



Appeal Decision

Site visit made on 18 July 2024

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024

Appeal Ref: APP/N5090/W/24/3341012

10 Cotswold Gardens, Cricklewood, Barnet, London NW2 1QR.

- 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 Mr Zana against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/5318/FUL.
 - The development proposed is conversion of the existing dwelling into 2no. self-contained flats including part single, part two storey rear and side extension, conversion of the garage into habitable room, insertion of window to replace the garage door. Roof extension including rear dormer window and 2no. front facing rooflights. Associated amenity space, refuse/recycling storage, cycle store and off-street parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) the effect of the proposed development on the character and appearance of the host property and the surrounding area;
 - b) the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and
 - c) whether the proposed development would be in a suitable location, with particular regard to access to services and facilities, parking, waste management, character and appearance, noise and disturbance, and the provision of family homes.

Reasons

a) Character and appearance

3. Located in an area of predominantly two-storey semi-detached houses, the appeal property is at the corner of Cotswold Gardens and Cotswold Gate. The semi-detached house at 10 Cotswold Gardens is one of a pair of semi-detached houses. Its pair at 12 Cotswold Gardens has not been subject to roof extensions, while No 10 has previously been subject to a two-storey side extension and a single-storey rear extension which is only partially built out (Ref: 22/5701/PNH). An earlier planning application at No 10 (Ref: 23/3146/FUL) was refused in September 2023 for the conversion of the appeal property to three flats with rear and side extensions and roof extensions.

4. The proposed development would include the conversion of the existing dwelling at No 10 to two self-contained flats and would introduce a part single and part two-storey rear and side extension, and conversion of the existing garage into a habitable room with a window to replace the existing garage door. Furthermore, the main roof would be extended by raising the ridge height and lengthening the ridge's extent, providing a hip to gable to the main roof, a large rear dormer window and two rooflights to the front roofslope.
5. The Council has not raised concerns about the extent of proposed side and rear extensions to No 10. Based on the plans and my site visit where I saw several large rear extensions, I see no reason to disagree with the Council's findings.
6. However, Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance (2016) (RDGSPD) confirms that hip to gable roof extensions should not unbalance a pair of semi-detached houses; form an overbearing wall facing a street; or appear out of character with the streetscape. Additionally, the RDGSPD confirms that dormer windows should be sympathetic to the house's main roof, should be subordinate features on the roof, and should retain the house's balance by not being wider than the window below it.
7. Despite retaining a side hipped roof facing Cotswold Gate, the raising and lengthening of the main roof's ridge and the creation of a hip to gable would give rise to a bulky and imbalanced roof, particularly when viewed in the context of the unaltered roofscape at No 12. The significant harm caused by the bulk and massing of the proposed roof extensions would be worsened by the size and design of the proposed rear dormer window which would be unduly large and would fail to be subordinate to the building or respect existing fenestration. Consequently, and having taken into account the existing extensions and alterations at No 10, the proposed roof extensions would result in an incongruous and unsympathetic design.
8. The appellant has highlighted the roofscape at 8 Cotswold Gardens on the opposite corner of Cotswold Gate. However, this is not sufficiently similar to the proposed development to justify it. While there have been other roof extensions and alterations carried out along Cotswold Gardens and Pennine Drive, I am not familiar with the circumstances of those developments.
9. In conclusion, the proposed development would have a harmful effect on the character and appearance of the host property and the surrounding area. Accordingly, it would be contrary to Policy D3 of the London Plan 2021, Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (2012)(CS), Policy DM01 of Barnet's Local Plan Development Management Policies (2012)(DMP) and the RDGSPD. These policies and guidance address optimising site capacity, place shaping, protecting and enhancing character, and set out detailed design guidance on extensions and alterations to residential properties.

b) Living conditions

10. The existing house at No 10 has three bedrooms and an office which could be used as an additional bedroom and is a spacious example of a semi-detached house. The Council considers that the existing house could accommodate up to six residents. As a result of the significant existing and proposed extensions, the proposed development would provide two flats with three bedrooms each. Each flat would accommodate up to five people.

11. Based on the number of likely residents of the proposed flats, it would be likely that there would be a higher level of comings and goings from No 10 on a daily basis than if the appeal property were used as a single family home. As such, I consider that this would represent an over-intensification of the use of the site and that there would be modest harm resulting from the proposed development in respect of noise and disturbance for neighbouring occupiers.
12. While three bedroom properties are a priority for the borough and the National Planning Policy Framework (the Framework) and the London Plan seek to optimise development density, this does not overcome the harm which would be caused by the intensification of the occupation of the appeal property. Although other properties locally may have been converted into flats of varying sizes, neither party has highlighted any specific schemes of a similar scale to the proposed development. With regard to the appellant's suggestion that the Council's approach generates a virtual moratorium in flat conversions, it is necessary for me to determine this appeal on its own merits and with regard to the parties' evidence.
13. I note that the previous refusal for three flats referred to schemes for two self-contained flats which would result in the same or only slightly increased occupancy levels. The appellant suggests that this indicates that two flats would not generate an unusual or noticeable increase in comings and goings. However, given the significant extent of extensions necessary to accommodate the proposed development, the proposed flats would be large and would accommodate four more people than the house is presently expected to accommodate. This would give rise to a noticeable increase in the comings and goings from No 10.
14. In conclusion on this main issue, the proposed development would have a modest detrimental effect on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. Consequently, it would conflict with London Plan Policies D3 and D14, CS Policies CS NPPF, CS1 and CS5, DMP Policies DM01, DM04 and DM08, and the RDGSPD. London Plan Policy D3 deals with optimising site capacity, but expects delivery of appropriate amenity, while London Plan Policy D14 seeks to avoid, mitigate and manage noise impacts of development. CS Policy CS NPPF sets out the presumption in favour of sustainable development. CS Policy CS1 seeks high quality design while creating a safe environment and CS Policy CS5 looks to contribute to people's sense of place, safety, and security. DMP Policy DM01 protects Barnet's character and amenity, while DMP Policy DM04 deals with environmental considerations for development. DMP Policy DM08 looks to ensure a variety of sizes of new homes to meet housing needs. The RDGSPD sets out requirements to safeguard residential amenity.

c) Suitable location

15. The Council has referred to Policy HOU03 of the Submission Draft Barnet Local Plan (BDLP). BDLP Policy HOU03 seeks to manage residential conversions and the redevelopment of larger homes and has the strategic aim of maintaining housing choice. The BDLP has been submitted for Examination and that Examination remains ongoing. The Council has produced Main Modifications to the BDLP and these were approved by the Council's Cabinet in March 2024 and were subject to public consultation from May 2024 onwards. Within the Main Modifications, BDLP Policy HOU3 is Main Modification MM35.

16. Paragraph 48 of the Framework confirms that local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
17. It is in no doubt that the BDLP has reached an advanced stage of preparation. However, the extent to which there are unresolved objections to relevant policies is not clear and the Council has not provided me with any indication as to whether relevant representations have been made at either the public consultation prior to submission of the BDLP for Examination or at Main Modifications consultation stage. As such, I have some sympathy with the appellant's frustrations about the uncertainty of applying BDLP Policy HOU3. I give only modest weight to BDLP Policy HOU3.
18. Nevertheless, BDLP Policy HOU3 as modified by MM35 has relevant criteria which I will address. Criterion A deals with the Public Transport Accessibility Level (PTAL) of sites and their proximity to stations or town centres. The site has a PTAL of 2 and is located over 800 metres from the nearest station and town centre boundaries at Golders Green and Cricklewood. Accordingly, the proposed development fails to meet criterion A. While the existing house and its neighbours are already subject to this poor PTAL and have lesser access to services and facilities than properties closer to town centres, the proposed development would increase the number of households in this location and would not be consistent with London Plan Policy H1 Part B 2 which seeks to provide housing in suitable locations for services and facilities.
19. The proposed development would meet criteria B and C as it would provide two family sized homes with three bedrooms capable of providing four bedspaces with access to a dedicated private garden, and the gross internal floor area of the property would exceed 135m² where two self-contained residential units are proposed. However, criterion D requires no unacceptable impact on the surrounding character of the area and on the amenity of occupiers of neighbouring properties. As I have found harm in respect of the main issues on character and appearance and living conditions above, the proposed development would fail to meet criterion D. Criteria E, F and G address living conditions for future occupiers, car and cycle parking, and residential space standards respectively. The proposed development would meet criteria E, F and G.
20. Reference is made in the Council's reason for refusal to the effect of the proposed development on waste management and local services. Little or no evidence has been provided on either of these issues and they are not referred to specifically in BDLP Policy HOU3. I have discounted these matters.
21. The appellant suggests that the Council has sought to employ BDLP Policy HOU3 to address deficiencies in the decision-making for the earlier application for three flats. Whether this is the case or not is immaterial, as I am required to deal with the matters before me.

22. I conclude that the proposed development would not be in a suitable location, with particular regard to access to services and facilities, character and appearance, and noise and disturbance. The proposed development would not therefore optimise delivery of family homes. As such, there would be conflict with BDLP Policy HOU03 as set out above.

Planning balance and conclusion

23. I have found that there would be significant harm to the character and appearance of the host property and the surrounding area. There would also be modest, but still unacceptable harm to the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. There would be harm with regard to the location of the proposed development, although the weight to be given to BDLP Policy HOU03 is modest due to remaining uncertainties about the policy's status.

24. The proposed development would provide an additional dwelling and would convert the existing property to two family-sized flats, both with private gardens and a parking space. This would make efficient use of land on a small windfall site and would make a small contribution towards housing land supply. Notwithstanding these benefits, the harms associated with the proposed development would outweigh the identified benefits.

25. For the reasons given above, the appeal should be dismissed.

Joanna Gilbert

INSPECTOR