



Appeal Decision

Site visit made on 14 March 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 4 April 2022

Appeal Ref: APP/N5090/W/21/3282380

37 Chiltern Gardens, London, NW2 1PU

- 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 Milan Korenko against the decision of London Borough of Barnet.
 - The application Ref 21/2594/FUL, dated 2 June 2021, was refused by notice dated 22 July 2021.
 - The development proposed is described as 'conversion of a single residential dwelling into 2 no self contained residential units'
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Decision

1. The appeal is allowed and planning permission is granted for development described as 'conversion of a single residential dwelling into 2 no self contained residential units' at 37 Chiltern Gardens, London, NW2 1PU in accordance with the terms of the application, Ref 21/2594/FUL, dated 2 June 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Whilst reference to the emerging Barnet Local Plan it remains unadopted at the time I write this decision. It is also unclear as to whether there are any outstanding objections to its policies. With this in mind, I afford it only limited weight.

Main Issue

3. The main issue is the effect of the proposal on the character of the area with particular reference to the loss of a single-family property.

Reasons

4. The appeal area is the Golders Green estate which is predominately a residential area consisting of similar two-storey semi-detached properties with front and rear amenity spaces. Many of the properties have driveways and on-street parking available. Within the wider area there are examples of properties having been converted into flats. The appeal property is a two-storey, five bedroom, semi-detached house with a paved front parking area. The property is situated very near to the end of Chiltern Gardens, towards Claremont Road. The conversion proposal would not change the front elevation of the property and would include front off-street parking with a refuse store, rear cycle stores and amenity/garden space.
5. The Council's reasons for refusal state that the scheme would result in the loss of a type of accommodation which is in demand. Their evidence on this matter

is however limited. I note Policy DM08 of Barnet's Local Plan Development Management Policies 2012 (DMP) which sets out housing need, but it is not conclusive on there being demand for single family dwellings, only that development should ensure an appropriate mix of dwellings. Chiltern Gardens and the estate are predominately single-family properties. There are a number of examples of nearby permitted flat conversions within the area, including 12 Chiltern Gardens, and these have not been disputed by the Council. To my mind, this shows that flat conversions can offer, subject to not detracting from the residential character, further variety to the housing mix of the area.

6. While Policy DM01 of the DMP advises, amongst other matters, that conversion of houses to flats is not normally appropriate, the Barnet's Local Plan Supplementary Planning Document Residential Design Guidance 2016 (SPD), advises that conversions may be appropriate in certain types of property or streets. This would be where they are highly accessible and do not detract from the character.
7. There would be no changes to the property's front elevation and only minor cosmetic changes to the external hardstanding in the form of delineating the shared flat parking and improving refuse storage. As such the proposal would not affect the visual appearance and character of the property or street scene. The proposal would require a highway tree to be removed, and the highway access extended. The tree has been heavily pruned which has decreased its visual amenity and the change to the access is limited. On this basis these changes would have negligible impact on the character and appearance of the area.
8. The proposal would introduce an extra property into Chiltern Gardens. Due to the flat's size and extent, it would not increase the overall number of bedrooms currently provided. There is no limit on the use of the existing property and no evidence has been provided to suggest that the proposal would lead to significant changes in the type or frequency of vehicular or pedestrian movements.
9. No 37 is located at the far end of Chiltern Gardens, close to Claremont Road. In all probability the movement of people and cars from the property would generally be to Claremont Road and away from Chiltern Gardens and the estate. This is because Claremont Road provides highly accessible links to the surrounding road and public transport networks.
10. The proposal would incorporate sufficient off-street parking, cycling and refuse provision which ensures impacts from these aspects are addressed and mitigated. Furthermore, the introduction of two relatively small flats within Chiltern Gardens, would neither significantly increase delivery traffic or, as it would only introduce one extra bin collection, refuse collection.
11. As such, the proposal would not result in the unacceptable loss of a family dwelling that would lead to harm to the character of the area. It would therefore accord with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012, Policies DM01 and DM08 of the DMP and the National Planning Policy Framework 2021. These seek, amongst other matters, to protect the Borough's character and amenity and ensure high quality urban designs that make a positive contribution to making places better for people and that they are accessible, safe and attractive environments. As

well as ensuring an appropriate housing mix in areas and through new development.

Other Matters

12. There is concern that the works have started and I understand that the Council has considered this. In any event this is essentially a planning enforcement matter that has not been a determinative in my assessment of the planning merits of the appeal. I have considered the proposal on its own merits and on the basis of the plans and evidence before me in that regard.
13. The proposal would not significantly change the front hardstanding and as such it would be allowed to drain as existing. The Council and the Highway Authority have not raised any concerns with this. I have no reason to disagree.
14. I have addressed concerns raised regarding impacts on services and parking within my decision. There is no evidence to suggest that the conversion would not be used as family homes and therefore would not add to the existing family community. In any event, the proposal would be a minor change to the mix of housing and would add to the local resident community as a whole.

Conditions

15. The conditions set out in the accompanying schedule are based on those suggested by the Council. These conditions have been considered against the tests in the Framework and advice provided by the Planning Practice Guidance.
16. I have specified the standard timescale and approved plans conditions as this provides certainty. Conditions are also included to ensure the refuse storage containers materials, appearance and accessibility are agreed and to ensure dedicated cycle parking is provided to promote cycling as a mode of transport. Finally, I have included a condition to ensure the agreement and protection of the proposed sub-division of the amenity areas.
17. I have not imposed the Council's suggested condition 5 as this is clearly dealt with by Requirement E of the Building Regulations 2010 and the planning condition would therefore not meet the tests set out in the Framework.

Conclusion

18. For the reasons given above, and taking into account other matters raised I conclude that the proposal does not conflict with the development plan taken as a whole and that the appeal should be allowed.

J Symmons

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) This development must be begun within three years from the date of this permission.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Ref: SK0501 40400

Drawing Ref: SK0501 40401

Drawing Ref: SK0501 40402

Drawing Ref: SK0501 40403

Drawing Ref: SK0501 40404 Rev A

Drawing Ref: SK0501 40405

- 3) Prior to the first occupation of the development hereby permitted, a scheme for the storage and collection of refuse and recycling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted and retained thereafter.
- 4) Prior to the first occupation of the development hereby permitted, cycle parking spaces shall be provided in accordance with the London Plan 2021 cycle parking standards. Spaces shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.
- 5) Prior to the first occupation of the development hereby permitted, details of the subdivision of amenity areas shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted and retained thereafter.