



Appeal Decision

Site visit made on 17 April 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2024

Appeal Ref: APP/N5090/W/23/3331608

691-693 Finchley Road, London NW2 2JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Towngold Ltd and Albercraft Ltd against the decision of the Council of the London Borough of Barnet.
- The application Ref is 23/3390/FUL.
- The development proposed is described as the "change of use of rear ancillary office outbuilding to a self-contained studio flat, with associated amenity space, cycle/refuse and recycling storage."

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no party's interests would be prejudiced by my taking this approach.
3. Barnet's Draft Local Plan has been through examination under Regulation 24 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Inspector has issued their Interim Findings and Next Steps letter. However, I am not aware of the extent of any unresolved objections, whether its policies are considered as consistent with the Framework or when the Plan is likely to be adopted. Consequently, in accordance with paragraph 48 of the Framework, I give it limited weight.
4. There is another appeal¹ being considered at the same site. That appeal is the subject of a separate decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site comprises 691-693 Finchley Road, which have been sub-divided into flats, and an outbuilding. Nos 691-693 front Finchley Road and

¹ Appeal ref: APP/N5090/W/23/3328723

have relatively spacious rear gardens. This appeal relates to the single storey, detached outbuilding located to the rear of these frontage buildings, which is sub-divided into two offices (the appeal building). While there are a mix of building designs and uses in the locality, typically buildings have frontages with the highway. Residential properties predominately have small front gardens and larger rear gardens, some with ancillary outbuildings. It is the linear pattern of development, ancillary outbuildings and spacious rear gardens that contribute to the character and appearance of the area.

7. The proposal seeks to convert the appeal building from two units into one self-contained independent dwelling. The appellant asserts this reduction in unit numbers could appear less intensive. However, while the appeal building is currently vacant and has been for some time, its existing use is as two offices, ancillary to the residential ground floor flats within Nos 691-693.
8. In contrast, while noting Council policy encourages new housing provision in vacant buildings and the appeal building benefits from an ancillary residential use, the appeal proposal would be occupied by a new household, independent of the residential units within Nos 691-693. While the number of residential units within the appeal site would only be increased by a modest amount, the appeal scheme would introduce a new and more intensive primary residential use of the appeal building.
9. As the appeal building is already in situ, the appellant asserts that there would be no harm in respect of the street scene or wider locality. However, its use would change from what is clearly an ancillary domestic outbuilding of low key and subservient character, to an independent dwelling within its own residential curtilage.
10. Although provided with its own pedestrian access points, the appeal scheme would be located in the rear garden of Nos 691-693, comprising an independent residential unit with no frontage to the highway. It would therefore appear as a backland type of independent residential development, at odds with the prevailing linear pattern of development within the locality.
11. Furthermore, while the gardens serving Nos 691-693 and the appeal scheme would be of an acceptable size in respect of Council policy, the use of the outbuilding as an independent dwelling, together with its associated plot, would erode the spacious rear gardens serving Nos 691-693. Consequently, the proposed layout would be at odds with, and detrimental to, the prevailing character of the area.
12. The appellant asserts that the appeal site lies within the Childs Hill District Centre. Barnet's Draft Local Plan Policy HOU03 states that where conversions take place in or near a district centre, then the character or amenity of local areas are not likely to be impacted. However, this policy relates to the conversion of larger homes into smaller self-contained residential units and, given that the appeal proposal relates to the conversion of an ancillary outbuilding, this policy is not relevant to the main issue.
13. The appeal building was used as offices incidental to the residential use of the ground floor flats within the main buildings. This is a different type of use to a new and independent dwelling, as proposed as part of the appeal scheme. Similarly, while the appellant contends the Council should have raised any character issues prior to granting permission for the appeal building, the

assessment of the acceptability of an ancillary outbuilding, including the principle of such a building, is different to that of an independent dwelling.

14. An appeal decision² and a planning approval³ have been drawn to my attention, although I do not have the full details of the planning background for each case. However, the evidence indicates that one case replaces an existing house and the other, while a conversion of an outbuilding at the end of a rear garden, faces onto, and would be accessed from, a different road to the host property. Therefore, these cases are not directly comparable. In any case, I have considered the appeal on its own merits.
15. For these reasons, the proposed development would result in harm to the character and appearance of the area, contrary to Policy D3 of the London Plan 2021, Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan Core Strategy Development Plan Document September 2012, Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document September 2012 and the guidance within the Local Plan Supplementary Planning Document: Residential Design Guidance October 2016 and the Local Plan Supplementary Planning Document: Sustainable Design and Construction October 2016.
16. Collectively, these policies and guidance documents seek to ensure, among other things, that development helps to protect and enhance Barnet's character and respects local context and distinctive local character. It is also contrary to the Framework which seeks, among other things, to ensure development is visually attractive and sympathetic to local character.

Other Matters

17. The proposal would bring a vacant building into beneficial use, make efficient use of the land, and make a modest contribution towards the mix of housing supply in the Borough, including smaller units suitable for single persons and couples, and the housing need identified by the London Plan. As such, it would support the Government's objective of significantly boosting the supply of homes, in a location close to local facilities, amenities and good public transport. The Framework is also supportive of small and medium sized sites, such as this, which can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. In this case, the appellant states that no external alterations are required, only small internal changes.
18. The appellant advises that the proposed floorspace, glazing and amenity area is above the minimum standard required by the Council and the proposal conforms to minimum floorspace standards and would provide adequate cycle parking, refuse and recycling storage. In addition, the appeal scheme proposes the replacement of a close boarded fence with a low brick wall and privet hedge. While these benefits weigh in favour of the proposal, given the scale of the appeal scheme, even cumulatively these benefits attract limited weight.
19. An absence of harm in respect of the living conditions of existing or future occupiers, including through noise, outlook, light or privacy, and the appeal building's external appearance, together with a lack of objections raised from

² Appeal decision reference: APP/N5090/W/22/3308509

³ Council planning approval reference: 18/3672/FUL

the Highway Officer, Environmental Health and the Council's Tree Officer, are neutral matters.

20. The appellant has highlighted that Barnet's Draft Local Plan states that higher density development will be expected in most town centre locations. While noted, the density of the proposed development is not in dispute. This is therefore a neutral matter.
21. The appellant states that the provision of amenity space has been improved when compared to an earlier planning application. While this is noted, it does not change my conclusion that the appeal scheme would be harmful in respect of its effect on the character and appearance of the area.
22. Concerns have been raised in respect of alleged inaccuracies in the Council's delegated report. In determining the appeal, I am required to have regard to the planning merits of the proposal. This is therefore a matter between the appellant and the Council.

Conclusion

23. For the reasons given, the proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Consequently, I conclude the appeal should be dismissed.

S Pearce

INSPECTOR