



Appeal Decision

Site visit made on 13 September 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/N5090/W/22/3295798

43 Wentworth Park, Finchley, London N3 1YH

- 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 Paul Collins against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/4025/FUL, dated 16 July 2021, was refused by notice dated 2 March 2022.
 - The development proposed is described as "New roof. Single storey rear extension. Single storey side extension. Conversion of house to 4no. self-contained flats. Associated cycle and refuse storage".
-

Decision

1. The appeal is allowed and planning permission granted for a new roof, single storey rear extension and conversion of house to 4no. self-contained flats with associated cycle and refuse storage at 43 Wentworth Park, Finchley, London N3 1YH dated 16 July 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appeal is accompanied by a planning obligation by way of a Unilateral Undertaking made under Section 106 of the Town and Country Planning Act 1990 (as amended). This proposes to deal with the proposed parking arrangements by way of restricting access to resident car parking permits for future occupiers of the development. I return to this matter below.
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 Issue

4. The main issues are the effects of the proposed development on:
 - The character of the area; and
 - The living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance.

Reasons

The Character of the Area

5. The appeal property is a 5-bedroomed detached house on Wentworth Park. It is set back from the highway by a driveway. The proposal would see the property subdivided to create 3 two-bedroomed and 1 one-bedroomed self-contained

- flats. It would also involve alterations to provide a pitched roof over the existing flat roofed extension to the side and a single storey extension to the rear.
6. Wentworth Park and the surrounding streets are predominantly residential and, on the whole, characterised by traditional family housing. The street is located very close to Finchley Church End town centre (Ballards Lane), containing shops, services and public transport connections. However, whilst the street as a whole is predominantly made up of single-family housing, the spur containing the appeal property is more mixed in character, containing at least one other property which has been converted to flats and Wentworth Lodge, a four-storey block of purpose-built flats, which whilst differing in type of accommodation to that of the streets' prevailing type contributes to its more mixed character.
 7. The proposed conversion of the property from a house to 4 self-contained flats would involve some physical alterations to the property. However, the property is a relatively large, detached house and the proposed extensions would not be so significant as to materially alter its character, especially when viewed from Wentworth Park. The property would retain a single front door and as such would appear as a house. Furthermore, the property currently contains 5 bedrooms and could therefore accommodate a high level of occupancy even as a single-family house. This level of occupancy would be likely to attract a high level of activity relating to comings and goings.
 8. I accept that the type of development proposed is likely to attract greater demand for cycle and refuse storage provision than a single-family dwelling and which has the potential to lead to clutter at the frontage of the property. Nevertheless, the plans before me indicate that cycle parking would be accommodated to the rear and refuse storage discreetly against the side boundary of the property at the front. The proposal therefore would be unlikely to attract undue clutter at the frontage of the appeal property to the extent that it would detract from the character of the area.
 9. The subdivision of the garden in the manner shown would not necessarily be particularly in keeping with the character of area. Nevertheless, the size of gardens varies here, and the subdivision would not result in spaces which would appear out of place. Furthermore, the subdivided spaces would provide adequate amenity space for the units proposed. I therefore place little weight on this matter in the overall consideration of the proposal before me.
 10. Whilst the proposal would result in the loss of a single-family dwelling, it would provide 4 self-contained flats. These would be smaller than the dwelling sizes which are a priority for the Council as set out in Policy DM08 of Barnet's Local Plan Development Management Policies 2012 (DMP). That is not to say that smaller units are not required and would nevertheless contribute to the mix of dwelling types and sizes necessary to provide choice for a growing and diverse population in the borough. The proposal would therefore not conflict with this policy's broader aims in that respect.
 11. The Council's Supplementary Planning Document: Residential Design Guidance October 2016 (SPD) recognises that residential conversions may be appropriate in certain types of property or street particularly where they are highly accessible. The proximity of Wentworth Park to Ballards Lane means that it is highly accessible and close to a range of local facilities and a range of public transport options and has a PTAL rating of 4. Access to the rear garden would

be provided to all occupiers of the property, the proposed flats comply with internal space standards set out in the SPD. Furthermore, both parking provision and refuse storage provision could be adequately provided within the appeal site. These matters which lead me to conclude that the proposal would satisfy the requirements set out in the SPD for the conversion of properties to flats.

12. Therefore, I conclude that, in this instance, the proposal would not adversely affect the character of the area. There would be no conflict with policies CS NPPF, CS1 or CS5 Barnet's Local Plan 2012 (Core Strategy) or DMP policies DM01 and DM08 which amongst other things, seek to ensure that new development preserves the character of a locality together with London Plan 2021 (LP) Policy D3 which has similar aims. It would also be consistent with the advice set out in the SPD on residential conversions.

Living Conditions

13. The submitted plans contain a schedule of existing and proposed accommodation setting out that as existing the property could accommodate 9 occupants over 5 bedrooms whereas the proposal could accommodate 11 occupants within the 4 proposed flats. I accept that this is an estimate. However, it is reasonable to assume that the property as existing is capable of accommodating a large family unit or individuals living as a single household.
14. I accept that the comings and goings from the occupiers of 4 flats are likely to be different from that of a single household. However, the overall number of movements and activity associated with a development of this size when compared with the number of movements which could be attributed to a large family unit would be unlikely to be so significant that they would adversely affect the living conditions of the occupiers of neighbouring properties.
15. Whilst noise from construction would be inevitable, this would be short-lived and would not result in long term impacts on the living conditions of neighbouring occupiers. In order to ensure that noise from construction does not extend beyond that which would be reasonable, a construction hours condition on the permission would be sufficient to control this matter.
16. For those reasons, I conclude that the proposal would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance. The proposed development would not conflict with the aims of Core Strategy Policies NPPF, CS1 and CS5 or DMP policies DM04 and DM08 and the SPD which, amongst other things, seek to ensure that development should, amongst other things, provide a high quality of amenity for existing users. The proposal would also not conflict with LP Policy D14 which seeks to reduce, manage and mitigate noise.

Planning Obligation

17. A Unilateral Undertaking (UU) has been submitted during the course of the appeal which would remove the entitlement of the occupiers of the development to apply for a residents parking permit. I have considered these in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 (the Regulations). It seems to me that this obligation is directly related to the development and is fairly and reasonably related in scale and kind to the development.

18. Parking is currently available within the appeal property boundary by way of a double driveway entrance and forecourt parking. No proposal is before me which would remove the parking provision from within the property. Furthermore, it would appear to me that the existing driveway is capable of accommodating at least 4 cars, which would satisfy the relevant car parking requirements for this type of development set out in DMP policy DM17. It would however be appropriate to restrict occupiers of the development to the parking provision on site and not be eligible for residents parking permits which would allow on-street parking in the street.
19. I have therefore taken the provisions of the UU into account in reaching my decision on this matter. Subject to the UU and for the reasons I have set out, the proposal would not be prejudicial to highway safety and there would be no conflict with DMP policy DM17 in this regard.

Other Matters

20. The proposal would involve a single storey extension to the rear. I am satisfied that the position of windows in this element relative to the boundary of the appeal property would not lead to overlooking and loss of privacy for neighbouring occupiers. Furthermore, where windows are proposed to be retained in the first-floor side elevation, a suitably worded condition to ensure these are fitted with obscured glazing and are non-opening would ensure the privacy of neighbouring occupiers. I am therefore satisfied that the proposal would not lead to undue loss of privacy to neighbouring residents.
21. I note the concern regarding the impact on the development on wildlife in gardens close by. I have no substantive evidence before me that wildlife in either the garden of the appeal property or those of nearby gardens would be unduly affected by the proposal. I therefore give this matter little weight.
22. I have reviewed concerns regarding the potential for the development to contribute to increased parking pressures in the locality. I am satisfied that the on-site provision coupled with the UU to restrict the ability of future occupiers to obtain residents parking permits would adequately mitigate these concerns.
23. I have also considered the impact of the proposal on local services. Given the small scale of the proposal any additional demand on services in the local area would also be small and therefore would not put undue demand on them.
24. Concerns have been raised with respect to the accuracy of the elevations shown on the drawings. Whilst the front elevation drawing does not show the access to the rear garden under the cantilevered first floor rooms, the existing and proposed rear elevation drawings clearly shows the cantilever feature to be retained. Furthermore, the space under the cantilever provides the proposed shared access to the rear garden. I therefore do not share the concerns raised that the space at ground floor is proposed to be infilled or that the situation has been misrepresented.
25. 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.
26. I have taken into account concerns that the proposal would not be carbon neutral. There is no planning requirement for development to achieve this

standard. Building Regulations ensure that development is carried out to appropriate standards of insulation. I have also imposed conditions requiring lower carbon dioxide emissions than those required by Building Regulations and the inclusion of water saving measures into the development. I have therefore given this matter little weight in coming to my overall conclusion on the acceptability of the proposal.

Conditions

27. I have considered the Council's suggested conditions in the light of the Framework and Planning Practice Guidance. A plans condition is necessary and reasonable in the interests of certainty and incorporates a requirement to comply with details submitted relating to acoustic mitigation measures. I have also imposed conditions relating to materials, construction hours, restrictions on the use of the flat roof of the proposed extension and the installation of obscured glazing on windows on the side elevations of the property. These are all both necessary and reasonable to preserve the character and appearance of the area and to protect the living conditions of neighbouring occupiers. A number of these conditions have been slightly reworded to improve clarity.
28. Conditions have also been included to require details of cycle and refuse storage provision and the means of subdividing the rear garden to provide amenity space for occupiers of the development. These conditions are considered necessary and reasonable to ensure satisfactory provisions are made.
29. Conditions requiring details of sound insulation measures to be submitted to the Local Planning Authority are considered reasonable and necessary to ensure that the living conditions of future occupiers of the development are protected. Conditions relating to water saving measures and carbon dioxide emissions are also considered necessary in the interests of sustainability and to comply with DMP policy CS13.

Conclusion

30. For the reasons given above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

KL Robbie

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 and documents: OS Map Scale 1:1250; 01; 02; 03; 04; 05 (front elevation); 05 (side elevation); 06; 07; 08; Acoustic Note Ref: AP02.ad.104060 from Acoustics Plus dated 15/07/21.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing host dwelling.

- 4) Demolition or construction works shall take place only between the hours of 0800 and 1800 on Monday to Friday, 0800 to 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) The roof of the extension hereby permitted shall only be accessed in connection with the repair and maintenance of the building and shall at no time be converted to be used as a balcony, roof garden or similar amenity of sitting out area.
- 6) The development hereby permitted shall not be occupied until the windows on the flank elevation of Flat 1 facing the shared access path and first floor windows in the flank elevation facing 45 Wentworth Park have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority prior to occupation of the development and once installed the obscured glazing shall be retained thereafter.
- 7) The development hereby permitted shall not be occupied until cycle parking spaces and cycle storage facilities have been installed. Details of the facilities shall be submitted to and approved in writing by the Local Planning Authority prior to installation and once installed shall be retained thereafter.
- 8) The development hereby permitted shall not be occupied until the amenity space has been subdivided. Details of the subdivision of the amenity space shall be submitted to and approved in writing by the Local Planning Authority prior to its implementation and shall be retained thereafter.
- 9) The development hereby permitted shall not be occupied until enclosures for the storage of refuse including recycling containers and wheeled refuse bins or other refuse containers where applicable have been installed. Details shall be submitted to and approved in writing by the Local Planning Authority prior to installation and shall be retained thereafter.
- 10) The development hereby permitted shall not be occupied unless and until measures have been undertaken to achieve carbon dioxide emission reductions for the development which achieve an improvement of not less than 6% in carbon dioxide emissions below the minimum Target Emissions Rate requirements of the 2010 Building Regulations. These measures shall be retained thereafter.
- 11) The development hereby permitted shall not be occupied until a copy of the Pre-completion Sound Insulation Test certificate has been submitted to the Local Planning Authority confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). The sound insulation installed shall be retained thereafter.
- 12) The development hereby permitted shall not be occupied unless and until they have been constructed to have 100% of the wholesome (potable) water supplied to them by the mains water infrastructure through a water meter or water meters and each flat shall be constructed to include water

saving and efficiency measures to a standard compliant 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 that should determine the water consumption of the permitted development. Any use of grey water and/or rainwater systems is to be separate from the wholesome (potable) water system and must meet the requirements and guidance set out in Part G of the Building Regulations.