



Appeal Decision

Site visit made on 8 July 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30TH July 2024

Appeal Ref: APP/N5090/W/23/3330117

119 Fairmead Crescent, Edgware Barnet HA8 8YR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Thomas Zieglmeier against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/0590/FUL.
 - The development proposed is demolition of existing garden shed and erection of single storey rear extension and 2 storey side extension. Change of use from single dwelling to No 2 Flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the above banner heading has been taken from the original application form. The Councils' decision notice does however include associated refuse/recycling, and cycle parking. I have determined the appeal accordingly.
3. The Council set out in their statement of case the progress of the Barnet's Draft Local Plan which has been submitted to the Secretary of State. It is understood that the Inspector in his Interim Findings and Next Steps set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. As a result, the Council explain that the weight to be afforded to the policies of the new Local Plan has further increased and the Council now determine applications for residential conversions with greater regard to Policy HOU03. The Draft Local Plan has not been formally adopted and does not therefore form part of the statutory development plan. Consequently, I only afford its relevant policies weight as material considerations insofar as they are consistent with the National Planning Policy Framework (the Framework).

Main Issues

4. The main issues of the appeal are:
 - The effect of the proposed development on the character of the area; and
 - Whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to internal arrangements and outlook and daylight/sunlight.

Reasons

Character

5. The appeal site relates to a two-storey, end of terrace dwelling house with front and rear amenity space and off-street parking to the front. The dwelling benefits from a rear detached shed linked to the neighbouring shed of No 117 Fairmead Crescent (No 117) located to the north. The area surrounding the property is mainly residential consisting of terraced and semi-detached dwelling houses.
6. The proposed development seeks permission for the conversion of the existing dwelling into 2no self-contained flats including part single, part two storey side and rear extension following the demolition of the existing garden shed. The existing rear garden would be subdivided into two separate gardens, one for each flat. Bin storage would be located to the forecourt of the site and cycle storage would be located to the side of the property.
7. Chapter 2 of the Barnet Local Plan Development Management Policies, 2012 (DMP), sets out that the conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small, flatted accommodation.
8. Policy DM01 of the DMP relates to protecting Barnet's character and amenity explaining amongst other matters, that development proposals should be based on an understanding of local characteristics. Criterion H states that the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.
9. The Framework requires planning policies and decisions to ensure that developments amongst other matters, will function well and add to the overall quality of the area, are sympathetic to local character and history as well as establishing or maintaining a strong sense of place.
10. The Council explain that the character of the area is largely that of two storey semi-detached single family dwellinghouses, where flat conversions are not apparent. Based on my observations onsite and lack of evidence to the contrary, I have no reason to conclude otherwise. The development would therefore result in a subdivision of a single family dwellinghouse in a street predominantly characterised by single family dwellinghouses and thus would be contrary to Policy DM01 of the DMP. The proposed sub-division of the property to form 2 no self-contained flats, by virtue of its location within a road characterised by single family dwellinghouses and the resultant intensity of occupation, increased activity, paraphernalia and associated sub-division of the garden, would harmfully increase noise and disturbance by virtue of increased coming and going and associated general activity. This would result in an adverse effect on amenity and contribute towards change in the function and

character of the street and be at odds with the established pattern of development.

11. Whilst not determinative, I am also aware that the proposed development would be contrary with Policy HOU03 of the emerging Local Plan which relates to residential conversions and re-development of larger homes in terms of its location and internal floorspace and thus would be deemed an inappropriate location for a flat conversion.
12. My attention has been drawn to other planning permissions in the area although these appear to be located elsewhere and thus are not directly comparable to the specific location and character of the appeal site itself. I note the claims made by the appellant in terms of provision of flats being recently encouraged and whilst I do not dispute this or that they can make an important contribution to housing provision, it is clear from the evidence before me that such conversions must be situated in appropriate locations as to not harm the character by changing the function of a neighbourhood.
13. For the above reasons, I conclude that the proposed development would unacceptably affect the character of the area. It would therefore be contrary to Policies D3 and D14 of the London Plan, 2021 (LP), Policies CS1 and CS5 of the Core Strategy, 2012, Policies DM01, DM02 and DM04 of the DMP which together, amongst other matters, seek to protect and enhance Barnets' character to create high quality places. For the same reasons, the proposed development would also be contrary to the Residential Design Guidance Supplementary Planning Document, 2016 and the Sustainable Design and Construction Supplementary Planning Document, 2016.

Living conditions

14. The single bedroom serving the ground floor flat would face onto the boundary fence along neighbouring property No 117. Levels of outlook and daylight/sunlight would not however be so detrimental even taking into account the height of the fence as to result in poor living conditions as there would still be a small gap between the two. Occupiers would also benefit from extensive habitable spaces at ground floor level where there are several large windows providing for good levels of outlook and daylight/sunlight more generally as well as good access to the amenity area serving the property.
15. The Residential Design Guidance Supplementary Planning Document, 2016 explains that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. The kitchen area of flat B at first floor level would be located directly above bedroom 1 of flat A at ground floor level. Consequently, this would likely have a harmful effect on the future occupiers of the ground floor flat in terms of noise transfer. I appreciate the appellants' claims regarding soundproofing and that the property would need to comply with building regulations. However, I am not sufficiently satisfied based on the evidence before me, that future occupiers of flat A would not be unduly harmed by having a kitchen area located directly above the bedroom space located at the front of the property as there overall use/function is totally different to each other.
16. For the above reasons, I conclude that whilst I have found a lack of harm in relation to outlook and daylight/sunlight matters, I have found harm to the

internal arrangements of the property as set out above. The proposed development would therefore be contrary to Policies D3 and D6 of the LP and Policies DM01 and DM02 of the DMP which together, amongst other matters, relates to housing quality and standards. For the same reasons, the proposed development would be contrary with the Residential Design Guidance Supplementary Planning Document, 2016 and the Sustainable Design and Construction Supplementary Planning Document, 2016.

Other Matters

17. The Councils' officers report explains that observations show that the surrounding roads experience parking pressures which are likely to be exacerbated by the anticipated parking displacement from the proposed development. They go on to explain that the appellant will need to carry out a car parking survey subject to the Lambeth Methodology standard practice on the surrounding roads to show whether there is enough capacity to accommodate the additional on-street parking demand arising from the proposed development. Reference has also been made to the number of cycle parking spaces. As these did not form part of the reasons for refusal in the decision notice and I am dismissing the appeal on other grounds, I do not find it necessary for me to consider these matters further.
18. The property is not situated in a conservation area, and I am aware of the claims made in relation to overall appearance and the amenities of neighbouring occupiers Nos 117 and 121 Fairmead Crescent which has been assessed as part of a previous application at the property. I am also aware of the unit sizes, bedroom sizes and amenities. These matters would not however alter my findings in relation to the above main issues.

Conclusion

19. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that would outweigh the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR