



Appeal Decision

Site visit made on 12 April 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2022

Appeal Ref: APP/N5090/W/21/3286769

15 Clifton Avenue, Finchley, London N3 1BN

- 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 Ms Sevinc Berk against the decision of London Borough of Barnet.
 - The application Ref 21/3597/FUL, dated 28 June 2021, was refused by notice dated 12 October 2021.
 - The development proposed is described as "*converting the two storeys family home to ground and first floor self contained flats.*"
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character of the area; and
 - Highway safety, with regard to parking provision.

Reasons

The Character of the Area

3. The appeal property is an Edwardian semi-detached house on Clifton Avenue, currently occupied as a large but well-proportioned 5 bedroomed dwelling. It has a small front garden and larger rear garden which would be subdivided. The appeal proposal would create 2 self-contained flats, a one-bedroomed unit at ground floor and a further two-bedroomed unit at first floor level. Clifton Avenue and the surrounding streets are characterised by family housing and appear to be largely in single family occupation.
4. Policy DM01 of Barnet's Local Plan Development Management Policies (DMP) (2012) seeks to protect the character of established areas of family housing from the cumulative effects of intensification of use resulting from the conversion of houses to flats. Furthermore, the Council's Residential Design Guidance Supplementary Planning Document (SPD) (2016) confirms that conversion proposals are likely to be resisted in areas of traditional suburban housing where there are predominantly single-family occupation houses for the same reasons.
5. Family housing is defined in the London Plan (2021) (LP) as having 3 or more bedrooms. The Council applies the minimum space standards as set out in the LP and based on the Nationally Described Space Standard. The study proposed in the first-floor flat falls far short of the 7.5m² of floorspace requirement to be

considered acceptable for a bedroom. Therefore, the first-floor flat cannot be considered as a 3-bedroom unit capable of family occupation. As a result, neither unit in the proposed conversion would deliver the level of accommodation expected for family occupation and therefore the proposal cannot be considered to provide 2 units of family housing.

6. I acknowledge that the Residential Conversion Study Supporting Evidence for the New Local Plan (2019) identifies a 24% need for 2 bed accommodation and a 5% need for 5+ bed accommodation in the borough. Whilst there may be a greater need for 2 bed accommodation, nevertheless, a requirement for 5 bed accommodation remains. Furthermore, there is a clear policy to protect family sized dwellings from conversion in the DMP.
7. Moreover, I have not been provided with any evidence that there is a lack of demand for 4 or 5 bed roomed houses in the area, which would justify the loss of a unit of this size. The general demand for smaller accommodation is also not a justification for the loss of a family house, as this can be provided by other means.
8. There is disagreement between the parties as to the exact number of properties on the avenue which have been converted to flats and whether they have planning consent. It would appear to me, from my observations, that regardless of the precise numbers the avenue is made up of predominantly single-family dwellings and retains the character of a street which is made up as such.
9. Whilst the appeal proposal would not alter the external appearance of the property itself, the conversion would likely increase activity from comings and goings in the avenue from the number of residents living as separate households within the property. Such activity can often involve more movements by both people and vehicles, with the potential for additional noise and disturbance to neighbouring occupiers. Consequently, the proposal would have an adverse impact on the character of an area which criteria h) and i) of DMP Policy DM01 specifically seek to protect.
10. Therefore, I conclude that the proposal would result in the loss of family sized dwelling which would adversely affect the character of the area contrary to DMP Policy DM01. The proposal would also conflict with the advice in the SPD on residential conversions.

Highway Safety

11. The appeal site is located within a controlled parking zone (CPZ). No evidence has been submitted to demonstrate that there is sufficient capacity in the locality to accommodate further on-street parking. On my site visit, undertaken in the middle of a typical weekday, when residents are more likely to be out at work or running errands, I observed that most on-street spaces were occupied. I therefore consider, that whilst this is not necessarily entirely indicative of the prevailing parking conditions there did appear to be some pressure on parking in the locality.
12. DMP Policy DM17 requires that a development of the nature proposed provides between 2 and 3 parking spaces. The appellant currently has one car parking permit for on-street parking and has stated that that another one would be obtained. No evidence has been submitted to demonstrate that they are

entitled to a second on-street permit, or that one would be forthcoming should it be applied for.

13. The Council suggest that one car parking space is provided on-site. However, on my site visit I did not observe any parking provision within the appeal site. Furthermore, the proposed plans do not show any on-site provision. Even if one off-street space had been proposed this could not be provided without sacrificing least one on-street space. Consequently, the lack of sufficient parking provision would likely result in indiscriminate parking within the locality, which would give rise to unacceptable conflicts between vehicles and pedestrians.
14. I therefore conclude that the proposal would unacceptably harm highway safety contrary to DMP Policy DM17 which requires developments to provide parking appropriate to its scale. I do not however find conflict with Core Strategy Policy CS9 which is concerned with providing appropriate transport infrastructure in the borough.

Other Matters

15. I have given the appellant's personal circumstances careful consideration. However, I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be relevant. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the development plan, the SPD and the National Planning Policy Framework. Furthermore, the number of habitable rooms and the lack of need to extend the property to facilitate the conversion are matters to which I have given careful consideration, however, do not outweigh the harm that I have identified.
16. I recognise that the objection from the Finchley Society refers to an appeal decision elsewhere and the appellant has referred to other examples of planning permissions for conversions granted by the Council. I do not have the full details of the circumstances surrounding those cases, and in any event, I must consider the appeal on its own merits. Moreover, the existence of other residential conversions elsewhere does not outweigh the harm that I have otherwise found. I note that no objections have been received from neighbours. However, the lack of objections does not equate to a lack of harm.
17. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Conclusion

18. For the reasons given above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR