



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: 27 December 2023

Appeal Ref: APP/N5090/W/23/3320125

121 Sturgess Avenue, Hendon, Barnet, London NW4 3TY

- 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 Manouchehr Gharagozloo against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/4800/FUL, dated 27 September 2022, was refused by notice dated 17 January 2023.
 - The development proposed is the conversion of 5-room HMO into 2x2 Bed Flat, with internal alterations, refuse and recycle bins, cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal the Council confirmed that the 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Policy DM02 of the Barnet Local Plan Development Management Policies - Development Plan Document (2012) (DMP) has been superseded and replaced with Policy D6 of the London Plan 2021 (LP). I have assessed the proposal on this basis.

Main Issue

3. The main issue is whether the proposed development would provide adequate living conditions for the future occupiers of the flats, with particular regards to internal living space and access to external amenity space.

Reasons

4. The appeal site is a two storey semi-detached property, located on a corner plot with Sturgess Avenue and Riverside, within a predominantly residential area of similar dwellings. To the front and rear are garden areas, with hardstanding utilised for off-street parking to the side. The property has been incrementally extended and benefits from a single storey and two storey outrigger to the front, a single and two storey outrigger to the rear and a flat roof dormer to the rear roofslope.
5. There is no dispute between the parties that the overall floor area of the proposed flats would comply with the Council's adopted space standards set out within the LP. However, as well as these standards, LP Policy D6 sets out minimum standards for, amongst other things, bedrooms, storage, floor to ceiling heights and private outdoor space.
6. Flat 1 would have 2 bedrooms and whilst one of the bedrooms would comply with the space standards within Policy D6 of the LP and the Council's

Supplementary Planning Document: Sustainable Design and Construction (2016) (SPD-SDC), the other would only be 7.3m² which falls short of the 7.5m² standard for a one bedspace single bedroom.

7. The room I observed from my site visit was dual aspect and is already being utilised as a bedroom and contained a single bed, single wardrobes, drawers and a desk. Whilst there was little resultant floor space, the room was able to contain all the bedroom furniture associated with modern living. Whilst the room size conflicts with the development plan, the shortfall is minor, and I have no evidence before me to demonstrate that it has resulted in poor living conditions to the existing occupiers. I am satisfied overall that the room would provide acceptable living conditions for future intended occupiers.
8. With regards to Flat 2, the accommodation would be spread over two floors and there is no dispute that the floor to ceiling heights on each floor would fall below the minimum 2.5 metres standard set out within LP Policy D6. Whilst the shortfall on the first floor would be small, the accommodation within the loft space would have a low ceiling, part of which would be sloping which would be likely to be claustrophobic to those occupiers sleeping in it. Furthermore, as the accommodation is within the roof space, it is highly likely that the bedroom would be significantly warmer than the rooms lower down in the building. The restricted headroom would most likely result in overheating and restricted airflow, resulting in poor quality accommodation, negatively impacting future intended occupiers' use and enjoyment.
9. The sectional drawing within the loft for Flat 2 identifies a partition wall set within the roof slope at a height of 1.348 metres. As the roof slope reduces significantly beyond the ridgeline within the loft, any GIA which has a headroom of less than 1.5 metres is not counted within the GIA unless solely used for storage. Therefore, given the point at which the ceiling would reduce to 1.5 metres, I consider that Flat 2 would have sufficient storage.
10. Section 2.3 of the Council's SPD-SDC relates to outdoor amenity space and seeks, amongst other matters, for the provision of 5 sqm of outdoor amenity space per habitable room for flats. I note the Council's officer report refers to the future occupiers of Flat 2 having access to 16.5 sqm. A shortfall of 3.5 sqm which is not disputed.
11. Flat 2 is a 2 bed 3 person flat which could be occupied by a small family who would likely require sufficient space to enable recreational activity such as sitting out and for other outdoor requirements such as drying clothes and play equipment. Whilst the garden would provide some amenity space for those future occupants, the size would be restrictive and limit the range of activities at one time.
12. I note the appellant's suggestion that a roof terrace over the ground floor of Flat 1 could be accommodated to provide outdoor amenity space for the occupants of Flat 2, secured by way of a pre-commencement condition. Whilst I acknowledge Policy D6 of the LP relates, amongst other matters, to private outdoor space, I am mindful that this proposal does not include a roof terrace and therefore such a condition would not meet the relevant tests.
13. I conclude that whilst I find the size of the bedroom associated with Flat 1 and storage within Flat 2 would be acceptable to the living conditions of intended future occupiers, this would not be so in respect of Flat 2 given my findings

above. Accordingly, the proposal conflicts with Policy D6 of the London Plan 2021, Policy CS4 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, which collectively seek high quality design with adequately sized rooms. It would also be contrary to the relevant paragraphs of the National Planning Policy Framework which seeks to ensure high standards of amenity of future occupants are not unduly harmed.

Other Matters

14. The absence of harm, to the character and appearance of the host property and local area, to the amenity of the existing neighbouring residents, and to the level of outlook and daylight for future intended occupiers, are neutral matters in the overall planning balance as these would be requirements of any well-designed development.

Conclusion

15. For the reasons set out above, 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