



Appeal Decision

Site visit made on 29 August 2023

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st September 2023

Appeal Ref: APP/N5090/W/23/3316506
27 Ashley Walk, Mill Hill, London NW7 1DU

- 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 Cavusoglu against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/4491/FUL, dated 5 September 2022, was refused by notice dated 3 February 2023.
 - The development proposed is 'reconfiguration of existing single storey dwelling to create two storey building, with hipped roof and single storey rear projection to provide 2no. self contained flats. Associated parking, amenity space, refuse/recycling and cycle.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner heading above is taken from the appeal form which reflects the description stated on the Council's decision notice. It more fully and accurately describes the proposal than that set out on the planning application form, and as it is used by both main parties, I am satisfied that no injustice would be caused by basing my assessment on this description.

Main Issues

3. The main issues are (i) the effect of the proposal on the function and character of the area; and (ii) the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings with particular regard to outlook, noise and disturbance.

Reasons

Function and Character

4. The appeal relates to a detached bungalow located close to the junction of Ashley Walk with Oakhampton Road. These are residential streets which are predominantly characterised by two-storey semi-detached dwellings with reasonably generous gardens. As detached buildings on relatively modest plots, the appeal dwelling and the neighbour at 84 Oakhampton Road are unusual, but they nevertheless appear to be occupied as single dwellings, consistent with my impression of the street and area as one overwhelmingly characterised by single family houses.
5. The appeal proposes alterations and extensions to the existing bungalow to form a two-storey building which would accommodate two flats. The Council

has not objected to the design of the resulting building, and based on my observations at my visit and the evidence before me I am satisfied that the building would in itself be generally sympathetic to its context.

6. However, it is not only the design of buildings that inform the character of an area. I have not been directed to any examples of buildings on Ashley Walk or Oakhampton Road which are not occupied as single family houses, and I find that the proposed flats would therefore be uncharacteristic in this location. The proposal would also be contrary to Policy DM01 of the Development Management Policies 2012 ('the DMP') which sets out that loss of houses in roads characterised by houses, and conversion of dwellings into flats in roads characterised by houses, will not normally be appropriate.
7. There would be one entrance to the proposed building. Nevertheless, the provision of refuse and cycling storage for two flats within the frontage of the site would give some indication of the presence of multiple dwellings in views from the street. The proposal also includes the subdivision of the already modest rear garden to provide separate amenity spaces for each flat. These would be considerably smaller than typical gardens nearby, and while I acknowledge that their small size would be unlikely to be readily appreciable from the street scene, it would be strikingly at odds with the general pattern of development which is part of the character of the area.
8. Furthermore, the proposal would result in two households occupying the site, each of which would be likely to have different schedules, make separate trips and receive different visitors and deliveries. The appellant comments that occupiers of a typical household would all have different jobs, education and social duties. That may be, but it is likely that there would be at least some shared trips and visitors where occupiers are living as a single household. Such trips would not be shared between different households, and while there would be only one additional bedroom on the site, I consider that there would be likely to be some increase in the level of activity and comings and goings in comparison to a single dwelling. I accept that this would be likely to be slight, but in combination with the physical changes noted above, I find that there would be a noticeable change to the nature of the appeal site to a more intense use which would be out of keeping with the established character and function of this area comprising single family dwellings.
9. For these reasons, I conclude that the development would harm the character and function of the area, and the proposal would conflict with Policies CS1 and CS5 of the Core Strategy 2012 ('the CS'), Policy DM01 of the DMP and Policy D3 of the London Plan 2021 ('The LP'). Broadly and amongst other things, these policies include requirements to conserve and enhance local character and distinctiveness and to respect the pattern of surrounding buildings, spaces and streets.

Living Conditions

10. I have found that the proposal would be likely to result in a more intense use of the appeal site. However, the site would remain in residential use, and there would be parking for only one vehicle on the site. The difference in the level of activity and comings and goings associated with a two-bedroom and three bedroom flat in comparison to the existing four-bedroom dwelling would be slight, and in my judgement would not result in significantly greater noise or disturbance so as to cause meaningful harm to the living conditions of

neighbouring occupiers. In this regard, I find no conflict with Policy DM04 of the DMP or Policies D3 or D14 of the LP insofar as they generally seek to avoid adverse noise impacts from development.

11. However, the proposal would result in a marked increase in the height and overall bulk and mass of development on the site. Although the two-storey part of the development would not adjoin the boundary with the garden to the rear of 84 Oakhampton Road, the set in would not be large, and the garden to No 84 is also fairly shallow. The building would be much taller than the existing fence and vegetation along the boundary, and despite the hipped roof design, I consider that the significantly greater height and scale of development would present a dominant feature when seen at such close range from the neighbouring site and would be overbearing. The effect on windows to the rear of No 84 would be more limited than on the garden given that the windows are orientated with views directed towards the rear garden of the appeal site. Nevertheless, I find that the overbearing effect of the development would adversely affect outlook for occupiers of No 84 causing some harm to their living conditions, albeit that I consider the degree of harm would be modest.
12. The Council has also raised concern that there would be overshadowing of No 84's garden in the later part of the day, but having regard to the scale of the development and its position relative to this neighbour, I find that any effect would be likely to be very limited. In addition, the Council has not argued that the proposal would cause harmful overlooking or loss of privacy for neighbouring occupiers, and there are no compelling reasons for me to find differently. However, these factors do not offset or outweigh the adverse effect of the proposal on outlook for occupiers of No 84.
13. I appreciate that the development would be of broadly similar height to neighbouring buildings. However, it would be positioned much closer to the rear boundary of No 84 than the other nearby dwellings are to the rear boundaries of their neighbours, and as I have already noted, No 84 has a fairly shallow rear garden. The relationship of the building with No 84 is therefore different to existing development nearby, and consequent effects on the living conditions of occupiers of this dwelling are not directly comparable.
14. For these reasons, I conclude that the proposal would cause harm to the living conditions of the occupiers of 84 Oakhampton Road in respect of outlook. The harm would be modest, but would nevertheless conflict with Policy DM01 of the DMP and Policy D3 of the LP which include requirements seeking appropriate outlook for adjoining occupiers.

Other Matters

15. I have considered examples of other developments which the appellant has referred to in support of the appeal. From the information before me, development at 50-54 Shakespeare Road was on a street with some existing flats nearby, and the development to the rear of Devonshire Road, Aberdare Gardens and Osborn Gardens proposed single family dwellings. The relationship of these sites with neighbouring dwellings also differs from the appeal scheme. While they are within the same ward, their circumstances are not therefore directly comparable to the appeal proposal which I have considered on its own merits.

16. The proposal would make effective use of the previously developed site to provide an additional dwelling within an existing built-up area. The Council recognises that flats can make an important contribution to housing provision, and I have no firm reason to doubt the appellant's evidence that there is demand for flats locally. Nor that the proposed flats would offer accommodation of suitable quality and safety.
17. However, there is little firm detail before me to demonstrate a lack of demand for the existing dwelling or for bungalows more generally. In addition, the contribution to the supply of housing would be limited by the small scale of the development, and I find that the benefits of the proposal are insufficient to outweigh the cumulative harm that I have identified would be caused to the character and function of the area and to the living conditions of neighbouring occupiers, and the resulting conflict with the development plan.

Conclusion

18. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR