



Appeal Decision

Site visit made on 3 October 2023

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2023

Appeal Ref: APP/N5090/W/23/3319938

10 Goldsmith Avenue, Colindale, Barnet, London NW9 7HB

- 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 A Shoreim against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/5223/FUL, dated 25 October 2022, was refused by notice dated 17 January 2023.
 - The development proposed is part single and double storey side & rear extension for formation of self-contained dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the appeal confirmation was provided by the Council regarding reference to Policy 3.5 of the London Plan 2016 within Policy DM02 of the Barnet Local Plan Development Management Policies - Development Plan Document (2012) (DMP). The Council have indicated that Policy 3.5 has been superseded and replaced with Policy D6 of the London Plan 2021. Policy D6 is now the relevant policy and I have assessed the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the host property and the surrounding area, and
 - Whether the development would provide adequate living conditions for the intended future occupiers with particular regards to internal ceiling height.

Reasons

Character and appearance

4. The appeal site is a two storey semi-detached dwelling, located on a prominent corner plot of Goldsmith Avenue and Fryent Grove. The area is predominantly residential in character, comprising of two storey properties arranged in short terraces consisting of four properties which creates a uniformity and rhythm in the street scene. An exception to this is No 41 and No 43 Goldsmith Avenue (No 41 and No 43) opposite, which are semi-detached dwellings, and a more modern residential development to Fryent Grove which are different in form and layout.

5. The appeal premises benefits from an existing flat roofed single storey extension which wraps around the front and side. The boundary consists of a mature hedge to the front and side, with a timber fence set behind. Levels rise from Goldsmith Avenue towards the appeal premises and the junction with Fryent Grove.
6. The first floor extension is considered as a whole alongside the rear projection. Whilst the majority of properties within which the appeal premises is located benefit from single storey additions to the rear none have two storey rear outriggers, and as such the rear of Goldsmith Avenue appears uncluttered. The projection of the flank wall closer to Fryers Grove and that of the rear projecting beyond the main rear building line, would be clearly visible from the public realm. Resulting in the loss of spaciousness between the plot and the street, dominating the side and rear of the host property and detracting from the character and appearance of the surrounding area.
7. With regards to the single storey flat roofed side extension. The overall width would be approximately the same width as that of the appeal premises. Whilst the main body of the single storey extension would be partially obscured from view by the existing boundary treatment when viewed from Fryers Grove, this would not be the case when viewed from the front. The single storey element would visually dominate the host property approximately doubling the width at ground floor and significantly reducing gap between the premises and Fryent Grove. Whilst I acknowledge that the external appearance of the proposal would use matching materials to the host building. This does not mitigate the identified harm identified.
8. In support of their case, the appellant has drawn my attention to the following examples of two storey side extensions to properties situated on corner plots within the nearby vicinity No 7 Goldsmith Avenue¹ (No 7), No 39 Kingsbury Road (No 39) and No 33 Avondale Avenue² (No 33). No 39, does not have a projection at first floor or a single storey side extension and is materially different to the situation at the appeal site. Furthermore, I have not been provided with the circumstances relating to No 7 or No 33 and as such I cannot be certain that the circumstances are directly comparable to the proposals before me, which I have assessed on their own merits.
9. Both the Council and appellant have drawn my attention to a previous consent for the premises³. Whilst I note that this related to a similar proposal, I have not been provided with the circumstances relating to its presence and since consent has lapsed, its presence does not provide justification for harmful development.
10. I conclude that the projection of the first floor beyond the rear main elevation and width of the single storey side extension would disrupt the uniformity and rhythm of the terrace resulting in harm to the character and appearance of the host building and the surrounding area. Accordingly, the extensions conflict with Policy CS5 of the Barnet's Local Plan Core Strategy (2012) (Core Strategy) which seeks, amongst other matters, for extensions to respect the local context. There would also be conflict with Policy DM01 of DMP, which seeks amongst other matters, for development to preserve or enhance local character

¹ 18/2883/HSE

² 21/1771/FUL

³ H/05061/13

and to respect the appearance, scale, mass, height and pattern of the surrounding buildings, spaces, and streets. There would also be conflict with the guidance set out in Barnet's SPD-RDG, which has similar objectives. Furthermore, there would also be conflict with the good design aims of the National Planning Policy Framework (Framework) which seeks, amongst other matters, for development to be sympathetic to local character.

Living Conditions

11. The proposal seeks to create a separate two bedroom dwelling within the extension of the host property, with the new living accommodation following similar floor to ceiling heights as the host property. Policy D6 of the LP is clear in that new dwellings require a minimum ceiling height of 2.5 metres must be for at least 75 per cent of the GIA. The ceiling height within the ground floor would be 2.45 metres and a ceiling height of 2.2 metres would be to the first floor. These heights fall short of the LP minimum requirement.
12. The appellant states that the proposal would meet the minimum national standards of 2.4 metres for at least 75% of the GIA within the ground floor and would fall short within the first floor by 0.2 metres. The National Described Spacing Standards (NDSS) are minimum standards and whilst those specified in the NDSS are lesser than those of the LP, it is the standards within the LP which are the relevant consideration in this application. Furthermore, the appellant concedes that the proposal would not meet the relevant internal ceiling heights for 75% even to accord with the NDSS. The proposed rooms would therefore feel cramped and claustrophobic, resulting in the need for the windows of the upper floors to be remain open especially when its warmer to combat stuffiness, which may affect the sleep and living conditions of future intended occupiers.
13. I have not been provided with justification regarding the shortfall. Therefore, as neither the ground nor first floor complies with the prescribed 2.5 metres floor to ceiling height sought by policy D6, the proposal conflicts with the development plan. Furthermore, whilst Policy D3 of the LP and Policy DM01 of the DMP do not specifically refer to floor to ceiling heights, Policy D3 does seek amongst other matters, for development to achieve indoor environments that are comfortable and inviting for people to use and which deliver appropriate amenity; and Policy DM01 seeks amongst other things, for development to represent high quality design, based on an understanding of local characteristics and respect the appearance and pattern of surrounding buildings, spaces and streets.
14. The appellant has drawn my attention to Section 9 (pg. 34) of the Supplementary Planning Document: Residential Design Guidance (2016) (SPD-RDG). I concur that the policy does not specifically refer to floor to ceiling heights, however paragraph 9.4 within Section 9 does refer to minimum residential space standards for new homes, which will normally be applied to all developments in Barnet including conversions. As such the Councils SPD-RDG is relevant to the development in this case.
15. The appellant has also drawn my attention to Section 2 (pg. 7) of the SPD-SDC. I agree that the Policy does not specifically set out floor to ceiling heights, however it does refer to the NDSS and LP policy, of which Policy D6 of the LP states, amongst other matters, that the minimum floor to ceiling height must

be 2.5 metres for at least 75% of the GIA. As such the Councils SDC-SPD is relevant to the development in this case.

16. With regards to the appellant's suggestion to overcome the shortfall in ceiling height by increasing the building proportions by way of condition. Any increase in floor to ceiling heights could increase the proportions and design of the proposed development. As such it would not be reasonable or appropriate to condition this matter as it may deprive those who were entitled to be consulted on the changes.
17. I conclude that the resultant floor to ceiling height would result in unacceptable living conditions for intended future occupiers. Accordingly, the proposed development would conflict with Policy DM02 of the DMP, which seek to amongst other matters, for development to accord with LP policy. It would also be in conflict with the aims of the SPD-SDC which seeks amongst other matters, to ensure that new housing is of adequate quality, and SPD-RDG which seeks to amongst other matters, new housing has a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area. Furthermore, it would also conflict with the Framework, which amongst other matters, seek to provide a high standard of amenity for future occupiers.

Other Matters

18. The failure to maintain a garden does not outweigh the harm I have identified above.
19. With regards to the appellants assertion that the proposal would not result in a loss of existing landscape features. The proposal would result in the partial loss in part of the mature hedge to the front of the premises to accommodate the off streetcar parking, and access to the secure bike store and bin store. Furthermore, there would be loss of landscape features to the side, by reason of the extension between the flank wall and Fryent Grove. Notwithstanding this, it does not alter my conclusions on the matter before me.
20. The appeal site is an existing residential dwelling and does not constitute a 'windfall site'. I acknowledge the proposed development would create an additional dwelling within the Borough, which would be of benefit, however the benefit of such would not outweigh the identified harm above.
21. Furthermore, the absence of harm regarding highway safety, amenity for existing neighbouring residents with regards to light, outlook, privacy and noise and disturbance are neutral matters in the overall planning balance as these would be likely requirements of a well-designed development.

Conclusion

22. For the reasons set out above and having had regard to all other matters raised, the proposal conflicts with the development plan taken as a whole. There are no other considerations which indicate that the decision should be made other than in accordance with the development plan. I conclude that the appeal should be dismissed.

L Clark

INSPECTOR