



Appeal Decision

Site visit made on 8 August 2022

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2022

Appeal Ref: APP/N5090/W/22/3294577

33 Renters Avenue, LONDON NW4 3RD

- 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 Mrs Lucia Liberati against the decision of London Borough of Barnet.
 - The application Ref 21/6455/FUL, dated 9 December 2021, was refused by notice dated 3 February 2022.
 - The development proposed is the conversion of the existing dwellings into 4no self-contained flats including part single, part two storey rear extensions with Juliet balconies at first floor level and roof extensions including rear dormer window with Juliet balconies. Associated cycle store/parking and refuse/recycling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Barnet Draft Local Plan (2021-2036) (DLP) has been submitted to the Secretary of State for examination. Paragraph 48 of the National Planning Policy Framework (the Framework) allows me to ascribe weight to the policies of an emerging plan dependant on its stage of adoption and any objections received to it. The appellant has referred to DLP Policy TR03, with respect to parking provision. It is not in evidence whether this policy has been subject to representation. Based on its infancy, I have afforded this policy limited weight in my consideration of the proposal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area,
 - The effect of the proposal on the living conditions of the occupiers of 35 Renters Avenue (No 35) with particular regard to access to daylight, sunlight and outlook.
 - The effect of the proposal on the living conditions of future occupiers with respect to outlook, privacy and the size of accommodation, and
 - The effect of the proposed parking provision on highway and pedestrian safety.

Reasons

Character and appearance

4. Renters Avenue consists of residential properties within a suburban setting. Houses predominantly consist of semi-detached properties in a regular and regimented pattern of development. These have limited gaps to their sides meaning that most front elevations retain their original form and design. The appeal site is alongside a public footpath that connects Renters Avenue to Hendon Park via a footbridge over a railway line. This footpath enables views of the existing building and its rear elevation through gaps in the landscape screen along the boundary, increasing the prominence of the site. The site contains a semi-detached dwelling that has been extended to the footpath forming a separate flat to its side. The property is similar in style and overall form to adjacent pairs of buildings and therefore makes a positive contribution to the character and appearance of the area.
5. The proposed side and rear extensions would replace the existing side extension. It would extend the building the full width of the plot and into the rear garden with sizeable two-storey additions. The proposal would require the removal of some boundary tree and hedge screening revealing most of the proposal to views from the public realm. Its prominence in the streetscene would be emphasised due to the footpath to the side of the site being relatively wide.
6. The proposed side extension would be a similar width and height as the main dwelling. It would not be recessed from the front elevation or subservient to the main ridge of the dwelling. The proposed side extension would unbalance the pair of semi-detached properties and form a mass similar to a terraced row of three units. Furthermore, whilst the proposed side extension would mimic the width of the existing side extension, this would create a fundamentally different effect on the street scene than the existing side extension. Furthermore, I am unconvinced that the alterations to No 35 erode the symmetry of the pair to a substantial extent. As a consequence, the proposed side extension would be an obtrusive and disproportionate addition to the existing building and unbalance the pair of semi-detached buildings. This would be incongruous with the prevailing pattern of local development.
7. The proposed rear extension would be flat roofed and project a sizeable distance into the rear garden. This would represent a bulky addition that would not complement the existing form of the dwelling. Also, the flat roofed dormer would result in a wide addition that would be an obtrusive and disproportionate extension. Although this would replicate the design of the dormer window at No 35, its scale would be substantially greater. Consequently, due to the form and scale of the rear additions, taken together, these would dominate and not integrate well with the design of the existing dwelling.
8. Consequently, the depth, width and overall bulk of the proposed additions would engulf the existing building. It would not represent sensitive or considered design or respect the host building and would dominate the plot.
9. The appellant has drawn my attention to a number of local dwellings with flat roofed two-storey extensions in the local area. Although noted, these are in less obtrusive locations than the appeal site with limited visibility from the public realm. It is also unclear when these were approved and the planning

policy context in place at the time. As such, these examples do not set a positive precedent that would support the proposal.

10. Consequently, the proposal would conflict with policy D3 of the London Plan (2021), policies CS1 and CS5 of the Core Strategy (2012) (CS), Policy DM01 of the Council's Development Management Policies DPD (2012) (DPD) and the Council's Residential Design Guide (2016). These seek, among other matters, for development to be based on an understanding of local character and respect the appearance, scale and pattern of development of surrounding buildings.

Living conditions – existing

11. The dwelling of No 35 has a small single-storey rear extension and rear dormer windows incorporating a hip to gable addition to the roof. The proposed rear extensions would include a single-storey element adjacent to the boundary and a two-storey component around three metres off the shared boundary.
12. The Council's Residential Design Guide (SPD) seeks to protect the living conditions of neighbours. This requires single storey extensions to be a maximum distance of 3.5 metres for semi-detached properties, it requires two-storey rear extensions to not result in an unacceptable sense of enclosure. No 35 has a ground floor patio door on its rear elevation a short distance from the shared boundary serving a habitable room.
13. The proposed single-storey element would project around 4 metres along the side boundary. This exceeds the accepted depth of rear projections on a boundary within the Council's Residential Design Guide. However, the depth of projection only marginally exceeds the guidance. It would be located to the north-east of No 35, resulting in no loss of sunlight and only a limited reduction in daylight. The proposed two-storey element, closest to the shared boundary would be around 7 metres deep and about 3.5 metres away from the side boundary. Although relatively deep, due to the separation distance and orientation of the properties the effect on the neighbouring property would be limited and would not enclose the outlook of No 35. As a result, the proposal would not demonstrably harm the living conditions of No 35 with respect to a loss of sunlight, daylight or outlook.
14. The effect of the proposal would result in an intensity of activity. Nevertheless, the overall effect of such intensification would be limited. Overall, the site is of sufficient size to accommodate refuse storage and day to day activities. This effect would not result in a material increase in noise and disturbance or harm the living conditions of neighbouring occupiers in this regard.
15. Accordingly, the proposal would comply with CS policy CS5, DPD policy DM01, the Council's Sustainable Design and Construction SPD (2016) and the Council's Residential Design Guide SPD. These policies seek, among other matters, for development to be designed to allow for adequate daylight, sunlight and outlook for adjoining occupiers and users.

Living conditions – proposed

16. Policy D6 of the London Plan requires Nationally Described Space Standards (NDSS) to be met for residential development. The Council's Sustainable Design and Construction SPD (2016) includes at tables 2.1 and 2.2 the space requirements for dwellings and bedrooms. This requires single bedrooms to be

a minimum of 7.5m² and double bedrooms to be a minimum of 11.5m². The size of the bedroom determines how occupancy is defined.

17. Flat One, of No 33A, would have bedrooms that would be too small to be regarded as double bedrooms, but these would be a suitable size to be used as single bedrooms. Although the master bedroom includes an en'suite, this would not create a bedroom greater of 11.5m² and can only be regarded as a single bedroom. However, as these bedrooms meet the single room sizes, they would comply with these smaller size requirements. As such, this flat would have bedrooms of a suitable size for a total of three people.
18. A bedroom within Flat Three and one in Flat Two, both part of No 33A, would be of insufficient size to be considered as bedrooms. Therefore, these would fail to comply with the NDSS. Nevertheless, Flats Two and Three exceed the minimum overall size requirements of table 2.1 of the SPD. Therefore, this minor shortfall could have been addressed with a revised layout plan secured by condition, had I been minded to allow the appeal.
19. However, bedroom 1 of Flat One, of No 33A, would be adjacent to the footpath and would be overlooked by its users. Although the proposal would enable natural surveillance for parts of the footpath, this minor benefit would not outweigh the absence of privacy caused to users of the bedroom. Moreover, the remedy to this, requiring obscure glazing, would create an unacceptably poor outlook and living environment for occupiers. As a result, this bedroom would be a poor-quality space either by virtue of its outlook or through the addition of obscure glazing to secure suitable privacy.
20. The flats have access to an acceptable area of outdoor space and would be dual aspect. Nevertheless, overall, the scheme would provide a substandard form of accommodation, resulting in poor living conditions for future occupiers with respect to outlook from bedroom 1, Flat One of No 33A.
21. Accordingly, the proposal would conflict with policy D6 of the London Plan, CS policy CS5, DPD policies DM01 and DM02, the Council's Residential Design Guide and the Council's Sustainable Design and Construction SPD (2016). These policies seek, inter alia, for development to be designed to create an adequate outlook for potential occupiers and users.

Parking effects

22. The site is outside but adjacent to a controlled parking zone. During my visit, on a weekday morning, I noted that on street parking demand was relatively high with few spaces available. Although providing only a snapshot in time, the parking availability observed seemed typical for the time of day. The site is within an area with a Public Transport Accessibility Level (PTAL) score of three, providing good access to bus routes and the local railway station. Nevertheless, whilst recognising that the site is close to areas with higher PTAL scores, the site would be unsuitable for car free development or a reduced parking requirement, due to its relatively low PTAL score.
23. DPD Policy DM17 states that residential development that proposes limited or no parking may be acceptable in areas outside a controlled parking zone where it can be demonstrated, through a parking survey, that there is sufficient on-street parking capacity. This policy also states that the Council expects development to provide parking in accordance with the London Plan standards

except with respect to residential development. In such cases, the maximum standards this requires would be between '1 to less than 1 space per unit' for development consisting mainly of flats, requiring a maximum of four spaces. This policy requirement does not fully align with the Council's requirement for five spaces.

24. The application form indicates that the site's frontage could accommodate parking for three vehicles. Nevertheless, the appellant suggests, in his Statement of Case, that four spaces could be accommodated on the frontage.
25. In contrast, the appellant's Design and Access Statement explains that the frontage is of sufficient size to accommodate 8 x 240 litre wheelie bins, bicycle storage for 4 bikes and parking for three vehicles. The provision of three spaces would allow for pedestrian access to the front door, the above provisions and some landscaping. However, such a layout plan is not before me. As such, I am unconvinced that three, or especially four, spaces could be accommodated within the frontage. Due to the absence of a parking plan, in either event, a parking survey would be necessary to demonstrate that on-street parking space exists to meet the expected overspill parking demand. Without such evidence the proposal fails to demonstrate that it would function well.
26. DLP policy TR03, and policy T6.1 of the London Plan, set revised parking requirements. These seek parking provision, in PTAL areas scoring 3 in outer London, to be 0.75 for 2 bed units and 1 space for 3 bed units. This would result in a requirement for up to 4 spaces and therefore is slightly reduced from the required level of parking sought by DPD Policy DM17. I note this small inconsistency with the emerging policy and London Plan but, in either event, the proposal has not adequately demonstrated that it can accommodate three or four parking spaces within the site.
27. As such, the proposal would conflict with policy T6.1 of the London Plan, CS policies CS9 and CS15 and DPD policy DM17. These policies seek, among other matters, for development to be refused that would result in an unacceptable increase in conflicting movements on the road network and to provide parking in accordance with the London Plan.

Other Matters

28. The Framework seeks to significantly boost the supply of dwellings. The proposal would make more efficient use of previously developed land. The proposal would make a small contribution towards housing delivery within the borough and deliver some social and economic benefits both during and post construction. These benefits weigh in favour of the proposal to a limited extent.

Conclusion

29. The proposal would harm the character and appearance of the area, the living conditions of future occupiers and would not function well. The proposal would therefore conflict with the development plan when taken as a whole. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Ben Plenty

INSPECTOR