



Appeal Decision

Site visit made on 21 November 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/N5090/W/23/3328723

691-693 Finchley Road, London NW2 2JN

- 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 Towngold Ltd & Albercraft Ltd against the decision of the Council of the London Borough of Barnet.
- The application Ref 22/5769/FUL, dated 1 December 2022, was refused by notice dated 1 March 2023.
- The development proposed is change of use of rear ancillary office building to a self-contained studio flat, with provision for amenity space, cycle spaces, refuse and recycling storage; retention of timber fencing.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published by the Government 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 revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.
3. The appeal documents from the Council remove the reason for refusal regarding the trees and from my observations I have no reason to disagree.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and
 - the living conditions of future occupiers, with regard to outlook and outdoor amenity space.

Reasons

Character and appearance

5. The appeal site lies within a predominantly residential area in part of the Childs Hill Local neighbourhood Centre. 691-693 Finchley Road has been subdivided into 9 flats with an outbuilding to the rear. Although currently vacant, this outbuilding was constructed as ancillary office accommodation for the flats. It is accessed via a pedestrian path from Finchley Road. There is a mix of house styles in the area although most have frontages to the highway behind small front gardens with longer rear gardens. Some properties have outbuildings to

the rear. The character of the area is derived from the regular pattern of development, including the spacious gardens and outbuildings.

6. Whilst the outbuilding is already in place and would not be subject to any external alterations, the change of use to residential would materially change the character of the outbuilding and the surrounding area by introducing an isolated residential unit within the rear garden of the property.
7. Although there would only be a small increase in the number of residential units from 9 to 10 there would be an additional household utilising the ancillary building with an increase in comings and goings associated with its use.
8. I conclude that the proposed development would harm the character and appearance of the area. It would conflict with Policies CS NPPF, CS1 and CS5 of the Barnet Local Plan Core Strategy Development Plan Document (BLPCS), Policy DM01 of the Barnet Local Plan Development Management Policies Development Plan Document (BLPDMP) and Policy D3 of the London Plan which, together, amongst other matters seek to ensure that development preserves and enhances the local character and respects local context. It would also conflict with the guidance in the Residential Design Guidance Supplementary Planning Document (RDGSPD) and Sustainable Design and Construction Supplementary Planning Document (SDCSPD) which encourage development that preserves or enhances the character of the area in which it is situated.

Living Conditions

9. Although there would be large windows, the outlook from the proposed living and home office areas would be dominated by the existing high fences which would be in close proximity to them. This would be exacerbated as part of the building would be at a lower level than the side fence.
10. Whilst the outdoor amenity space may meet minimum size standards, it is broken up around the building. This would reduce the opportunities for utilising the space for activities such as drying washing and sitting out. In addition, the amenity space is surrounded by high boundary fences which are close to both the host building and the surrounding dwellings. These would enclose the space and limit outlook from it.
11. I conclude that the proposed development would harm the living conditions of future occupiers, with regard to outlook and outdoor amenity space. It would conflict with Policies CS1 and CS5 of the BLPCS, Policies DM01 and DM02 of the BLPDMP which, together, amongst other matters seek to ensure that development allows adequate outlook for potential occupiers and is of high quality. It would also conflict with the guidance in the RDGSPD and SDCSPD which have similar aims.

Other Matters

12. The proposed development would create an additional dwelling adding to the Council's housing stock and supporting the Government's objective of boosting the supply of homes. However, the appeal proposal would harm the character and appearance of the area and the living conditions of future occupiers. In this case, the harm that would result would outweigh the benefits arising from the proposed development.

13. The appellant states that the floorspace of the proposed dwelling would meet the minimum space standards and have space for cycle parking and refuse and recycling storage. It would also bring back into use a currently vacant building supporting the sustainability objectives of the Council. Whilst these factors weigh in favour of the proposal, they do not outweigh the harm I have found to the character and appearance of the area and living conditions of future occupiers.
14. The appellant refers to text from the emerging Local Plan Preferred approach referring to density in town centre locations. This is noted, however the density of the proposed development is not a matter that is in dispute. It is therefore a neutral matter in the determination of the appeal.
15. Whilst the ancillary office building is not used by the current tenant this is not determinative in regard to the main issues before me. It does not change my conclusion on them or outweigh the harm I have found.
16. An appeal decision¹ and planning approval² have been brought to my attention. Whilst I do not have the full details of the cases before me, they do not appear to be directly comparable to this appeal. The appeal at 80 Golders Green Drive is for the construction of a new dwelling and the application at 23 Golders Green Crescent relates to an outbuilding with a direct frontage onto Golders Way. In any event I have determined the appeal on the site-specific circumstances of the case.

Conclusion

17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Senior

INSPECTOR

¹ APP/N5090/W/22/3308509

² 18/3672/FUL