



Appeal Decision

Site visit made on 24 March 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2023

Appeal Ref: APP/N5090/W/22/3305533

62 Church Lane, East Finchley, London N2 8DS

- 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 Atul Sareen against the decision of London Borough of Barnet.
 - The application Ref 22/2165/FUL, dated 22 April 2022, was refused by notice dated 16 June 2022.
 - The development proposed is the conversion of the existing dwelling into 3no self-contained flats including two storey front and side extension, first floor rear extension, roof extension involving side and front dormer window with Juliette balcony, changes to fenestration and internal alterations. Associated amenity space, cycle storage, refuse and recycling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are 1) the effect of the proposed development on the character and appearance of the area, 2) the effect of the proposed development on the living conditions of the occupants of 425 Long Lane with regard to outlook, light and privacy, 3) whether or not the proposed development would provide acceptable living conditions for future occupants with regard to outlook and amenity space, and 4) the effect of the proposed development on highway safety with regards to parking provision.

Reasons

Character and appearance

3. The appeal property is a two-storey dwelling and is prominently located on the corner junction of Church Lane and Long Lane. It is set back behind a low brick wall with railings and sits opposite a small parade of shops and commercial units that are located on both Church Lane and Long Lane. The property has a shallow pitched roof which reflects that of the adjoining property on Long Lane.
4. There is a range of architectural styles in the surrounding area although the appeal property is notable for its contribution to the descent in the overall building heights as the two streets come together. The Council have referred to the area as 'The Old Village' and I observed on my site visit that both the physical make-up of the area, its ambiance, and the way it functions are reflective of such an environment.

5. The proposed development would extend the building on both the Church Lane and the Long Lane elevations. On the Church Lane elevation, the forward projecting extension would be over two storeys. It would match the established building line that exists with the residential properties on this side of Church Lane. The extension would retain, an albeit reduced area of open space to the front of the property. In isolation, this element of the development, due to its overall design and siting, would not cause harm to the character and appearance of the area, however it is necessary that the development, and the cumulative impacts of each aspect are considered as a whole.
6. The extension to the building on the Long Lane elevation would also be over two storeys. Although it would be in line with the ground floor of 425 Long Lane, it would be set forward of the first-floor element of the adjoining building which appears to have been set back to better align with the appeal property and its roof.
7. The extension at this point has a staggered design. When combined with the setback to the first floor of 425 Long Lane and the extension to the Church Lane elevation, the resulting appearance would be discordant and inharmonious and in stark contrast to the relatively simple and organised appearance of the existing property.
8. The proposed development includes a new roofscape which would contain two dormer windows. Despite the resultant height being similar or even less than some of the buildings in the wider area, in its immediate context, the alterations would considerably increase the overall bulk and scale of the building where it would appear overly dominant and out of context with the established pattern as described above. This would be accentuated by bringing both street elevations further forward.
9. Although there are some dormer windows to surrounding properties, those in the proposed development would dominate the roofscape and due to their design, size, and elevated siting, would appear incongruous.
10. The proposed development also includes new boundary treatments. These, for the most part would be solid and at a high level, although the upper section would incorporate an open lattice feature. Due to their overall height and solid appearance, these boundary treatments would appear dominant and oppressive in this prominent corner position. They would be out of character in an area where most properties have open frontages to create active frontages with surveillance of the property frontage and the street-scene. Where higher boundary treatments exist, they are typically to the side and/or rear of properties and in less prominent locations.
11. I therefore find that the proposed development would cause significant harm to the character and appearance of the area. It would be contrary to Policy CS5 of the Barnet Local Plan (Core Strategy) Development Plan Document (2012), Policy DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Document (2012), and guidance contained within the Residential Design Guidance Supplementary Planning Document (2016). Collectively, these policies and guidance seek to ensure, amongst other things, that development is of a high quality and standard of design, based on an understanding of local characteristics and should preserve or enhance local character.

Living conditions – 425 Long Lane

12. The appeal property is attached to 425 Long Lane where there is a first-floor flat which is currently inline with the Long Lane elevation of the appeal property. The proposed development would extend forwards of the recessed first floor windows of the property and also increase the height on the boundary due to an increase in the size of the roof space.
13. The submitted plans show the projection of the extension closest to no. 425 would be 1.29 metres. As the bulk of the new roof would be set behind the closest windows of no. 425, given the level of projection and the bulk of the side elevation that would be visible, the impact on outlook and levels of light would be minor and not unacceptable. For these same reasons, the impact on the rooflight would also not be unacceptable.
14. In terms of privacy, the Council have referred to the impact of windows that are proposed in the rear elevation. These windows serve bathrooms, store cupboards and study rooms. As these rooms are not primary habitable rooms in the proposed properties, were I to allow the appeal, a condition requiring the use of obscured glazing to these windows would have ensured that there would not be an unacceptable impact on the privacy of occupants of existing residential properties. I also note that there is an existing kitchen window to the ground of the appeal property at present.
15. I therefore find that the proposed development would not cause unacceptable harm to the living conditions of occupants of 425 Long Lane with regard to outlook, light and privacy. It would comply with Policy CS5 of the Barnet Local Plan (Core Strategy) Development Plan Document (2012), Policy DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Document (2012) and guidance contained within the Residential Design Guidance Supplementary Planning Document (2016). Collectively, these policies seek to ensure, amongst other things, that developments provide adequate amenity for adjoining and potential occupiers.

Living conditions – future occupants

16. Bedrooms 1 and 2 of flat no. 1 would look onto a high-level boundary treatment in very close proximity to the windows serving these habitable rooms. Although the upper section of the window would not be obscured by the proposed boundary treatment the eye-level view would be severely obscured. As a result, there would be an unacceptable outlook from both bedrooms. In terms of bedroom 2 to flat no. 1, this outlook would also encompass the bin store area. This would also contribute to the very poor outlook that would exist from the room.
17. In terms of amenity space for flat no 1, which comprises three habitable rooms, this is provided in the form of a square shaped area of around 12 sqm to the front of the building. For flat nos. 2 and 3, which comprise three and two habitable rooms respectively, a shared area of amenity space would be provided in a triangular shaped area measuring 12.7 sqm at the front of the property. Both areas of amenity space include cycle storage.
18. The Sustainable Design and Construction SPD (2016) outlines that for flats, 5 sqm of outdoor amenity space should be provided per habitable room, and that areas given over to cycle storage will not be considered useable. In the

proposed development, flat 1 would fall short of the minimum amount of outdoor amenity space required by the SPD and both flats 2 and 3 would also fail to meet the requirements of the SPD given that a shared space of a deficient size is proposed.

19. The SPD outlines that higher density development, such as flats, may not always be able to provide amenity space to the standards outlined. Where the standards cannot be met and an innovative design solution is not possible, a Planning Obligation will be sought. There is no obligation before me.
20. The appellant has referred to the proximity of recreational facilities at The Market Place Playground. These are however some distance from the appeal property and would not constitute an adequate substitution to providing a private facility on site. The appellant has also referred to the lack of private amenity space to surrounding properties. I do not have full details of the examples given. Either way they do not provide adequate justification to allow the appeal, which I have in any event determined on its own individual merits.
21. Therefore, due to the very poor outlook from habitable rooms to flat no. 1 and the failure to provide adequately sized private outdoor amenity space for all units, the proposed development would provide unacceptable living conditions for future occupants. It would be contrary to Policies CS1 and CS5 of the Barnet Local Plan (Core Strategy) Development Plan Document (2012) and Policies DM01 and DM02 of the Barnet Local Plan (Development Management Policies) Development Plan Document (2012). These policies require, amongst other things, that development proposals should be designed to allow for adequate outlook for potential occupiers and that adequate outdoor amenity space is provided.
22. The proposed development would also be contrary to guidance contained within the Residential Design Guidance Supplementary Planning Document (2016) and the Sustainable Design and Construction Supplementary Planning Document (2016). These documents outline that all habitable rooms should contain at least one main window with an adequate outlook, and that bedrooms should have a reasonable outlook; and that adequately sized private outdoor amenity space is provided.

Highway safety

23. The appeal property does not have any off-street parking and none is proposed to be provided as part of the development. The appeal site is located in an area with a PTAL (Public Transport Accessibility Level) of 1b which is a very poor accessibility rating. This is contrary to the appellant's view that the site is very well served by public transport. Due to the very poor PTAL rating future occupants of the development and their visitors are more likely to require cars and parking spaces.
24. The Council have outlined that four car parking spaces would be required to serve the development and comply with the requirements as outlined in Policy DM17 of the Barnet Local Plan (Development Management Policies) Development Plan Document (2012). The Council have also outlined that their observations show that the surrounding roads experience parking pressures. On my site visit I also observed that there was a very high level of on street parking in the surrounding area.

25. There is no substantive evidence before me to identify there would be capacity on the surrounding roads to accommodate the parking demand from the proposed development. I acknowledge that cycle parking is proposed to be provided, however this is a standard requirement in such developments and should not be relied upon as a means of not providing parking, or at least identifying capacity, that would be required by a development.
26. I acknowledge that the appeal property is an existing dwelling with no off-street parking. For this reason, I consider that the harm to highway safety arising from the proposed development and the parking implications would be minor. Nevertheless, in the absence of an appropriate assessment, the proposed development would conflict with the requirements of Policy DM17 of the Barnet Local Plan (Development Management Policies) Development Plan Document (2012) and Policy CS9 of the Barnet Local Plan (Core Strategy) Development Plan Document (2012) in terms of parking provision and the requirement that developments provide safe, efficient and effective travel.

Other Matters

27. The appellant has commented that in order to address concerns in relation to character and appearance and the living conditions of future occupants, the proposed boundary treatment could be lower than proposed. No revised details are however before me, and I have determined the appeal based on the submitted plans.
28. The appellant has referred to the relocation of the property access from the Church Lane frontage to the Long Lane frontage as a benefit of the scheme. Although the Long Lane access point would have a slightly wider pavement owing to the pedestrian guardrail on the Church Lane frontage, there is no evident harmful conflict to resolve, and I therefore give this limited weight.
29. The appellant refers to the property not being fit for purpose as a family home and that it does not have useable garden space. Although there is no substantive evidence that it is not 'fit for purpose', this does not justify causing the harmful impacts I have identified above. Similarly, the appellant refers to the need for such sized housing as proposed. There is no substantive evidence in relation to the need that would outweigh the harm I have identified.
30. The appellant has referred to a purpose-built development at Fenton Court, 64 Church Lane. Although I do not have full details of that case, it is quite clearly a very different form of development in a different context. It is therefore of limited weight in the appeal.
31. The appellant has also referred to the updating of the property that the proposed development would bring about. I am not convinced that the appeal scheme is the sole means of updating the property and either way, it does not outweigh the harm I have identified.
32. The appellant has commented that the property was previously arranged as two flats. There is no supporting evidence to give this significant weight and regardless the proposed development relates to three dwellings as opposed to the two which the appellant outlines previously existed.
33. In terms of supporting housing growth, the appellant has referred to the policies of the London Plan (2016). Although I have acknowledged the significance of the development in terms of its contribution towards housing

growth, the London Plan (2016) has been replaced and therefore has no weight in decision making.

Planning Balance and Conclusion

34. The Government's objective as set out in the National Planning Policy Framework (2021) (the Framework) is to support housing growth. The proposed development would result in a slight increase in the Council's overall housing number. It would also bring a small number of additional residents to the area who would contribute to the local economy. Collectively, I give these matters moderate weight in favour of the proposed development.
35. However, the harm that I have identified that would be caused to the character and appearance of the area and the failure to provide acceptable living conditions for future occupants and identify parking capacity, attracts significant weight that outweighs the benefits associated with the proposed development.
36. The proposed development would therefore conflict with the development plan and there are no identified other considerations that outweigh this conflict.
37. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR