



Appeal Decision

Site visit made on 29 January 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/N5090/W/23/3326549

54 Lewes Road, North Finchley, Barnet, London N12 9NL

- 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 Mrs Rozarta Xhika against the decision of the Council of the London Borough of Barnet.
 - The application Ref 23/1713/FUL, dated 18 April 2023, was refused by notice dated 20 June 2023.
 - The development proposed is the conversion of existing side extension to a semi-detached dwelling to self-contained dwelling and alterations to front fenestration.
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Decision

1. The appeal is allowed, and planning permission is granted for conversion of existing side extension to a semi-detached dwelling to self-contained dwelling and alterations to front fenestration at 54 Lewes Road, North Finchley, Barnet, London N12 9NL in accordance with the terms of the application, Ref 23/1713/FUL, dated 18 April 2023, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupants of neighbouring properties with regard to noise and disturbance.

Reasons

Character and appearance

3. Most of the properties along Lewes Road are large, two storey and semi-detached and appear to have been built around the same time. Although several have side extensions, they retain original architectural details such as curved bays and first floor oriel windows. This forms a consistent rhythm of development along much of the street.
4. However, 54 Lewes Road is located at the north end of Lewes Road at the point where it transitions into Torrington Grove. Here, the properties are a mix of densities and architectural styles including small blocks of flats, detached and semi-detached properties. While Nos. 54, 56, 58 and 60 Lewes Road include details such as curved bays and oriel windows, they are of a smaller scale which sets them apart from the majority of the street. No 54 itself has recently gone hip to gable, and has a new half hipped roof over its extension, which has

disrupted its previous symmetry with the attached neighbour. They are also separated from the mainstay of the housing along Lewes Road by Nos. 52a and 52b, which together comprise of a more modern, brick faced building.

5. The proposal is for the conversion of an existing side extension to form a separate dwellinghouse. An existing doorway would be reused, and a garage door replaced with a window. It is acknowledged that the proposal would introduce a terrace of three properties, where most on the street are semi-detached. However, the external works would be innocuous, and the proposed dwelling would read as an extension to the host property, much like the existing extension and those which punctuate Lewes Road. The rear garden would be narrow but would not be visible from the public realm.
6. Conversions can increase residential capacity and this in turn can increase both parking and refuse storage requirements, which may impact on the residential character of an area. In this instance the resultant dwelling would be served by a single car parking space, the Council Highway Officer confirms that the proposal is in accordance with Parking Standards. Further, they raise no concerns regarding the impact of the conversion on-street parking provision. Based on the evidence before me I have no reason to disagree with the Highway Officer's assessment. The submitted plans also indicate that there is sufficient capacity within the curtilage of the conversion for refuse storage. As such and given the various forms of residential development around the site, the proposed conversion would not be unduly prominent or have a detrimental impact on the established character or pattern of development.
7. For the reasons detailed above the proposed development would have an acceptable effect on the character and appearance of the area. As such the proposal is in accordance with Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP), Policies CS1 and CS5 Barnet's Local Plan (Core Strategy) Development Plan Document 2012 (CS). These policies require, amongst other things, that development proposals should respect local context and the appearance, scale, mass, height and pattern of surrounding buildings.

Living conditions

8. The enlargements to No. 54 allow for seven bedrooms with the capacity to accommodate 13 people. The proposed conversion to a five bedroom property and a two bedroom property would not alter the existing capacity. As the development would allow for two separate households, the proposal represents an intensification of the existing use. However, the level of activity of two smaller households is unlikely to be significantly greater than that of a single large family. Further, the subdivided gardens are of sufficient area to accommodate the amenity requirements of each household, without resulting in increased noise and disturbance to neighbours.
9. For the reasons detailed above the proposed development would have an acceptable effect on the living conditions of the occupants of neighbouring properties with regard to noise and disturbance. As such the proposal is in accordance with Policy CS5 of CS requires the protection of the gardens of residential properties. Policy DM04 Criteria 'd' of the DMP relates to development that would generate unacceptable noise levels in areas close to noise sensitive uses. As established above, the proposed conversion would not result in unacceptable noise levels. Policies CSNPPF of CS and DMO2 of the

DMP do not relate specifically to the impact of development on the living conditions of the occupants of neighbouring properties.

Other Matters

10. Concerns have been raised regarding the potential that the proposal would set a precedent for similar conversions in the area. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

Conditions

11. I have considered the conditions put forward by the Council and the appellant's comments on them. I have included those conditions that meet the tests set out at paragraph 56 of the Framework, with some minor editing of the suggested wording for precision and enforceability.
12. A condition relating to the timing of the commencement of development is necessary to comply with Section 92 of the Town and Country Planning Act 1990. A condition requiring that the development accords with the plans, has also been added as the proposal has been assessed on those terms and in the interests of certainty.
13. Conditions relating to cycle parking and storage and waste storage and collection arrangements are required to ensure that satisfactory provision is made to protect the appearance of the area and meet the requirements of future occupants.
14. A condition requiring details of proposed boundary treatments is required in the interests of privacy and visual amenity.
15. Also, in the interests of sustainability, the installation of water efficiency measures is required via condition.

Conclusion

16. For the reasons given I conclude that the appeal should succeed.

C Livingstone

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LwR/B/ND1, LwR/B/ND2, LwR/B/ND3, LwR/B/ND4, LwR/B/ND5.
- 3) Details of cycle parking and storage
 - a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.
- 4) Refuse and Recycling
 - a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.
- 5) Means of Enclosure
 - a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
 - b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat.
 - c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.
- 6) Water Consumption

Prior to the first occupation of the new dwellinghouse (Use Class C3) hereby approved it shall all have been constructed to have 100% of the wholesome water supplied to it by the mains water infrastructure provided through a water meter or water meters and the dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the

water consumption of the proposed development. Any use of grey water and/or rainwater systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

***** END OF CONDITIONS *****