



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: 5th August 2022

Appeal Ref: APP/N5090/W/21/3287217

78 Finchley Lane, Hendon, London NW4 1DH

- 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 J Daly on behalf of JALF LTD against the decision of London Borough of Barnet.
 - The application Ref 21/3869/FUL, dated 1 July 2021, was refused by notice dated 21 September 2021.
 - The development proposed is roof extensions and conversion of property into 3 self contained flats
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have noted that the appeal proceeds in the name of the appellants son. I am satisfied that no parties would be prejudiced by this, and I have determined the appeal accordingly.
3. There is some disagreement between the parties as to whether the property has previously been converted into two flats or is in use as a single dwelling house. The planning application was determined on the basis that the property is in use as a single dwelling, and I have considered the appeal on this basis.
4. I have been provided with an unsigned affidavit claiming that a previous application by a John Morrison was submitted to the Council in the appellants name without his knowledge. I have no details of this application and it is not clear exactly what the relevance of the application or affidavit is to the appeal, other than it appears to confirm that the property is in use as a single dwelling.
5. The appellant submitted late evidence in respect of highways matters¹. I am satisfied that all parties have had the opportunity to comment on this and I have determined the appeal accordingly.

Main Issues

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

¹ 78 Finchley Lane London NW4 1DH Transport Technical Note by Public Highway Ltd

Reasons

Highway Safety

7. Whilst there are some services within a relatively short walking distance and bus stops are located close to the appeal site, the appeal scheme would represent a conversion to three independent residential units in an area with a poor Public Transport Accessibility Level (PTAL) rating of 2. With this in mind, it is reasonable to conclude that there is a greater likelihood of future occupiers owning a car which would thus create demand for additional parking in an area which the appellants evidence concludes experiences high levels of demand for parking particularly at night.
8. While there are bus stops on the lane, no evidence has been presented to me of the frequency or destinations of buses on this route. It is therefore likely that, taking this and the above into account, future occupiers of the proposal would be likely to be reliant on the use of private motor vehicles to access services or places of work. This is the least sustainable travel option.
9. Two parking spaces are currently provided on a forecourt to the front of the property. The standards set out in Policy T6.1 of the London Plan (2021) (LP) are the most up to date expression of requirements for parking provision and supersede those in Policy DM17 of Barnet's Local Plan (Development Management Policies) (2012) (DMP). The shortfall is therefore 0.5 of a space. The forecourt is not capable of accommodating further parking comfortably without restricting access to the property and displacing the storage of wheeled refuse bins.
10. The availability of conveniently located on-street parking is restricted by double yellow lines opposite the appeal site. Dropped kerbs at the appeal property and neighbouring properties further restricts the availability of on-street parking close to the appeal site. Parking is otherwise unrestricted in the locality. Whilst the shortfall is small, lack of conveniently located parking and evidence of parking stress in the locality, would likely lead to an increased demand for on street parking which may result in parking across driveways or on double yellow lines. In this context, this would give rise to further pressure, more congestion on the roads which would be harmful to highway safety.
11. I acknowledge the property is currently used as a single dwelling with 6 bedrooms which could create similar demand for parking as the appeal proposal. Notwithstanding this possibility, the proposal before me is highly likely to generate parking requirements for at least 3 cars. Therefore, there is a strong likelihood that the proposal would displace at least 1 car to on-street parking. Furthermore, parking which is available on nearby streets would not be convenient for future occupiers who would be more likely to park on the lane to the detriment of the free flow of traffic.
12. The appellant has stated that they would be willing to enter into a Section 106 agreement which would cover car free development and membership of a car club. However, no obligation is before me. I therefore have no mechanism before me to secure this. Furthermore, there is no Controlled Parking Zone currently in place which would allow this type of obligation to be effective and it would not be appropriate to control by condition.

13. My attention has been drawn to a planning permission granted in 2015 for a similar development close by and determined under the same policy regime which required only 2 parking spaces. I do not have the details of parking restrictions or capacity in that location at that time and cannot be sure that it involved the same quantum of development. Similarly, the adjoining property only has 2 spaces available. I do not have any evidence before me regarding the circumstances which has led to this provision or its status with regard to planning permission and therefore cannot draw any direct comparison with the proposal that would weigh in its favour. The presence of these do not overcome the harm that I have otherwise found.
14. Consequently, the proposal would be unacceptably harmful to highway safety, specifically through the inhibition of the free flow of traffic due to the increase in on-street parking resulting from the proposal. This would be contrary to Policy CS15 Barnet's Local Plan (Core Strategy) (2012) (CS) which encourages the use of planning obligations to mitigate the impact of development. It would also conflict with LP Policy T6.1 which requires developments to provide parking appropriate to its scale. Furthermore, it would not comply with the guidance set out in the Council's Residential Design Guidance² (RDG) which advises that development should not dominate or overburden residential areas. I do not consider that it would conflict with CS Policy CS9 which is concerned with the provision of appropriate transport infrastructure in the borough. DMP Policy DM17 is not relevant to the appeal as it has been superseded by the LP Plan Policy T6.1.

Character and Appearance

15. The appeal property is a two-storey semi-detached house. It is typical of the properties on this section of Finchley Lane. The surrounding area is mostly residential and is characterised by substantial semi-detached properties with relatively modest gardens. Some of the gardens in the block are longer than others and consequently the rear of the properties have an open aspect. A substantial tree canopy restricts views of the rear elevation of the appeal properties and its neighbours. Many of the properties in proximity to the appeal site have been converted to flats and the character of the area would not be affected by the change of use.
16. The RDG advises that dormers should be set in at least one metre from a party wall, flank wall or chimney stack and should not occupy more than half the width or half the depth of a roof slope. The proposed dormer would deviate from this advice, in that it would be almost the full width of the roof slope.
17. Numerous properties in proximity to the appeal site have roof extensions and adjacent half of the pair has a large dormer extension comparable to that proposed. The proposal would be viewed in the context of this and other rear extensions and outriggers on the rear elevations of properties on the lane.
18. However, there would be a reasonable set down from the ridge and set back from the eaves providing some spacing around it and helping to reduce its overall visual impact. I am satisfied that the original roof would remain a distinct element of the dwelling. Moreover, it would be viewed in the context of other dormer extensions within the block that are similarly full width and height and would not appear as unduly bulky or incongruous in its surroundings.

² Local Plan Supplementary Planning Document: Residential Design Guidance (2016)

19. For the reasons above, I conclude that the proposal would not cause harm to the character and appearance of the area. The proposal would therefore not conflict with CS Policies CS1 and CS5, DMP Policy DM01, LP Policy D3 which, amongst other things, seek to ensure that new development is of high-quality design. Despite the technical breaches with the guidance in the RDG, the site-specific circumstances of the appeal mean that the scheme would still comply with the overall aims design aims of these policies and the development plan as a whole.

Conclusion

20. Although I have concluded that there would be no harm to the character and appearance of the site and the surrounding area, there would be harm to highway safety. Therefore, for the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR