



Appeal Decision

Site visit made on 25 April 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 17TH May 2023

Appeal Ref: APP/N5090/D/22/3314194

12 Queens Way, Hendon, London NW4 2TN

- 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 V Singhanian against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/4165/FUL, dated 12 August 2022, was refused by notice dated 21 November 2022.
 - The development proposed is the use of an annexe as a self-contained residential unit.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. No description development was provided on the application form and the appeal form refers to the erection of a single storey rear extension to a dwelling house. Accordingly, the description of development has been adopted from the Council's decision notice. This description reflects the submitted drawings, the Community Infrastructure Levy form and the proposals addressed in the appellant's grounds of appeal.
3. The site visit was arranged to enable access to the appeal property but the appellant did not attend. However, because of its siting at a road junction it was possible to view the property, its elevated rear garden and the surrounding area during the site visit. Accordingly, this appeal has been determined based on the submitted drawings and an unaccompanied site visit.

Main Issues

4. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area; (b) the living standard of the future occupiers and (c) the safety of other highway users.

Reasons

Character and Appearance

5. The appeal property is an extended detached dwelling situated at the junction of Queens Way and Queens Road. The front of the property faces towards Queens Way and is clearly read within the character and context of this cul-de-sac which comprises 12 detached family dwellings. These family dwellings are set-back from the road to the rear of front gardens which are landscaped and

used for parking. Although there is flatted accommodation near-by, these buildings front Queens Road and this road has a different character and appearance when compared to Queens Way, including because of the level of traffic.

6. The proposed development includes the sub-division of the property into a 2-bedroom dwelling, within what is described as an annex, and a 5-bedroom dwelling. These proposed dwellings would have the layout of 2-storey houses rather than flats. As is the case currently, each dwelling would have their own front door facing towards Queens Way. Although a second front door would exist as is currently the case, the appeal property itself would still primarily retain the appearance of an extended detached dwelling.
7. However, by reason of creating 2 separate dwellings, there would be 2 independent households rather than a single family household occupying the property. There would inevitably be changes to the character of the use of the property in terms of its functionality and levels of activity. This change in character would adversely affect the character of Queens Way established by the detached family dwellings.
8. Details have been provided about how the plot would be split functionally between the 2 proposed dwellings, in particular the sub-division of the rear garden, provision of off-street parking spaces and the location of refuse/recycling store. It is unclear where secure parking for cycles would be provided. However, providing the functional requirements associated with each of the proposed dwellings would accentuate the change in the character of the property away from being a detached family dwelling.
9. On this issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would conflict with Policy CS5 of Barnet's Local Plan Core Strategy Development Plan Document (CS) and Policy DM01 of the Development Management Policies Development Management Plan (DMP). Amongst other matters these policies promote high quality development which respects and responds to local characteristics, context and distinctiveness. CS Policy CS5 is a general strategy statement rather than a development management policy.

Living Standards

10. The Councils' *Sustainable Design and Construction Supplementary Planning Document* provides guidance on the levels of amenity space associated with flats and houses. For a house with 7 or more habitable rooms the requirement is for at least 85sq m and for a house with 4 habitable rooms the amenity space should be 40sq m. Although the proposed 2-bedroom property would meet the requirement for outdoor amenity space, the 5-bedroom dwelling would fall short of its requirement. For this reason, the proposed 5-bedroom dwelling would not provide high quality living conditions for its future occupiers.
11. As identified by the appellant, there is an area of public open space close to the property. However, this should not be relied upon to meet the shortfall in the amenity space for the proposed 5-bedroom dwelling, particularly where it could be occupied by young children who would have to cross Queens Road which has a much higher level of traffic flows than Queens Way.

12. For the reasons given, it is concluded that the proposed development would not provide satisfactory living standards for the future occupiers and, as such, it would conflict with DMP Policies DM01 and DM02 concerning retaining and providing outdoor amenity space. CS Policies CS1 and CS5 do not specifically refer to matters related to living standards.

Highway Safety

13. It was observed during the site visit that the front gardens of the family dwellings fronting Queens Way where the soft landscaping had been removed can accommodate 3 parked cars without overhanging the footways. The drawing provided by the appellant indicates that at least the same level of parking could be accommodated within the front garden of the property. The relationship between parked cars and the junction of Queens Way/Queens Road would be no different whether the property was occupied as a single family dwelling or sub-divided into 2 dwellings as being proposed.
14. By reason of the available off-street parking spaces, it is concluded that the proposed development would not cause unacceptable danger for other highway users and, as such, there would not be a conflict with DMP Policy DM17 concerning the safety of all road users being taken into account when considering development proposals and the provision of parking in accordance with the relevant standards. CS Policies CS9 and CS15 do not specifically refer to highway safety and parking provision.

Conclusion

15. Although the proposed development would not cause unacceptable danger for other highway users, this matter is demonstrably outweighed by the significant harm which would be caused to the character and appearance of the surrounding area and the failure to provide satisfactory living standard for the future occupiers. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR