



Appeal Decision

Site visit made on 2 November 2022

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2022

Appeal Ref: APP/N5090/W/21/3276413

53 Ridge Hill, Golders Green, LONDON NW11 8PR

- 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 Adil Malik of Metro Properties (London) Ltd against the decision of the Council of the London Borough of Barnet.
 - The application, Ref 20/5925/FUL, dated 8 December 2020, was refused by notice dated 19 May 2021.
 - The development proposed is described as: Conversion of existing dwelling house into 2no. self-contained flats. One x 2 bed flat on the ground floor and one x 4 bed flat on the two upper floors, together with associated amenity space, refuse and recycling storage, secure bicycle storage and off-street parking.
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Decision

1. The appeal is allowed and planning permission is granted for: Conversion of existing dwelling house into 2no. self-contained flats. One x 2 bed flat on the ground floor and one x 4 bed flat on the two upper floors, together with associated amenity space, refuse and recycling storage, secure bicycle storage and off-street parking; at 53 Ridge Hill, Golders Green, London NW11 8PR, in accordance with the terms of the application, Ref 20/5925/FUL, dated 8 December 2020, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision.

Applications for Costs

2. An application for costs was made by Mr Adil Malik against the Council of the London Borough of Barnet. This application is the subject of a separate decision.

Preliminary Matters

3. Whilst the description in the heading above indicates the existing building is a single dwelling house, at the time of my site visit it was laid out as 5 flats. This is consistent with the existing drawings provided. However, this arrangement did not appear to be complete and not all flats were occupied.
4. I have dealt with another appeal at this address which is the subject of a separate decision, Ref APP/N5090/C/20/3262530. That appeal concerns a building in the rear garden.
5. My attention has been drawn to the emerging Barnet Local Plan. But it is not clear what stage of preparation it has reached and whether, for example, there are any outstanding objections to its policies. I have therefore only had regard to the adopted development plan in considering the appeal development.

Main Issue

6. The appellant identifies that the main issues are whether the proposal would result in the loss of a large single family dwellinghouse and the impact of the proposal upon the character of the area.
7. There is no doubt that the loss of a large single dwelling house would occur as a consequence of its conversion to two flats. But the Council's submissions clearly indicate that the Council's concern is one of character and not a separate matter of housing stock.
8. So the single main issue in this appeal is the effect of the appeal development on the character of Ridge Hill. I have determined the appeal on this basis.

Reasons

9. VOA records referred to by the Council show that only one property in Ridge Hill is currently in use as flats. Ridge Hill is therefore characterised predominantly by single houses. Criterion h. of Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document adopted 2012 (the DMP) states that the conversion of dwellings into flats in roads characterised by houses will not **normally** be appropriate (emphasis added).
10. My attention has been drawn to reasoned justification for the above policy. In respect of conversions, in paragraphs 2.8.1 – 2.8.2, it states:

"The conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries.

Where conversions are acceptable any external alterations should seek to minimise their impact on the external appearance of the property and local character. Conversions must also be able to satisfactorily address all other relevant policies in the DPD including the need to consider the dwelling size priorities set out in Policy DM08 and the approach to parking management set out in Policy DM17. Further guidance on conversions will be set out in the Residential Design Guidance SPD."
11. Taking into account the above, no other policies in this DPD have been identified as relevant by the Council in its decision. In terms of external appearance, the only change to the appeal building itself would be the addition of a door on the flank elevation. The Council raises no objection to this and I see no reason to either.
12. I have also had regard to The Residential Design Guidance Supplementary Planning Document, adopted 2016 (the SPD), in particular section 15, which concerns conversions. It states that where the conversion of a single family home into flats is proposed the following should all be considered:
 - The property should be large enough to be converted without the need for substantial additional extensions and,

- There should normally be access to the rear garden for all flats and,
 - There should be adequate space off street to meet parking standards set out in DM17 and,
 - There should be adequate space to provide suitable refuse storage in line with Council guidance for architects and,
 - Unit sizes should conform with the London Plan's minimum space standards set out in Appendix 2.
13. I have considered all of the above points from the SPD. No extensions to the appeal property are proposed. Both flats would have access to a garden at the rear. No objection has been raised by the Council in respect of parking. Adequate space exists on the site for refuse and recycling storage and no objection has been raised by the Council to the size of either flat.
14. In terms of changes to external appearance, it was apparent at my site visit that the storage of bins at the front of properties on the road is not unusual and this is consistent with what is proposed. Details of the enclosure for bins can be secured by the imposition of a planning condition and no objection has been raised to the soft planting area at the front of the property.
15. Cycle parking provision and the subdivision of the existing garden at the rear are already shown on the plans. Such garden subdivision is what is anticipated in section 15.7 of the SPD and the Council raises no specific objection to these aspects of the proposals. I see no reason to either and so am satisfied that the effect on the external appearance of the property and local character would, in this regard, be minimised.
16. Turning to matters of resident movements and usage, turnover of residents, comings and goings, vehicle movements and subsequent noise and demand for refuse and litter collection, some increases are inevitable. However, under the heading of 'impact on the amenities of neighbours', the Council stated that the proposals would result in a reduction of habitable rooms from ten to eight and that the occupation of the property by two independent households would be unlikely to result in a significantly greater frequency/level of such noise than could reasonably be expected with its use as a single dwelling. It further stated that no extension or additional building is proposed that would affect the amenity (light, outlook or privacy) for adjacent occupiers.
17. So I am not satisfied that the effects identified by the Council above would result in unacceptable harm, let alone 'congestion and disruption' as has been suggested by the Council. Consequently, in my judgement, based on the case put to me in this regard, any change in the character of the property or the street, as a result of this single proposal, would not be perceptible.
18. I have taken into account the appeal decision at 13 Ridge Hill, that both main parties have referred to, Ref: APP/N5090/W/20/3245224, dated 16 October 2020. The Inspector in that case indicated that repeated conversions in parts of the road with a more established sole character of single family occupancy could have a cumulative effect on the character of the wider area. However, based on the information provided, repeated conversions is not the situation which is before me in this appeal (and unauthorised conversions may be subject to planning enforcement action).

19. Therefore, given the particular circumstances of this case I do not accept, that this development would undermine the more permanent residential nature afforded by single houses or that it would erode the more settled residential aspect of the street, in any significant way.
20. In light of all of the above, I am not satisfied in this case that the appeal development would harm the character of Ridge Hill. In this regard, I therefore find no conflict with Policies CS4 and CS5 of Barnet's Local Plan Core Strategy Development Plan Document adopted 2012 (the Core Strategy), or Policy DM01 of the DMP or the SPD, particularly given the inclusion of the word "normally" in criterion h. of Policy DM01. This indicates that Policy DM01 should not be used to resist all such proposals and it depends on the specific circumstances of each case. Based on the cases put to me in this appeal, I have no reason to think otherwise and this is corroborated by the reasoned justification for the policy and the SPD, which address where conversions may be acceptable.

Other Matters

21. The London Plan 2021 has been published since the Council's decision notice was issued. But it has not been explained how any of the policies in it referred to by the Council are relevant to the main issues in this case. So it has not affected my overall conclusion.
22. My attention has been drawn to matters relating to a building in the rear garden of No 53. But the red line site location plan provided indicates that this falls outside of the appeal site and, as noted above, this building is the subject of a separate appeal decision in any event.
23. Representations received raise concerns about how the appeal property has been used, effects arising from its use and conditions occupants have experienced. However, the proposal before me is the conversion of the building into two flats. Other uses, and any effects arising from them, are not matters for me to consider in the context of this section 78 appeal.
24. It is stated in representations received that there are properties on the street, including outbuildings, being used for multiple households or without planning permission. But evidence of such matters should be referred to the Council. They do not constitute a good reason to refuse the proposal before me, even if there is a concentration of them.
25. Representations received allege that the appellant intends to turn one of the proposed flats into two. Other intentions are also suggested, including short lets and shared accommodation. However, should development be implemented which is not in accordance with the terms of this application, or which does not benefit from planning permission, it would be open to the Council to consider the expediency of planning enforcement action. The same is true for any breach of planning control, including those against which enforcement action has already been taken.
26. I note concern that allowing this appeal may set a precedent for similar developments. But each case must be decided on its own merits. Allowing this appeal does not mean that all other such applications must be approved, it depends on the specific circumstances in each case.

27. My attention has been drawn to a list of objections to the appeal development. These include over-intensification, increased levels of population transience and turnover, increased divisions within local communities and a lack of interaction between social groups, increased loss of settled families, increased loss of attachment and sense of belonging to the local neighbourhood, increased sense of dispossession, anti-social behaviour, increased breakdown of longer-term community cohesion and volunteering, increased disputes and conflicts between neighbours, increased noise nuisance and unrest, increased overspill from refuse and more pressures on refuse collection teams, increased fly-tipping, increased demand for on-street car parking spaces, changes to the local housing market, increased financial and staffing resources for the management of neighbourhoods in light of lower tax revenues, less Council Tax being paid than due by multiple households, increased levels of crime and inadequate parking with resultant highway safety implications.
28. I have considered all of the above. But either the Council did not object to the proposal on these grounds or there is no evidence these effects would occur in a way which (in my judgement) would be unacceptably harmful, as a consequence of this single proposal.

Conditions

29. The Council has suggested conditions which I have considered taking account of advice in the National Planning Policy Framework and Planning Practice Guidance. As a result I have amended some of them for consistency, enforceability, clarity and reasonableness and not imposed others.
30. The standard time condition is necessary in the interests of certainty, as is a condition listing the approved plans, which is also necessary in the interests of proper planning. Details of the bin enclosure is necessary in the interests of the character and appearance of the area. The implementation of bicycle parking is necessary in the interests of sustainable transport. Subdivision of the rear garden is necessary in the interests of the living conditions of the occupants of the development.
31. Sound insulation would be covered by Building Regulations and there is no evidence this would not be the case so such a condition is not necessary.
32. Representations received indicate other matters which should be secured. These include water efficiency measures, carbon dioxide emission reduction measures, the retention of parking spaces for vehicles, the retention of the layout of the flats and the use of the property as two self-contained Class C3 units. But the Council has not suggested any of these matters be secured by condition and I have not been directed to any policy basis for requiring them either. So I am not satisfied they are necessary.

Conclusion

33. For the reasons given above I conclude that the appeal should be allowed.

L Perkins

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1475.A3.01 A, 1475.A4.02 A, 1475.A3.03 A, 1475.A4.04, 1475.A4.05, 1475.A4.06 A, 1475.A4.07 A, 1475.A4.08 A, 1475.A4.09, 1475.A4.10, 1475.A3.11 B, 1475.A3.12 and Location Plan.
- 3) Neither flat hereby approved shall be occupied until details of the external appearance of the bin enclosure shown on drawing no. 1475.A3.11 have been submitted to and approved in writing by the local planning authority and the bin enclosure installed in accordance with the approved details and made available for use by the occupants of the flats. The approved bin enclosure shall thereafter be kept available for the storage of bins.
- 4) Neither flat hereby approved shall be occupied until space has been laid out within the site in accordance with drawing no. 1475.A3.11 for 4 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 5) Neither flat hereby approved shall be occupied until the subdivision of the rear garden has been implemented in accordance with drawing no. 1475.A3.11 and the means of subdivision to provide a rear garden for each flat shall thereafter be retained.