



Appeal Decision

Site visit made on 13 June 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12TH July 2024

Appeal Ref: APP/N5090/W/23/3333086

64 Princes Avenue, Finchley, Barnet, London N3 2DB

- 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 Dhillon against the decision of the London Borough of Barnet Council.
 - The application Ref is 23/3041/FUL.
 - The development proposed is described as the proposed conversion of dwellinghouse into 2x self contained flats and single storey rear extension.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. 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.
3. The Council's decision notice, in its first reason for refusal, refers to Policy "DM0" of the Barnet Local Plan (Development Management Policies) Development Plan Document 2012 (DMP). This policy does not exist. The Council have confirmed that this is an error and the correct policy relied upon is DM01 of the DMP. I have determined the appeal with this policy in mind.
4. In its decision notice, the Council has referred to policies contained within Barnet's Draft Local Plan (BDLP). The BDLP is at Regulation 24 stage and the policies referred to have been subject to suggested main modifications by the Inspector.
5. Although the BDLP is at an advanced stage, and is a material consideration, it may still be subject to further modifications. Therefore, at this current time it does not form part of the statutory development plan. As such, I give its policies only limited weight in my assessment of the appeal. Where appropriate, this is reflected throughout my decision.

Main Issues

6. The main issues are:
 - a) the effect on the living conditions of future occupants with particular regard to access to external space;

- b) whether the development would appropriately manage parking demand; and,
- c) whether the development would deliver an acceptable housing mix.

Reasons

Living conditions

7. Policy DM02 of the DMP requires that development should meet the standards for outdoor amenity space set out in the Sustainable Design and Construction Supplementary Planning Document 2016 (the SPD). The SPD advises that each dwelling should be served with 5m² of amenity space per habitable room provided.
8. The ground floor flat would be a 3 person unit, and would have direct access to the rear garden. Notwithstanding the proposed extension, this space appears to be more than adequate to meet the needs of the future occupants of that unit to satisfy the standards set by the SPD. However, the first floor flat, which would be a larger 4-person unit, would have no access to the garden, or direct access to any other dedicated external space within the site. As a 4-person unit, it has the potential to accommodate a family. It would be reasonable and appropriate for future occupants of such a flat to be provided with direct access to some form of outdoor space, on site. Therefore, due to the absence of any dedicated external space, the development would not provide future occupants of the first-floor flat a satisfactory standard of accommodation, which would be to the detriment of their living conditions.
9. I acknowledge that the area is not deficient of open space, and that the site is within reasonable distance from Victoria Park. While Victoria Park would provide access to green space, this would not be private, nor would it provide for the necessary basic amenities that occupiers of the first floor-flat may expect.
10. I also note that there have been a number of conversions along Princes Avenue. I do not have full details of the nature, size or arrangements of many of these conversions. However, the appellant has provided some details of planning permissions at 53 (No.53)¹ and 60 (No.60)² Princes Avenue.
11. The approval at No.53 appears to relate, in part, to a smaller one-bedroom unit. This is a matter which appeared to justify a development with a deficiency of outdoor space, as noted in the officer report of the Council³. The approval at No.60 was made in 2007, under an earlier development plan and, as such, the policy climate is materially different. Therefore, I do not find those cited approvals to be directly comparable and, in any event, I have considered the appeal on its individual merits.
12. For the above reasons, the development would have an unacceptable effect on the living conditions of future occupants of the first-floor flat, with particular regard to inadequate access to external space. Therefore, the development is contrary to Policies DM01 and DM02 of the DMP, and the standards set out in

¹ Application Ref 18/1787/FUL

² Application Ref C17224/07

³ Section 5.3 – paragraphs relating to "Amenity Space"

the SPD. These, amongst other things, require development to provide attractive and secure environments, and to comply with the required standards for external amenity space.

13. In its draft form, as amended by Table of Proposed Main Modifications – May 2024 Policies (MM), emerging BDLP Policy HOU03 requires conversion schemes to include a three-bedroom unit, that is capable of providing four bedspaces, with direct access into a dedicated private garden for. The scheme does not provide a three-bedroom dwelling, with access to a garden. In this regard the scheme would conflict with HOU03. However, as I only attach limited weight to this Policy it has not been a significant factor in my overall assessment of this matter. In any event, I have found the development to be contrary to the provisions of the development plan with regard to this main issue.

Parking

14. Princes Avenue is a terraced street with on-street parking on both sides of the road. Princes Avenue, and surrounding streets are located within a Controlled Parking Zone (CPZ) where a parking permitting scheme is in operation.
15. Policy DM17 of the DMP, advises that within a CPZ, where there is no or limited parking, if it can be demonstrated that there is insufficient capacity, then it would be necessary to enter into a legal agreement to restrict future occupiers from obtaining a parking permit.
16. The appeal would increase the number of residential units at the site which, in turn, may increase the demand for additional parking. The scheme does not deliver any off-street parking, and as such any additional demand would be directed to the street. On my site visit, I observed that the availability for parking along Princes Avenue and surrounding streets to be saturated with limited availability. I visited during the working day and it is probable that parking during the evening would be even more stressed. While I appreciate that my observations are a small snapshot, the existing parking capacity has not been demonstrated through any robust parking survey. Therefore, given the limited availability that I observed, and in the absence of a parking survey, I cannot be satisfied that there would be sufficient capacity within the area to meet the future parking demand arising from the development.
17. In addition, I have not been provided with a legal agreement to restrict future occupants from obtaining a parking permit. In the absence of such a legal agreement, future occupants may therefore apply for a parking permit which, if allowed, would lead to the likelihood of further parking stress on the street. While I acknowledge that the site is within a sustainable location with good access to public transport links, there can be no certainty that future occupants would not be car dependent. Therefore, without any control, the development could lead to parking issues within the area which would be to the detriment of the effectiveness of the highway network.
18. For the above reasons, the proposals would fail to adequately manage parking demand to the detriment of the highway network. Therefore, the development is contrary to Policy T6.1 of the London Plan, CS9 of the Barnet Core Strategy, and DM17 of the DMP. Together, amongst other things, these seek to appropriately manage parking demand arising from development.

Housing Mix

19. The appeal scheme proposes the delivery of two, 2-bedroom, dwellings. The submitted information indicates that the ground-floor unit would be a 2-bed (3-person) dwelling, while the first-floor unit would be a 2-bed (4-person) dwelling.
20. In its draft form, as amended by the MM, Policy HOU03 requires proposals for conversions to provide at least one larger family sized home with 3-bedrooms, and which is capable of providing 4 bedspaces. The appeal proposals would not provide a 3-bedroom unit. Nonetheless, the scheme would provide a property which is capable of providing 4 bedspaces which, therefore, may be a unit which could provide smaller family accommodation. In addition, the evidence before me⁴ suggests that there is a need to deliver 2-bedroom open market properties in the Council area, which this scheme would deliver.
21. I have not been presented with any policy within the adopted development plan which specifies that residential conversions ought to specifically provide a three-bedroom property, and that a scheme consisting of solely two-bedroom units is unacceptable as a matter of principle.
22. Therefore, I find that there would be some conflict with Policy HOU3 of the emerging BDLP, in so far as the scheme would not deliver a 3-bedroom unit. However, the scheme would deliver accommodation capable of providing a 4-person unit. The development would also deliver the size of residential units where there remains an identified need.
23. For these reasons, given the limited weight that I can attach to the emerging policies of the BDLP at this time, and particularly the lack of any adopted policy directing me to the contrary, I find that the overall housing mix within the development to be acceptable.

Conclusion

24. For the above reasons the appeal is dismissed.

D Cleary

INSPECTOR

⁴ Table 7 and paragraph 5.5.11 of the MM