



Appeal Decision

Site visit made on 15 May 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/N5090/W/23/3333693

2 Windsor Road, Finchley, Barnet, London N3 3SS

- 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 Adam Sussman against the decision of the London Borough of Barnet Council.
 - The application Ref 23/1512/FUL, dated 04 April 2023, was refused by notice dated 10 October 2023.
 - The development proposed is described as extensions and conversion of single family dwelling into 4 flats.
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Decision

1. The appeal is allowed and planning permission granted for extensions and conversion of a single family dwelling into 4 flats at 2 Windsor Road, Finchley, Barnet, London N3 3SS in accordance with the terms of the application Ref 23/3041/FUL, dated 04 April 2023, subject to the conditions set out in the attached schedule.

Costs Application

2. An application for costs was made by Mr Adam Sussman against the London Borough of Barnet Council. This application is the subject of a separate Decision.

Procedural Matters

3. Since the decision was made by the Council, a revised version of the National Planning Policy Framework (the Framework) was published (19 December 2023). This does not materially change the planning policy context in respect of the main issue.

Main Issue

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

Reasons

5. No.2 Windsor Road is a large two-storey detached dwelling which is located within an area that is predominantly residential in character. Windsor Road is a cul-de-sac which spurs from Hendon Lane and leads to a large area of public open space. Windsor Road generally comprises two-storey, semi-detached properties which share similar appearance to the appeal dwelling. However, there is a greater degree of variety in character towards the bottom end of the

road. A three-storey flatted development, known as Paul Court, is located near to the appeal site, on the opposite side of Windsor Road. No.2 is located at the top end of Windsor Road, close to Hendon Lane. Hendon Lane is one of the main arterial routes into Finchley and is well trafficked and has a high degree of activity. Hendon Lane also includes a large number of flatted developments including close to the junction with Windsor Road. A number of sub-divisions and conversions have occurred along Windsor Road, although the original appearance and character of those properties has generally been well preserved.

6. The Council have confirmed that the proposed extensions would not have a harmful effect on the character and appearance of the building or surrounding area. The proposed extensions are modest in the context of the size of the existing building and would appear subservient in scale. Further, the design of the extensions is sympathetic in appearance and form to the host property and, as such, reflect its architectural character. Therefore, I am in agreement with the Council that the proposed extensions alone would not be harmful to the character and appearance of the area.
7. The Supplementary Planning Document: Residential Design Guidance (2016) (SPD), advises that conversions of dwellings into flats can have a cumulative impact on environmental quality, and the character of the area. The SPD identifies that conversions can be harmful to character through increased activity, such as additional people movements, vehicle movements, parking stress, rubbish collections and deliveries¹.
8. A total of four flats would be provided within the building which, based on the submitted information, would provide accommodation for a total of 12 persons. Clearly, the number of people occupying the building would result in an increased level of activity, through people and vehicle movements, deliveries and collections.
9. However, the site is located at the top end of Windsor Road, and well related to Hendon Lane, where there is a greater concentration of flats and higher level of general activity. In contrast, the bottom end of Windsor Road, close to the public open space, has a quieter and more sub-urban feel. The activity arising from the development would generally be limited to a short distance of Windsor Road where the baseline activity along Hendon Lane is more apparent. In this context, the number of units proposed would not be significant, and I do not consider that the level of increased activity and movements arising from the proposed development would be so intensive to have a harmful effect on the character of the area.
10. There are numerous properties along Windsor Road which have been converted to flats, including No.4 adjacent. However, there appears to remain a very high proportion of properties along the street which remain as single dwellinghouses. I find that the general character and feel of the street has not been unduly diluted by these conversions and do not consider that the existing proportion of converted properties along Windsor Road to have adversely affected the overall character of the street. Therefore, the addition of a single further conversion, would not result in such cumulative effects through

¹ Paragraphs 15.4 and 15.5

increased activity which would be so harmful to the character of the area, particularly having regard to its proximity to Hendon Lane.

11. With regard to the effect of additional parking, the scheme would clearly increase demand. The proposal includes hardstanding to the front of the property, providing two off-street parking spaces. However, it is understood that this provision falls below the required parking standards for the development. A parking survey² has been provided which explores parking stress and the availability of on-street parking in close proximity to the site. The report identifies that there is a level of parking stress on Windsor Road itself. However, the report concludes that parking stress levels in the surrounding streets are not at such a high level. Therefore, there is understood to be capacity within the surrounding streets which could accommodate the additional parking demand arising from the development. Consequently, the Highways Authority have raised no objection to the proposed development. While I acknowledge the concerns of residents in this regard, in the absence of any technical evidence to the contrary, I would concur with this view.
12. In addition, I note that the site is within short walking distance of bus stops on Hendon Lane, and the scheme includes provision for cycle parking which provide accessibility to sustainable means of travel. It is also noted that there would appear to be sufficient space to the front of the property to provide additional off-street parking, if required, in the future. Although, I acknowledge that this would require the approval of the Council and Highways Authority.
13. For the above reasons, the development would not have a negative effect on the character and appearance of the area. Therefore, the development accords with Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012); and Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012). Together, amongst other things, these seek to achieve high quality design in new development which respects local context. The development also accords with the guidance contained within the SPD, when considered as a whole, which allows for conversions in appropriate locations.

Other Matters

14. A number of comments have been raised by third parties. In addition to the matters which have been covered in the main issue, concerns have been raised with particular regard to the effect on living conditions of the occupiers of neighbouring properties, the future use of the detached study, and the landscaping of the site.
15. Three windows are proposed within the side elevation, at first-floor level, which would face towards No.14 Windsor Close. A bedroom window within the side elevation of the roof, facing towards No.4 Windsor Road is also proposed. The plans indicate that these windows would be obscured glazed. The windows would not be the main source of light for the rooms which they serve, or alternatively would serve non-habitable rooms. Therefore, the use of obscure glazing to these windows would be acceptable. Those upper floor windows within the rear elevation, while some visibility of neighbouring gardens may be available, would face over the rear garden of the development itself rather than directly towards neighbours. Therefore, with appropriate conditions in place to

² Prepared by Public Highway Ltd

control the glazing to windows in the side elevation, I am satisfied that no adverse overlooking or loss of privacy would arise. This is consistent with the views of the Council.

16. The additional scale of development is generally modest, although it would bring development closer to some properties on Windsor Close. The application was supported by a Daylight and Sunlight Report³ which concludes that the effect on the occupiers of neighbouring properties through loss of daylight, sunlight or overshadowing would be acceptable. I have no reason to disagree with the findings of this report, consistent with the views of the Council. The proposed extraction flue for Unit 2 would be positioned on the flat roof, away from No.14 Windsor Close, and is not such an uncommon relationship which would give rise to such disturbance to have a negative effect on living conditions.
17. The rear outbuilding to serve Unit 1 is shown on the plans as a study. The floorspace is very limited in scale falling well below minimum space standards for new dwellings⁴. Therefore, I have no reason to believe it would be used in any manner other than as an ancillary space to Unit1. In any event, the use of the outbuilding, as a separate unit of accommodation, would require planning permission in its own right.
18. Matters raise relating to the landscaping of the site, particularly to the front, can be controlled via condition.

Conditions and Conclusion

19. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in Planning Practice Guidance. Where necessary I have made amendments to the wording, consolidated and reordered the conditions, for reasons of effectiveness, and to ensure that they meet the relevant tests.
20. In the interests of certainty, I have attached the standard time limit for commencement. It is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans for reasons of certainty.
21. A condition requiring the extensions to be carried out in materials to match the existing building is necessary in the interest of the character and appearance of the area. Conditions relating to tree protection measures, and details of foundations within root protection areas, are necessary to ensure that on/off site vegetation is protected during construction and to minimise the effects of the development on these trees. A detailed landscaping scheme is also required to ensure that the site will be appropriately landscaped while full details of boundary treatments, and means of enclosure, and their delivery are also necessary in the interest of the appearance of the development.
22. A condition requiring details of ecological enhancements to be submitted, carried out and retained, is necessary in the interest of delivering biodiversity gains.

³ Prepared by Right of Light Consulting (dated 20 July 2023)

⁴ Set out in DCLG Technical Housing Standards – nationally described space standards (2015)

23. A condition requiring the delivery of parking spaces prior to first occupation is necessary in the interest of reducing the effect of the development on the highway network. Full details of cycle parking to be provided, carried out and retained is also necessary in the interest of providing access to alternative modes of transport.
24. A condition requiring the obscure glazing and non-opening of windows (below 1.7m internal height) to those windows identified earlier, is necessary in the interest of living conditions of neighbours and future occupants.
25. Conditions requiring the development to be constructed in accordance with M4(2), and to deliver water efficiency, are necessary in the interest of delivering an accessible and sustainable development.
26. A condition relating to construction hours is necessary to ensure that disturbance to the occupiers of neighbouring properties during construction is minimised. A condition to prohibit the use of the flat roof for any other purpose other than for maintenance is necessary to ensure that the living conditions of neighbouring properties are preserved, with particular regard to overlooking. A condition requiring details of sound insulation is also necessary in the interest of the living conditions of future occupiers of the development.
27. Finally, a condition ensuring the units are used solely as Class C3a) dwellings is necessary to ensure that control is maintained over any potential intensification of the site, in the interest of the main issue.
28. For the reasons given above, I conclude that the appeal is allowed.

D Cleary

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans and information:
 - 547EXOS – Existing OS Map
 - 547EX01 – Existing Basement Floor Plan
 - 547EX02 – Existing Ground Floor Plan
 - 547EX03 – Existing First Floor Plan
 - 547EX04 – Existing Loft Floor Plan
 - 547EX05 – Existing Loft Floor Plan
 - 547EX06 – Existing Front Elevation
 - 547EX07 – Existing Rear Elevation
 - 547EX08 – Existing LHS Elevation
 - 547EX09 – Existing RHS Elevation
 - 547EX10 – Existing Section A-A
 - 547EX11 – Existing Section B-B
 - 547EX08 – Existing Section C-C
 - 547PL00 Rev B – Proposed Site Plan
 - 547PL02 Rev B – Proposed Ground Floor Plan
 - 547PL03 Rev A – Proposed First Floor Plan
 - 547PL04 Rev A – Proposed Loft Floor Plan
 - 547PL05 Rev A – Proposed Roof Plan
 - 547PL06 Rev A – Proposed Front Elevation
 - 547PL07 Rev A – Proposed Rear Elevation
 - 547PL08 Rev A – Proposed LHS Elevation
 - 547PL09 Rev A – Proposed RHS Elevation
 - 547PL11 Rev A – Proposed Outbuilding
3. No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until the temporary tree protection measures, as detailed within the Arboricultural Survey Impact Assessment & Method Statement Report (referenced AIA/MF/039/23/revA, dated March 2023 updated July 2023), has been erected in full. The protection measures shall

remain in position until after the development works are completed and no material or soil shall be stored within fenced areas and/or construction exclusion zones at any time. The development shall be implemented in accordance with the protection plan and method statement as approved.

4. No earth works or other works proposed within the root protection area of trees to be retained shall take place until details of the proposed foundations have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the foundation details as approved under this condition.
5. (a) Prior to first occupation of the development hereby approved, a scheme detailing hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include planting plans, specifications and schedules to include plant size, species and number/densities.

(b) The agreed landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner).

(c) Any trees or shrubs planted in accordance with this condition, which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, shrubs or vegetation of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.
6. Prior to the first occupation of the development hereby approved, a scheme for the provision of all boundary treatments and enclosures (including bin storage), to include details of their position, height, materials and design, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed boundary treatments and enclosures shall be provided in strict accordance with the approved details, prior to first occupation, and shall thereafter be retained.
7. Prior to the first occupation of the development hereby approved, a scheme of biodiversity enhancements shall be submitted to, and agreed in writing, by the Local Planning Authority. The scheme shall include full details of the position and design of:
 - 2 x Chillon Woodstone Bat Boxes (or similar)
 - 1 x Schwegler No 17 Swift Nest Box (or similar)
 - 1 x Schwegler 1SP Sparrow Box (or similar)
 - 1 x Insect Hotel
 - 1 x Hedgehog House
 - 2 x Hedgehog Highways (13cm x 13cm) within the proposed fencing; and,
 - A timetable for the implementation of all ecological enhancement measures

The scheme shall be implemented in accordance with the approved details and agreed timetable and shall thereafter be retained.

8. Prior to first occupation of the development hereby approved, the proposed parking spaces and the access to the parking area from public highway, as detailed on approved plan ref 547 PL00 Rev. B, shall be provided and thereafter retained at all times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.
9. Prior to the first occupation of the development hereby approved, a scheme for cycle parking shall be submitted to, and agreed in writing, by the Local Planning Authority. The agreed scheme shall be provided in strict accordance with the approved details, prior to first occupation, and shall thereafter be retained.
10. Flat 4, as annotated on the approved plans, shall not be occupied until the first floor Bedroom 3, bathroom, and kitchen windows, within the right hand side elevation, and the second floor Bedroom 1 window, within the left hand side elevation, have been fitted with obscured glazing. No part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed, the obscured glazing shall be retained thereafter.
11. Prior to first occupation of any unit, copies of the pre-completion Sound Insulation test certificates, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at time of implementation), shall be submitted to the local planning authority.
12. The development hereby approved, shall be constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace those Regulations in future). The development shall be maintained as such in perpetuity thereafter.
13. The development hereby approved, shall be constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters. 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 rain water 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. The development shall be maintained as such in perpetuity thereafter.
14. Demolition or construction works, and any site deliveries, shall take place only between 08:00am and 18:00pm on Monday to Friday; 08:00am and 13:00pm on Saturday; and shall not take place at any time on Sundays or on Bank or Public Holidays.
15. Any flat roof within the development hereby approved shall only be used in connection with the repair and maintenance of the building and shall at no time be used as a roof garden, terrace, seating area or similar.

16. The properties shall be used as self-contained units only under Class C3(a), and for no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).
17. The external surfaces of the development hereby permitted shall be constructed in the materials to match the existing building.