



Appeal Decision

Site visit made on 21 February 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/N5090/W/22/3308320

79 Park Road, West Hendon, Barnet, London NW4 3PA.

- 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 DNE Capital Limited against the decision of The Council of the London Borough of Barnet.
 - The application Ref 22/2987/RCU, dated 6 June 2022, was refused by notice dated 8 September 2022.
 - The development proposed is the conversion of the existing dwelling into 2no self-contained flats including single storey rear extension and associated off-street parking, cycle store and refuse and recycling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing dwelling into 2no self-contained flats including single storey rear extension and associated off-street parking, cycle store and refuse and recycling at 79 Park Road, West Hendon, Barnet, London NW4 3PA in accordance with the terms of the application, Ref 22/2987/RCU, dated 6 June 2022, subject to the following 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: 079PA-A-03-101 (proposed ground floor plan) and 079PA-A-01-002 (which shows cycle storage for Flat A in the rear garden), both dated 30.8.2022.
 - 3) The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Preliminary Matters

2. The majority of the works have already been carried out. However, in order to accord with the plans, storage space for bicycles and refuse facilities still needs to be provided. The development is therefore part retrospective.
3. The Council's decision notice includes reference to a failure to meet adopted minimum internal space standards. However, the Council's statement clearly sets out that it is only the floor to ceiling heights of Flat B that is objected to, rather than any other aspect of internal room sizes. My decision is therefore based on this issue alone.

4. Prior to the application being determined, the appellant submitted amended plans which show different floor to ceiling heights than the original plans. The Council has not disputed the accuracy of the measurements shown in the amended plans. As a result, I have made my decision based on those measurements.

Main Issue

5. The effect of the development on the living conditions of the future occupiers of Flat B, with particular regard to floor to ceiling height.

Reasons

6. The development has involved the sub-division of an existing house to create two flats. Flat A occupies the ground floor, while Flat B is at first floor and loft level. Policy D6 of The London Plan (March 2021) sets out that at least 75% of the gross internal area of a dwelling should have a minimum floor to ceiling height of 2.5 metres. With regards to Flat B, this figure is around 61% as the loft area has a ceiling height of 2.3 metres. This aspect of the development is therefore not policy compliant.
7. However, the overarching aim of the policy, in so far as it relates to living conditions, is to ensure that dwellings provide good quality accommodation for their occupiers. The loft level of Flat B is in use as a bedroom with an en-suite bathroom. The room is of a very generous size and the windows on the front and rear elevations let in a significant amount of light and ventilation. Although the ceiling height is marginally lower than that of the first floor, this is not noticeable at all when in the room. Overall, the loft level feels extremely light and spacious and there is no sense of feeling cramped or crowded. This perception is not altered by the fact that the ceiling reduces in height towards the front elevation to follow the shape of the roofline. These considerations outweigh the limited conflict with Policy D6 that I have identified.
8. The pre-ambble to Policy D6 identifies that the reason for the minimum floor to ceiling height requirement is to address the urban heat island effect. However, the appeal site is located in a relatively low-density suburban area where this issue has much less relevance. This, and the fact that the loft space is well ventilated by dual aspect windows, means that any harm caused in this regard is negligible.
9. The Council has set out that a previous application that did not fully comply with the requirements in Policy D6, 21/2447/FUL, was only approved because it was a purpose-built block of flats. However, it is not clear to me why the type of residential development proposed would cause the Council to take a different stance on this issue. In any event, I have set out why the development before me is acceptable.
10. Overall, I conclude that the development is in conformity with Policy CS5 of the Barnet Local Plan Core Strategy DPD (September 2012), Policies DM01 and DM02 of the Barnet Local Plan Development Management Policies DPD (September 2012), as well as Policy D3 and the overall thrust of Policy D6 of The London Plan (March 2021). Furthermore, the development also conforms with the guidance contained in the Residential Design Guidance Supplementary Planning Document (2016) and the Sustainable Design and Construction Supplementary Planning Document (2016). Taken together, the relevant

aspects of these policies and guidance seek to ensure that new development is well designed and provides good quality accommodation, including rooms that benefit from sufficient space and light.

Conditions

11. Given that the proposed development has not yet been completed, with further works required to provide storage for bicycles and refuse, I have imposed conditions specifying the time limit for the additional works to be undertaken, and to identify the approved plans that are relevant to those aspects of the development. These conditions are necessary to provide certainty. In order to protect the privacy of neighbouring occupiers, I have also imposed the Council's suggested condition to restrict the use of the roof of the rear extension.
12. Given that the main construction work is complete, conditions on matching materials and a survey of the agreed route for construction traffic are unnecessary. I have also not imposed a condition to require the submission of details for bicycle storage as I am satisfied that the details shown on the submitted plans are sufficient.

Conclusion

13. For the reasons given above, the appeal is allowed.

C Butcher

INSPECTOR