



Appeal Decision

Site visit made on 10 May 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2022

Appeal Ref: APP/N5090/W/22/3290527

268 - 270 Watford Way, Hendon, London NW4 4UJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Cris Tilvar against the decision of London Borough of Barnet.
 - The application Ref 21/3790/OUT, dated 8 July 2021, was refused by notice dated 8 September 2021.
 - The development proposed is a roof extension to provide 2 no flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application has been made in outline with means of access, appearance and landscaping as reserved matters to be determined at a later date. Detailed elevations and floor plans were submitted with the application. I have determined the appeal on the basis that appearance is a reserved matter.
3. 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

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property, terrace and surrounding area; and
 - Whether the proposed development would provide acceptable living conditions for future residents in terms of the provision of internal living space, external amenity space and outlook.

Reasons

Character and Appearance

5. The site is located close to the end of the rear of a curved terrace of buildings on the junction of Watford Way and Greyhound Hill which have commercial units at ground floor level and residential uses above. The rear of the terrace has a utilitarian character with service yards, access stairs and ventilation flues mixed with rear yards and parking provision. Where dormers and outriggers have been added to the rear of the terrace, they are the exception, are modestly sized and in keeping with the scale of the host building.

6. The proposal would introduce a dormer extension which would span almost the entire width of the rear roof slope of both Nos 286 and 270 Watford Way. It would sit just below the ridge of the host building and would step forward on to the existing flat roofed outriggers. The gap between the outriggers would be infilled to form an extension at first floor level over the existing single storey extension. As a result, the face of the dormer would project well beyond the main rear elevation of the terrace.
7. The Council's Residential Design Guidance Supplementary Planning Document 2016 (RDG SPD) includes advice that adequate roof slope is required above and below dormers, that they should be set in at least one metre from the party wall, flank wall or chimney stack, and that dormer extensions should normally be subordinate features and should not occupy more than half the width or half the depth of the roof slope. In all these respects the proposal would fail to follow this guidance.
8. Whilst matters regarding the appearance of the appeal scheme are not before me to consider as part of the appeal, by reason of the proposed layout and consequent scale of the proposal it would dominate the rear of the appeal properties and would appear as a bulky addition on the rear elevation of the host properties. As a result, it would appear incongruous and out of scale with its surroundings and would be readily visible from both the rear of other properties within the terrace and from Hendale Avenue to the north. The proposed scale of the development would, therefore, fail to reflect the prevailing character and appearance of the area and would appear incongruous in its surroundings.
9. For the above reasons, I conclude that the proposal would unacceptably harm the character and appearance of the site and its surroundings contrary to Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) (2012) (DMP), the RDG SPD and Policy D4 of the London Plan (2021) (LP) which, amongst other things, seek to ensure that new development is of high quality that preserves or enhances local character and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Living Conditions

10. The proposal would facilitate two one-bedroomed flats within the roof space. The gross internal floor area (GIA) of both flats would be approximately 40m² with bedroom sizes of some 15.8m² and 16.4m² respectively. I acknowledge that the flats are described on the application form as being one-person studio flats. However, their occupation by a single person could not be controlled by condition. In the absence of any evidence on how the roof slope would reduce the useable floor area of the bedrooms they are considered to be both one-bedroomed 2-person flats.
11. Minimum GIA requirements are set out in Policy D6 of the London Plan (2021) (LP) at Table 3.1 to ensure that accommodation is comfortable and functional for future occupiers. It requires that accommodation of this type provides a GIA of no less than 50m². The accommodation would fall far short of this standard and as a result would represent an oppressively confined and substandard form of accommodation for its future occupiers.

12. Each bedroom would be served only by rooflights which are indicated to be located high up in the roof plane. Whilst I acknowledge that appearance is a reserved matter and therefore the size and the position of the rooflights may change. However, if the proposal were to remain as it is before me would provide an inadequate outlook for future occupiers and would further compound the substandard accommodation proposed. The Council's Sustainable Design and Construction Supplementary Planning Document (2016) (SDC SPD) advises that habitable rooms should be glazed to a level which is 20% of the floor area. In both cases the level of glazing indicated would fall far short of that. Moreover, the SDC SPD advises that bedrooms should have a reasonable outlook. I consider that rooflights alone would not provide a reasonable outlook. The result would be a poor standard of outlook for the occupiers of both these units.
13. External amenity space would be provided on a communal roof balcony. This would provide amenity space for both the two existing flats at first floor level and the two proposed in the roof space. The SDC SPD recommends that based on the accommodation proposed at least 55m² external amenity space should be provided. At around 43m², the proposal falls significantly short of that and would be further compromised by the sharing of the area.
14. It has been suggested that the standard of accommodation proposed is consistent with other properties in the borough. However, no specific evidence has been provided to other schemes where they exist. Moreover, the presence of other dwellings with a similar substandard quality of accommodation does not provide justification for the appeal scheme and in any event, I must consider the appeal on its own merits. I have not been provided with any compelling reasons why the appeal should be determined other than fully in accordance with the development plan.
15. I therefore find that the proposal would fail to provide adequate living conditions for future occupants, with regard to internal space provision, outlook and the provision of external amenity space. The proposal would therefore be contrary to CS Policy CS4, DMP Policies DM01 and DM02, LP Policy D6, the SDC SPD and the RDG SPD which all require that development should, amongst other things, provide a high quality of amenity for future users.

Other Matters

16. I acknowledge that the proposal would provide additional housing. The proposal would also represent an efficient use of land in an area where there are local job opportunities, good transport connections and is within easy reach of nearby local centres and the centre of London. Given the scale of the scheme any contribution towards housing supply or mix, however, would be limited and the weight this carries in support of the proposal is reduced as a consequence. These factors are not therefore sufficient to outweigh harm that I have identified above.
17. I acknowledge the appellant's concerns over the Council's handling of the application. However, that is a matter between the appellant and the Council and is not a matter for my consideration under a Section 78 planning appeal. It does not, therefore, 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 relevant material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR