



Appeal Decision

Site visit made on 9 July 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2024

Appeal Ref: APP/N5090/W/24/3338457

2 Cheviot Gate, Cricklewood, Barnet, London NW2 1QG

- 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 Pedro Soares against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/4239/FUL.
 - The development proposed is conversion of a semi-detached house into 2 flats, no change to existing footprint.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has referred to the Barnet Draft Local Plan 2021-2036 (the BDLP) in its Decision Notice. The BDLP has reached an advanced stage of preparation, but it has yet to be adopted. Therefore, whilst not formally part of the development plan the relevant policies in the BDLP attract moderate weight in my determination of the appeal.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for the conversion of the dwelling into two flats having regard to the residential character of Cheviot Gate;
 - whether the proposed development would provide acceptable living conditions for future occupants with regard to private outdoor amenity space; and
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring properties with regard to the potential for noise and disturbance.

Reasons

Residential character

4. The appeal relates to a five bedroom two-storey semi-detached house in a small cul-de-sac within a predominantly residential area. The property benefits from one off-street parking space and front and rear gardens.

5. Cheviot Gate comprises a small cul-de-sac of only six semi-detached houses, all of which appear to be in use as single family dwellings. In an appeal decision¹ relating to 4 Cheviot Gate, the Inspector found that the property formed a coherent group of single family houses which typified the established character of the area. This single family housing character of the street remains.
6. While the appellant argues that the lack of flat conversions in the street or wider area means that the cumulative effects associated with flat conversions would not arise from the proposal, it is reasonable to assume that the intensified occupation of the property would lead to some level of increased activity. Such activity is likely to include more people movements, increased car movements, parking stress, more rubbish to be collected and more deliveries. The additional activity associated with conversion of the house into two flats would have an adverse impact on the established single family housing character of the street, particularly given its small size and close layout.
7. For these reasons, I conclude that the appeal site is not a suitable location for the conversion of the dwelling into two flats and would harm the residential character of Cheviot Gate. Accordingly, this would conflict with Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (2012) (the CS) and Policy DM01 of the DMP. Together Policies CS1 and CS5 of the CS seek to ensure that development respects local context and character. Policy DM01 of the DMP seeks to prevent the conversion of dwellings into flats in roads characterised by houses.
8. The proposal would also not comply with the Barnet Residential Design Guide Supplementary Planning Document (RDG SPD) which seeks to promote design that respects the character of the area and pattern of development. The Council has referred to the Sustainable Design and Construction Supplementary Planning Document (2016) (SDC SPD). However, the SDC SPD focuses on the design standards for development and performance standards for buildings, which are not determinative on this main issue.

Outdoor amenity space

9. Policy DM02 of the DMP requires development to comply with the outdoor amenity space standards set out in the SDC SPD. The SDC SPD requires 5 sq m. of space per habitable room.
10. The Officer Report indicates that, following clarification from the agent, flat 2 would not benefit from private outdoor amenity space and the rear garden would be for the exclusive use of the ground floor flat 1. The submitted plans do not identify separate private outdoor amenity spaces for each flat. As such, the lack of private outdoor amenity space for use by the occupiers of the first floor flat is a significant short-coming of the proposal and would not fulfil the requirements of Policy DM02 of the DMP.
11. For these reasons, the proposed development would not provide acceptable living conditions for future occupants with regard to private outdoor amenity space. The development conflicts with Policies DM01 and DM02 of the DMP which require a high quality of design and that development standards are met, including that outdoor amenity space is provided in accordance with the SDC SPD.

¹ APP/N5090/W/17/3172504

12. The proposal would not be in accordance with Policies CDH07, HOU02 and HOU03 of the emerging BLP which require development to provide adequate outdoor amenity space (including residential conversions), take account of surrounding context and character and ensure residential conversions meet specified criteria including that they are located in areas with good public transport accessibility. Based on the plan-making stage of the emerging BDLP, I can only attach moderate weight to Policies CDH07, HOU02 and HOU03.

Living conditions of the occupiers of neighbouring properties

13. While the appellant argues that the impact on the living conditions of neighbouring occupiers would be imperceptible, the intensified use of the appeal property as a result of an additional household, would lead to potential for more noise and disturbance. It is reasonable to assume that there would be more comings and goings, visitors, deliveries, collections and other activities associated with two households as opposed to one. Furthermore, the increase in activity would have a marked effect on the very small cul-de-sac of Cheviot Gate where the houses are closely arranged, and there is only one way in and out of the street.
14. For these reasons, I conclude that the proposed development would harm the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance. Consequently, this would conflict with Policies D3 and D14 of the London Plan (the LP); Policies CS NPPF, CS1, and CS5 of the CS and Policies DM01 and DM04 of the DMP. These policies jointly require new development to be of a high quality which delivers appropriate standards of amenity and protection from noise and disturbance.
15. The Council has referred to Policies CS NPPF and CS1 of the CS and Policy DM08 of the DMP. However, CS NPPF reflects the presumption in favour of sustainable development contained in the Framework, CS1 is an overarching policy about creating quality environments and consolidating housing and economic growth and DM08 relates to ensuring a variety of sizes of new homes to meet housing need. These policies are not directly relevant to this main issue.
16. The proposal would also not comply with the RDG SPD which seeks which seeks to promote design that respects the character of the area.

Other Matters

17. The appellant argues that the RDG SPD and SDC SPD do not contain a presumption against conversion of single family dwellings to flats or policy protecting single family dwellings. However, relevant policy is contained within the development plan and my decision identifies the policy conflicts of the proposal.

Planning Balance and Conclusion

18. The proposal would result in an additional dwelling which would contribute to the housing supply in the Borough. However, given the scale of the development, this benefit attracts limited weight.
19. Although the proposal would diversify the housing mix in the street, there is no substantive evidence before me in relation to the housing needs of the area by type or size, or whether additional flats are needed at the expense of a single family home.

20. Compliance with the development plan in relation to heritage, landscape, land use, accessibility to public transport and the Building Regulations weigh neither in favour or against the proposal and is therefore considered neutral.
21. 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.

U P Han

INSPECTOR