



Appeal Decision

Site visit made on 10 October 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2023

Appeal Ref: APP/N5090/W/23/3320443

121 Friern Park, North Finchley, London N12 9LH

- 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 Peter Apicella against the decision of the Council of the London Borough of Barnet.
- The application Ref 22/4185/FUL, dated 12 August 2022, was refused by notice dated 20 October 2022.
- The development proposed is conversion of existing dwelling into five no self-contained flats including part single, part two storey side extension. Associated parking, refuse/recycling storage, bicycle storage and amenity space.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted amended plans during the appeal. These plans show smaller beds within proposed Flats 1 and 3 and an additional rooflight to serve Flat 5. Although full details have not been provided to me, I understand that the rooflight has already been granted planning permission¹ as part of a subsequent application to convert the appeal building into three flats. The appellant has also submitted a survey of parking in the local area.
3. The Council has had the opportunity to comment on the revised plans and the survey. Given the above factors, and the small size of the changes, I consider that no party would be prejudiced if I determine the appeal based on the amended plans and the additional information.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including on locally listed properties numbers 115, 117, 119 and 121 Friern Park (Nos 115-121),
 - the effect of the proposal on the living conditions of 121A Friern Park (No 121A) in respect of outlook,
 - whether the proposal would provide adequate living conditions for its occupiers, with regard to internal space, light and outlook, and
 - whether the proposal makes adequate provision for vehicle parking.

¹ LPA reference 22/4184/FULL

Reasons

Character and Appearance

5. The area around the appeal site is primarily residential and consists of a range of detached, semi-detached and terraced dwellings and flats. The appeal site itself consists of a 2.5 storey dwelling, one of two pairs of semi-detached houses (Nos 115-121). The dwellings are said to date from 1903 and have unifying design features, including red-and-white facades, detailing and large front two-storey bays. They are identified by the Council as locally listed buildings.
6. The dwellings are set back from Friern Park road. Nevertheless, the group form a prominent feature in the street scene, including as a result of the large gap between the appeal site and the neighbouring dwelling at No 121A. Relevant to this appeal, the significance of the locally listed buildings includes their historic, attractive design and the common uniformity and rhythm of their built form. As such, Nos 115-121 constitute non-designated heritage assets.
7. The proposal seeks to erect a two-storey side extension and to convert the building as a whole into five flats. The extension includes a bay at the front designed to broadly reflect that of the host building. It would also use materials intended to be sympathetic to the group of locally listed buildings. The extension would have a hipped roof and its height would be lower than the main ridge of its host.
8. The Residential Design Guidance Supplementary Planning Document (Design SPD), dated October 2016, provides guidance in respect of the design of house extensions. The SPD does not form part of the Development Plan. However, it advises that, to appear subordinate, side extensions should not exceed half the width of the original house and should be set back from its main front wall. The size and design of the proposal means that it would not comply with the requirements of the SPD.
9. Moreover, the proposed extension would have a large mass and bulk over two storeys, with a width, scale and fenestration similar to its host. As a result, it would not be sufficiently subordinate to the existing dwelling but instead would unbalance the symmetry of No 121 with its semi-detached pair (No 119). For the same reasons, the proposed extension would also undermine the rhythm and uniformity of the locally listed group at Nos 115-121. By significantly reducing the gap between No 121 and No 121A, the proposed extension would also diminish the prominence and setting of the host building in the street scene, and that of the locally listed buildings, thus harming their significance.
10. My attention has been drawn to a Certificate of Lawfulness² for the erection of a large garage in the space between No 121 and No 121A. I have no reason to doubt that the erection of this building represents a realistic fallback for the appellant. As with the proposal, the garage would also largely fill the width between these properties.
11. However, it would only do so at single storey height. Regardless of the appropriateness or otherwise of its design, the garage would not have the large scale, mass or bulk of the proposal and would instead read as a subordinate

² LPA reference 22/5310/192

building. The fallback is therefore preferable to the proposal and so does not justify the harm that would be caused by the proposal. A refused planning application³ for a single storey extension to the property has also been referred to. Regardless of that decision, I must consider the proposal before me on its own merits.

12. For the reasons given above, the proposal would have a harmful effect on the character and appearance of the area, including on the locally listed buildings. As such, it would be contrary to policies CS1 and CS5 of the Barnet Local Plan Core Strategy, adopted September 2012 (BCS). These policies seek the highest standards of urban design, which respects local context, and the protection of the heritage of Barnet, including locally listed buildings.
13. For similar reasons, the proposal would conflict with policy DM01 of the Development Management Policies (DMP), adopted September 2012, which requires high quality design that respects the appearance and pattern of surrounding buildings. It would also conflict with DMP Policy DM06, which requires that all heritage assets are protected, having regard to the local historic context. For the reasons I have already given, it would also conflict with the Design SPD. In taking insufficient account of the significance of the non-designated heritage assets, the proposal would not accord with the National Planning Policy Framework.

Living Conditions of No 121A

14. No 121 shares a common side boundary with No 121A, a detached dwelling. The proposed extension would have a hipped roof helping to minimise the massing effect of its roofscape on No 121A. The common boundary line is splayed, so that the proposed extension would not be as close to No 121 at the front of the property as it would be towards the rear. An existing fence and vegetation would provide some screening of the proposal from No 121A, which has a long garden providing an open aspect to its occupiers.
15. Nevertheless, at its closest point, the distance between the proposed extension and the boundary with No 121A would be somewhat smaller than the minimum required by the Design SPD. Moreover, the proposal would result in a building of a large scale and mass being located close to the shared boundary. When viewed from the rear of No 121A, the close position, mass and large expanse of built form of the proposal would have a dominating and enclosing impact on the property. As such, it would intrude into the obtainable outlook from the house and make the garden overall a less pleasant place to reside.
16. For these reasons, the proposal would have a harmful effect on the living conditions of 121A Friern Park in respect of outlook. Accordingly, it would conflict with DMP policy DM01, which requires proposals to allow for adequate outlook for adjoining occupiers, and BCS Policy CS5, which requires that the gardens of residential properties are protected and enhanced. For the reasons I have already given, it would also conflict with the Design SPD.

Living Conditions of Future Occupiers of the Proposal

17. To ensure adequate housing quality and standards, the London Plan⁴ (LP) sets out a minimum gross internal floor area for all new dwellings. It is common

³ LPA reference 21/6306/HSE

⁴ At Table 3.1 of Policy D6

ground between the Council and the appellant that proposed Flats 2, 4 and 5 would have sufficient size to meet these requirements. However, the dispute in respect of this issue centres on Flats 1 and 3, which would have a floorspace exceeding the LP minimum standard for 1-bed, 1-person units, but would be below the 1-bed, 2-person unit requirement.

18. The plans on which the Council made its decision showed double beds within each of the single bedrooms within Flats 1 and 3. The amended plans before me now show these rooms as having single beds, and the appellant intends that each would be occupied by only one person. Even so, the sizes of the rooms themselves have not changed. Moreover, there is no dispute that they would be large enough to exceed the minimum size of a twin or double bedroom as set out in the Council's Sustainable Design and Construction Supplementary Planning Document (DC SPD), dated October 2016.
19. Accordingly, although not the intention of the appellant, there would be little to prevent these rooms and flats being occupied as 1-bed, 2-person units in the future, thus circumventing the requirements and aims of the LP. Therefore, notwithstanding the change to the bed sizes shown on the amended plans, Flats 1 and 3 would be capable of being occupied as 1-bed, 2-person units and so would not provide sufficient space to comply with the internal floorspace requirements of the LP.
20. In respect of daylight and sunlight, the main living room and kitchen of Flat 2 would be served by two partially obscure windows and one unobscured window. I understand that they would have a net aperture of 10% of the internal floor area of the room, above the requirements of the Building Regulations. Other rooms in the flat would have good levels of natural light and space, and the size of the flat may well exceed that for a six-person unit. Furthermore, all five flats would have access to a good-sized external amenity space.
21. Even so, Flat 2 is a family-sized unit and its occupiers may well spend a large proportion of their time using the main living area. Its proposed windows would be of reasonable size but would be concentrated at one end of this long room. As such, the living area of the room would receive limited levels of natural light, and below that required by the DC SPD. Furthermore, given that two of the three windows would be partially obscured, occupiers of this room would have a very restricted level of outlook.
22. The bedroom of Flat 5 is now proposed to be served by a rooflight as well as a side window. However, the side window would be partially obscure glazed and fixed shut. Furthermore, whilst the rooflight would provide additional light into the room, its high level would limit the degree of outlook obtainable from it. As such, even if the room would have adequate light, its occupiers would have very limited outlook.
23. For the above reasons, I conclude that the proposal would not provide adequate living conditions for its occupiers, with regard to internal space, light and outlook. As such, it would conflict with DMP Policy DM01 which requires adequate light and outlook for potential occupiers. It would also conflict with DMP Policy DM02 which amongst other things requires compliance with the minimum floorspace standard of the LP. For similar reasons, it would also conflict with the Design SPD and the DC SPD, and their requirements for sufficient daylight and outlook.

Parking

24. The site lies within an area with a Public Transport Accessibility Level of 1A, meaning that it has very poor public transport availability. The application proposes three off-street parking spaces for the five flats. DMP Policy DM17 sets out a parking standard for residential development, of up to one space per flat, albeit that these are a maximum requirement, rather than a minimum. Residents have also raised concerns regarding parking provision locally and the effects of the proposal in this respect.
25. At appeal stage, the appellant has provided a parking survey, undertaken in accordance with the methodology required by the Council's highways officers. On a worst-case basis during peak periods, and excluding spaces restricted by single yellow lines, the survey found 38 on-street spaces available locally, a stress level of 86%. This would rise to 87% when the shortfall resulting from the proposal is factored in.
26. The Council does not dispute the findings of the survey. It considers that this demonstrates that the proposal would not result in a material impact on the highway network and that this reason for refusal has been overcome. My weekday morning visit only represents a snapshot in time, but the findings of the survey accord with my own observations in respect of car parking availability in the vicinity of the site. Accordingly, I am satisfied that the proposal would not result in undue overspill of kerbside car parking or harm to pedestrian or highway safety. Nor would it harmfully affect the free flow of traffic.
27. Consequently, I conclude that the proposal would make adequate provision for vehicle parking. It would therefore comply with DMP Policy DM17. For the same reasons, I find no conflict with the parking standards of LP Policy T6.1, or with BCS policy CS9 which requires safe, effective and efficient travel. BCS Policy CS15 relates to the provision of necessary infrastructure, and so I find no conflict with this policy either.

Other Matters

28. The proposal would result in an efficient use of land in a built-up area, for development that could be delivered quickly. Future occupiers of the proposal would make a positive social and economic contribution to the area, as would its construction economically. However, the proposal would result in a net gain of only two additional units of accommodation beyond the three approved by the subsequent planning permission. As such, the benefits of the proposal would be modest and so I give them limited positive weight.

Planning Balance and Conclusion

29. Although I have found that the proposal would be acceptable in respect of car parking and highway safety, for the reasons given, the proposal would conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR