either apartments or dwellings that have been converted to become flats. Indeed, the appellant has estimated that approximately 50% of the original houses on the street have been converted in this way. However, according to the Council's statement, none of these conversions are as large as the proposal would be and many of the larger apartment buildings also appear to be purpose-built rather than conversions of residential dwellings.
21. Furthermore, they are located on a part of Beaconsfield Road that has a different and more urban character than the suburban part of the road to which the appeal property belongs. As a result, the fact that there are large apartments and flats on one part of the road does not necessarily mean that a similar development would be appropriate on another part of that road which has a different character. Moreover, it also does not mean that more than half of the houses on the street should be converted to apartments.
22. I therefore conclude that the proposed development would materially harm the character and appearance of the area. Accordingly, it would fail to meet the relevant requirements of policy DM01 of the adopted Barnet Local Plan Development Management Policies Development Plan Document (DMP) as supported by the SPD. It would also fail to meet the relevant requirements of Policy D3 of the LP. Given the main issues I consider that policies CS1 and CS5 of the adopted Barnet Local Plan Core Strategy to be not entirely relevant in this case given their more strategic focus.

Other Matters

23. I note that no concerns have been raised in relation to any adverse impact the proposal would potentially have on the amenity or living conditions of neighbouring occupiers or its future occupiers. However, even so, this is not of sufficient weight to outweigh the significant harm that the proposal would cause to the character and appearance of the area.
24. The appellant has stated that despite the appeal site being in an area with a PTAL rating of 2 it is within a 9-minute walk of New Southgate railway station and a 6-minute walk of two bus stops meaning that it is in a sustainable location. The Council confirm this in their officer report. I also acknowledge that

the proposed car parking and cycle parking provision would meet the relevant standards. However, even so, this is also not of sufficient weight to outweigh the significant harm that the proposal would cause to the character and appearance of the area.

25. The appellant has cited two potential 'fallback' positions that they could pursue should the appeal be dismissed under extant permissions Ref. 19/1038/HSE and Ref. 21/3320/FUL. However, whilst these options could be pursued, given that the first one relates to a proposal of a much smaller scale I do not consider that it would be more harmful than if the appeal scheme itself were permitted in conflict with policy DM01. Similarly, while the second position relates to a development more like the proposal it would result in the provision of 5 apartments not 6 with its scale and bulk also being smaller making it likely that the scheme would have a lesser impact than the proposal would. Accordingly, I afford these potential fallback positions limited weight.
26. The appellant has also pointed out that the Council's planning officers recommended that the appeal scheme be approved and that the decision of the Council's Planning Committee was against this officer advice. However, while I acknowledge that this will have been a disappointment to the appellant this is something that the Council's Planning Committee has a right to do and it is not duty bound to follow the advice of its professional officers. As a result, I afford this matter limited weight.
27. The appellant has stated that only three of the objections to the proposal were from local residents with the others being from persons who live further afield. However, even so these objections must be considered, and just because they were not all from residents in the local area does not mean that they did not raise valid concerns. I also acknowledge that many of the objections to the original application by interested parties were made after the revised plans had been submitted and that many of them referred to other matters such as parking and highway safety. However, some of them did refer to matters such as the main issues outlined above. In any event, the fact remains that interested parties, including local residents, have objected and I have taken these objections into account in making my decision.

Planning Balance and Conclusion

28. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

C Coyne

INSPECTOR