



Appeal Decision

Site visit made on 31 January 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/N5090/W/22/3307691

3 St Pauls Way, Finchley, Barnet, London N3 2PP

- 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 Evis Pajo against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/1000/FUL, dated 23 February 2022, was refused by notice dated 1 August 2022.
 - The development proposed is conversion of existing dwelling to create 2 self contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character of the area, on the living conditions for future occupiers, and whether it would be acceptable having regard to the loss of family-sized accommodation.

Reasons

Character of the area

3. St Paul's Way and its adjacent streets including The Ridgeway and Willow Way are characterised predominantly by 2-storey semi-detached houses. Based on the submitted evidence and the findings at my visit, most dwellings on these streets appear to be in their original use as houses. Whilst I acknowledge some houses may have been converted into flats, there are very limited examples of this.
4. The service lane to the rear of the appeal site predominantly provides access to the rear of the units on Long Lane and Ballards Lane, and its character is derived primarily from its use for commercial purposes. Though some residential uses exist in these buildings, they are generally upper floor flats with no amenity space.
5. The rear boundaries of the dwellings on St Paul's Way adjoin the service lane. In the case of the appeal site and some other neighbouring dwellings on St Paul's Way, the service lane can be accessed via garages or gates into the rear garden. However, despite the proximity of the dwellings on St Paul's Way to the neighbouring commercial and higher density residential uses adjacent to the service lane, there is a significant difference in the character of the two areas.

6. Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (September 2012) (the 'DMP') states that the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. I acknowledge that the proposed development would not involve any significant extensions or alterations to the property. However other factors, including the subdivision of gardens and requirement for additional refuse and recycling storage to the front of the property, would appear out of keeping with a street that is undeniably characterised by houses. Whilst the proposed development could theoretically generate a similar number of occupants to the existing dwelling, it would be likely to lead to additional vehicle movements and increased comings and goings, which would cumulatively contribute to adversely affecting the character of the street.
7. For the above reasons, I conclude that the proposed development would result in harm to the character of the area and would conflict with Policy D3 of The London Plan (2021) (the 'LP2021'), Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (September 2012) (the 'CS'), and Policy DM01 of the DMP. Together these policies seek, among other objectives, to resist the conversion of dwellings into flats in roads characterised by houses, to respond to the existing character of a place, to concentrate housing growth in well located areas, and to respect local context and distinctive local character. The proposed development would also conflict with the guidance in the Residential Design Guidance Supplementary Planning Document (October 2016) (the 'RDGSPD') and the Sustainable Design and Construction Supplementary Planning Document (October 2016) (the 'SDCSPD'), which has similar aims.

Living conditions

8. The smaller bedroom of ground floor Flat A is labelled as Bedroom 2 / Study. This would have one window looking out to the side of the property towards the boundary with the adjacent dwelling. Due to the proximity of boundary features and the adjacent dwelling itself, outlook would be very limited. I note this room is currently used as a study, and the plans indicate it could potentially be used as a study once again. If this were the case, the appellant states that outlook would be similar to the existing scenario. However, under the proposed development, the area directly outside of the window would form part of the private access to the garden area of Flat B. Accordingly, irrespective of the use of this room, its only outlook would be very limited and directly on to land forming part of a separate household. This would adversely affect the outlook and privacy of future occupiers and fail to provide a satisfactory standard of living accommodation.
9. The submitted plans show all bedrooms to contain a double bed. Accordingly, the Council has considered all bedrooms to be doubles for the purposes of assessment and for calculating the relevant space standards to be met. I find this to be a reasonable approach.
10. The appellant's statement of case requests, for the purposes of the assessment, that certain bedrooms shown on the plans as doubles are assessed as singles. This is on the basis that amendments could be made to the submitted plans to comply with the relevant space standards. Whilst it may be possible to amend the plans to comply with the relevant space standards, I must assess the proposed development in terms of the details shown on the

plans before me. In this case the proposed plans fail to comply with the standards set out in the development plan because the gross internal area for Flat B, and bedroom sizes for Flats A and B would be deficient. Furthermore, even if I were to conclude that the development would be capable of meeting the necessary space standards, this would not overcome the harm I have identified with regard to outlook.

11. For the above reasons, the proposed development would result in harm to the living conditions of future occupiers, which would conflict with Policy D6 of the LP2021 and Policies DM01 and DM02 of the DMP. Together these policies seek, among other objectives, to provide space standards for new homes, and to ensure development proposals allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. It would also conflict with the guidance in the RDGSPD and the SDCSPD, which has similar aims.

Loss of family-sized accommodation

12. The Council refers to the loss of family accommodation, for which there is a known demand. The existing house has 3 bedrooms, and though the proposed development would convert the property into 2 smaller units, Flat B would still be provided with 3 bedrooms.
13. The Council has cited Policy H10 of the LP2021 and Policy DM08 of the DMP in their reason for refusal, and I find no reference in these policies to the loss of family accommodation or a requirement to demonstrate a lack of demand to support such proposals. Furthermore, notwithstanding the shortfalls against the relevant space standards, a 3-bedroom unit and 2-bedroom unit would be provided which would address the requirement in Policy H10 to provide a range of unit sizes.
14. For the reasons above, I find no specific conflict with the development plan in relation to the loss of family housing, and accordingly I have identified no harm in this regard. The proposals would therefore comply with Policy H10 of the LP2021 and Policy DM08 of the DMP in this regard. Together these policies seek, among other objectives, to deliver mixed and inclusive neighbourhoods, to emphasise the need for additional family housing and the role of one and two bed units in freeing up existing family housing, and to provide a mix of dwelling types and sizes.

Other Matters

15. The appellant has referred to the presumption in favour of sustainable development outlined in the National Planning Policy Framework (the 'Framework'), and that decision-makers at every level should seek to approve applications for sustainable development where possible. However, the Framework also states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, as in this case, permission should not usually be granted. Decisions that depart from an up-to-date development plan may be taken, but only if material considerations in a particular case indicate that the plan should not be followed. In this case, I have identified no material considerations that would lead me to a decision other than in accordance with the development plan.

Conclusion

16. Whilst I have identified no harm with regard to the loss of family-sized accommodation, the proposed development would fail to accord with the development plan as a whole and there are no material considerations that would outweigh this conflict. Accordingly, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR