



Appeal Decision

Site visit made on 13 February 2023

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 April 2023

Appeal Ref: APP/N5090/W/22/3299154

90 The Ridgeway, Golders Green, London NW11 9RU

- 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 BY Developments against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/2636/FUL, dated 7 May 2021, was refused by notice dated 12 January 2022.
 - The development proposed is part single, part two storey front, side and rear extensions and roof extension including 1 no. rear and 1 no. side dormer window; conversion of property into 4 no. self-contained flats with associated amenity space, refuse storage, cycle parking and provision of off-street parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form describes the proposed development as 'extension and conversion to 4 flats'. However, in the heading above, I have used the wording contained in the Council's decision notice, as this more accurately describes the development proposed.
3. I have also dealt with another appeal (Ref: APP/N5090/D/22/3302372) on this site, which is the subject of a separate decision.

Main Issue

4. The main issue in this appeal is whether the proposed development would provide acceptable living conditions for future occupants of the proposed second floor studio flat, with regard to internal space.

Reasons

Living Conditions – Internal Space

5. The appeal property is a two-storey, semi-detached dwelling on The Ridgeway, a residential street on the eastern side of the A41 Hendon Way. Planning permission has been granted for its conversion into 3 no. self-contained flats¹. Therefore, the principle of converting the property into flats has already been established.

¹ Application Ref: 21/5834/FUL

6. The appeal scheme proposes to convert the property into 4 no. self-contained flats. Extensions are proposed to the side and rear at ground and first floor levels, to create the space for three of the units. A roof extension and loft conversion are proposed, with two new dormer windows to the side and rear, to form the fourth unit, which is a studio flat at second floor level.
7. Criterion F of Policy D6 of the London Plan (2021) sets out a series of minimum internal space standards for new housing in London. Policy DM02 of the Barnet Local Plan: Development Management Policies (2012) (BLPDMP) expects development to comply with the London Plan in respect of minimum floor space standards.
8. Units 1-3 of the appeal scheme satisfy the space standards in the London Plan. The proposed studio flat (unit 4) would also comply with criterion F(1) of Policy D6 of the London Plan in respect of its gross internal floor area (GIA). However, its floor to ceiling height would not meet the minimum standard in criterion F(8) of the policy. This requires a floor to ceiling height of at least 2.5 metres (m) across 75% of the GIA, whereas the floor plans submitted with the appeal show that unit 4 would only achieve this over 69% of its GIA.
9. Paragraph 3.6.3 of the supporting text to Policy D6 states that this standard was introduced to address the impacts of the urban heat island (UHI) effect in London, and to address the fact that the majority of housing developments in the capital are made up of flats. It goes on to explain that the minimum ceiling height of 2.5m for at least 75% of the GIA is required so that new housing is of adequate quality, in terms of daylight penetration, ventilation and cooling, and sense of space. Paragraph 3.6.2 of the supporting text is clear that the space standards in Policy D6 apply to all new self-contained dwellings.
10. Therefore, although The Ridgeway may not fall within an area identified as being impacted by the UHI effect, it is clear that the minimum ceiling height space standard in criterion F(8) of Policy D6 still applies to the appeal proposal. This is to ensure the new housing proposed is of adequate quality in terms of daylight penetration and sense of space, not just for ventilation and cooling.
11. The submitted plans for the proposed studio flat show that substantial areas of its floorspace would be within the internal sloping roof space, including the whole of the bedroom space and large parts of the living area. The bedroom space would be particularly cramped, without a window and no direct natural light. Combined with an inadequate ceiling height across a large enough floor area, the proposed studio flat would fail to provide the level of space expected to achieve the quality of self-contained residential accommodation required by Policy D6.
12. I have been referred to two other decisions on this main issue. The first is an application for the conversion of an apartment into two flats at 47A Finchley Road², which the Council permitted despite the minimum ceiling height not being met over 75% of the GIA. The second is an appeal decision in West Hendon for the conversion of a dwelling into two self-contained flats³, in which one of the flats utilised the loft area as a bedroom, where the ceiling height was below the standard.

² Application Ref: 21/2447/FUL

³ Appeal Ref: APP/N5090/W/22/3308320

13. Whilst these cases are relevant to this appeal, the decisions to grant permission, in spite of the conflict with Policy D6 in respect of the ceiling height standard, were based on the particular configuration of the flats and their internal space. In the first case, the property comprised existing purpose-built flats, where the Council considered that an adequate standard of living accommodation would continue to be provided. In the second case, the Inspector judged that the otherwise light and spacious feel of the loft space outweighed the conflict with Policy D6. It is a core principle of the planning system that each application is determined on its own merits. Given their particular circumstances, I am not persuaded that either of these decisions, sets an irresistible precedent for the appeal proposal.
14. On this basis, I conclude that the proposed development would not provide acceptable living conditions for the future occupants of the proposed second floor studio, with regard to internal space. Accordingly, the appeal proposal would be contrary to Policy D6 of the London Plan and Policy DM02 of the BLPDMP. It would also conflict with paragraph 130(f) of the National Planning Policy Framework, which expects developments to achieve a high standard of amenity for future users.

Other Matters

15. With regard to their external design and appearance, the proposed extensions are identical to those which form part of the extant permission for conversion of the appeal property to 3 flats referenced above. This provides a fallback position to which significant weight should be attached when considering the effect of the appeal scheme on the character and appearance of the existing dwelling and the surrounding area.
16. The proposed first floor side extension would be set back from and subordinate to the existing Arts and Crafts style gable and porch, which would remain the predominant architectural features on the front elevation of the appeal property. Likewise the proposed roof over the side extension would be subservient, designed to step down below the ridge of the existing roof, and the proposed side dormer window would sit comfortably within the roof plane.
17. At the rear, although the existing full height bay window would be lost, the proposed extension at first floor level would be set well away from the boundary with 88 The Ridgeway and feature a hipped pitched roof set below the existing ridge height, respecting the form and proportions of the existing dwelling. The proposed rear dormer window would be subservient within the plane of the existing roof. The ground floor rear extensions would mirror the depth and flat roofed design of those at no. 88. Overall, therefore, the proposed extensions would preserve the character and appearance of the existing dwelling and the surrounding area, in accordance with criterion b of Policy DM01 of the BLPDMP.
18. Turning to the effect of the proposals on the living conditions of the occupiers of the neighbouring properties at 88 and 92 The Ridgeway. The proposed first floor rear extension would project to around the same depth as the existing two-storey side and rear extensions and be set a sufficient distance from the side boundaries, so as not to cause unacceptable harm to the outlook from, or daylight and sunlight to, habitable rooms at the rear of nos. 88 and 92.
19. The proposed ground floor rear extension would project a little beyond the rear elevation of the ground floor extension to no. 92, but not such as to be

overbearing on the outlook of the occupiers of no. 92. Whilst the proposed extensions would necessitate the removal of an existing Holly bush and Purple Plum tree along the boundary with no. 92, the bulk of the mature trees and shrubs at the rear of the appeal property would be retained, so preserving the landscaped backdrop to the properties.

20. The proposed side dormer window to the second floor studio flat and a side window to the bedroom of the first floor flat would look towards the side windows of the ground and first floor flats at no. 92. However, any potential overlooking or loss of privacy could be avoided by the use of obscured glazing to these proposed windows, which could be secured by condition if I were minded to allow the appeal. In these respects, the appeal proposals would comply with criterion e of Policy DM01 of the BLPDMP.
21. Concern has been raised in representations about the effect of the increase in the number of dwelling units at the appeal property on on-street parking. However, The Ridgeway and the surrounding streets are included in a Controlled Parking Zone, where on-street parking is restricted. The appeal scheme also proposes 2 off-street parking spaces on the forecourt area, which complies with the parking standard contained in criterion g of Policy DM17 of the BLPDMP.
22. Finally, the Appellant suggests that the need for housing in the Borough, outweighs the shortfall in the floor to ceiling heights. However, the need for housing should not be used to justify providing accommodation which does not meet the required standards for housing quality.

Conclusion

23. Whilst the effects of the proposed development on the character and appearance of the surrounding area, on the living conditions of the occupiers of the neighbouring properties, and on parking provision, would be acceptable, this would not overcome, mitigate or outweigh the failure of the proposal to provide acceptable living conditions for future occupants of the proposed second floor studio flat, with regard to internal space.
24. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

M Hayden

INSPECTOR