



Appeal Decision

Site visit made on 11 October 2022

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2022

Appeal Ref: APP/N5090/W/22/3295272

14 Wycombe Gardens, Golders Green, London NW11 8AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Allan Martinos against the decision of London Borough of Barnet.
 - The application Ref 21/3470/FUL, dated 11 June 2021, was refused by notice dated 2 March 2022.
 - The development proposed is change of use from a house to 3 self-contained flats. Associated refuse, cycle storage. Changes to hardstanding.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a house to 3 self-contained flats, associated refuse, cycle storage and changes to hardstanding at 14 Wycombe Gardens, Golders Green, London NW11 8AL in accordance with the terms of the application, Ref 21/3470/FUL, dated 11 June 2021 and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issues

The main issues are:

- The effect of the proposed development on the character and appearance of the host property and surrounding area.
- Whether the proposed development would harm the living conditions of neighbouring properties in relation to noise and disturbance.

Reasons

Character and appearance

2. The appeal site relates to a two-storey semi-detached dwelling which is located along Wycombe Gardens within a residential setting. The property is located within an area comprising a mix of family dwellinghouses and flats. Indeed, the Officers Report for Committee refers to a number of previous conversions/redevelopments to flatted accommodation along Wycombe Gardens and my observations onsite confirmed this to be accurate. The site is situated within walking distance of local shops and in a location well served by public transport.
3. The proposed change of use from a house to 3 self-contained flats would be contained within the existing building envelope and there would be only minor external changes made to the property. As a result, it would be largely

indistinguishable from the host property and those located along Wycombe Gardens and thus not impacting on the street scene. On the basis that there are already a number of flats along this road and there would be little change to the building's appearance, the proposed development would not be uncommon nor out of keeping in this location.

4. I appreciate that such development if located inappropriately can harm the character of established residential areas through more activity including more people movements, increased car movements, more rubbish, deliveries etc. However, any associated activity/movements associated with 3 self-contained flats would not be so significant to materially or harmfully alter the character of Wycombe Gardens or surrounding area particularly when taking into account the existing property which already serves 5 bedrooms and can therefore accommodate a high level of occupancy.
5. Whilst the proposed development would result in the loss of a single family home, it would provide for 3 self-contained flats and although the flats are not of a size that are the priority of Policy DM08 of the Barnet Local Plan Development Management Policies Development Plan Document (DPD), it does not conflict with the overall principle which is to provide for a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.
6. I note the Council's concern regarding the impact on the street scene as a result of additional parking and the increase in hard surfacing to accommodate additional parking for the occupiers. However, the proposed development would provide off-street parking for 2 cars and whilst highways have recommended that any overspill parking can be provided on the street, the level associated with 3 flats would again not be so significant to harm the character or appearance of the area. Moreover, the site is located within walking distance of local shops and is well served by public transport which would further reduce the reliance on private car. At my site visit, the area to the front of the house already comprises hardstanding which is not an uncommon feature within the area and the plans provided do not show a harmful increase over and above the existing situation.
7. For the above reasons, I conclude on this issue that the proposed development would not harm the character and appearance of the host property and surrounding area and therefore would comply with Policies DM01 and DM08 of the Barnet Local Plan Development Management Policies DPD as well as the Residential Design Guidance Supplementary Planning Document (SPD) which together, amongst other things, seek to ensure proposals preserve or enhance local character and respect the appearance and pattern of surrounding buildings, spaces and streets whilst also providing where appropriate a mix of dwelling types and sizes.

Living conditions

8. The plans provided contain a schedule of existing and proposed accommodation which sets out that the existing property could accommodate 9 occupiers over the 5 bedrooms and the proposed development would accommodate 7 occupiers demonstrating a net reduction of 2 occupiers. Although I accept that this is an estimation based on the projected use of the flats, it is a reasonable estimation based on the amount of internal floor space.

9. Whilst I accept that comings and goings are likely to be different from 3 individual units to that of a single household, the overall movements and general activity associated with a development of this size would not be so significant as to adversely impact the amenities of neighbouring occupiers in relation to noise and disturbance particularly at a level over and above what can be reasonably expected within a residential setting. I also note concerns regarding the use of the outbuilding to the rear and potential for disturbance. However, this building is an existing building ancillary to the main house and the plans provided also show that it remains to be ancillary as part of the current appeal proposals which is reasonable for a residential use.
10. I appreciate the concerns regarding ongoing building works which are said to be taking place at the property and future construction noise/activity associated with the proposed development. Whilst I cannot control the existing situation, any future construction activity associated with the development can be controlled by a suitably worded planning condition which I have applied.
11. For the above reasons, I conclude on this issue that the proposed development would not have an unacceptable impact on the living conditions of neighbouring properties in relation to noise and disturbance. The proposed development would therefore comply with Policies D3 and D14 of the London Plan, Policies CS NPPF, CS1, CS5 of the Barnet Local Plan Core Strategy, Policies DM01 and DM04 of the Barnet Local Plan Development Management Policies DPD and the Residential Design Guide SPD which together, amongst other things, applies the presumption in favour of sustainable development whilst ensuring development delivers appropriate amenity avoiding significant adverse noise impacts on health and quality of life.

Other Matters

12. I have reviewed all matters raised by the Council including third party representations as part of my decision and acknowledge the concern regarding increased pressure on the road network and increased traffic/parking problems. However, the proposed development would provide 3 self-contained flats and vehicle movements associated with a development of this size would not be likely to give rise to an unacceptable impact on the local road network. Additionally, the proposed development would provide 2 off street parking spaces and whilst any overspill would be provided on street, a car parking survey was accepted by the Council's highways team which showed a 72% stress level demonstrating that any overspill parking could indeed be accommodated on street. This appears to have negated the need for a planning obligation to control the issuing of parking permits which although raised in the Officers Report was not referred to in the Council's Statement of Case.
13. A number of concerns have been raised in relation to previous additions to the property and the potential for overlooking from the rear elevation to neighbouring occupiers. Whilst I am unable to comment on the previous additions to the property or any permitted development rights which may have been exercised, the proposed layout is acceptable and does not give rise to overlooking of adjoining neighbours over and above the existing situation.
14. I also accept the concern that the proposed development may set a precedent for further flatted development along Wycombe Gardens. However, each application is considered on its own merits and any further application would be subject to assessment in its own right.

Conditions

15. I have considered the Council's suggested conditions in their Statement of Case and in light of the National Planning Policy Framework (Framework) and Planning Practice Guidance. As a result, I have amended these where necessary for clarity and also removed duplicate conditions.
16. I agree that the standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. A condition relating to details of enclosures and refuse bins is also necessary in the interests of the satisfactory appearance of the development. Two further conditions have been suggested relating to a Construction Management and Logistics Plan and temporary construction route which are necessary in the interests of highway safety, amenity and to safeguard the health of existing trees. The suggested conditions relating to carbon dioxide emissions, water saving and efficiency measures and construction in accordance with Building Regulations are also necessary to ensure development is sustainable and efficient whilst meeting the needs of its future occupiers.
17. Whilst it is reasonable and necessary to require a condition relating to obscure glazing to safeguard the privacy and amenities of occupiers, the condition has been reworded for clarity.
18. Two conditions have been suggested by the Council relating to details of cycle parking and cycle storage. Whilst necessary to ensure satisfactory provision is made, both conditions relate to the same requirement albeit that one is more detailed in its description. I have therefore omitted one of these for clarity.
19. The condition referring to car parking contains an error in the number of spaces to be provided. The condition has been accurately reworded for clarity to ensure adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic.
20. A condition restricting further development to take place within the application site is suggested. However, there is no clear justification for this condition having regard to the provisions set out within the Framework and has therefore been removed.

Conclusion

21. For the above reasons and having had regard to the development plan as a whole, the appeal should be allowed.

N Teasdale

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The 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:

01 Revision A Ground Floor Plan;
02 Revision A First Floor Plan;
03 Revision A Loft Plan;
04 Revision A Roof Plan;
05 Revision A Front Elevation;
06 Revision A Side Elevation;
07 Revision A Side Elevation;
08 Revision A Rear Elevation;
10 Revision A Site Plan;
Os Map; and
Acoustic report by Acoustic Plus dated 10/06/2021.
- 3) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation of the development and retained as such thereafter.
- 4) Before the building hereby permitted is first occupied all of the proposed windows in the east flank elevation facing 12 Wycombe Gardens shall be fitted with obscure glazing with only a fan light opening and retained as such thereafter.
- 5) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
 - i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractor's compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

The development shall thereafter be implemented in accordance with the measures detailed within the statement.

- 6) Prior to occupation of the development, 2no parking spaces and corresponding means of access from the public highway shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.
- 7) Before the development hereby permitted is first occupied, details of cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards - including the type of stands, gaps between stands, location of cycle parking and type of store proposed - shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation of the development and retained as such thereafter.

- 8) The development hereby approved shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions of a minimum of 10% when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.
- 9) The dwellings hereby approved shall be constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.
- 10) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, the new dwellings shall be constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building

Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) with the exception of the provision of lifts. The development shall be maintained as such in perpetuity thereafter.

- 11) Notwithstanding the approved documents, no development or site works shall take place on site until details of a temporary construction route has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, but not be limited to, the following:
- i. Proposed temporary construction route and temporary access that must retain established trees and vegetation wherever possible;
 - ii. Vehicle tracking to prove access is possible;
 - iii. Adequate ground protection to ensure that construction vehicles do not damage the soil structure below the route;
 - iv. Arboricultural impact and method statement in accordance with BS5837:2012 Trees in relation to design, demolition and construction-recommendations;
 - v. Appropriate level of mitigation/replacement planting for any trees removed to facilitate the access route;
 - vi. Formal written consent from the landowner of the wooded verge.

The development shall thereafter be implemented in accordance with the measures detailed within the statement.

End of schedule