



Appeal Decision

Site visit made on 8 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/24/3336975

46 Southbourne Crescent, Hendon, Barnet, London NW4 2JY

- 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 Manoucher Mokaram against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/3685/FUL.
 - The development proposed is conversion of the existing dwelling into 4no self-contained flats including first floor side and rear extensions. Installation of air source heat pumps and vehicular charging points. Associated cycle store/parking and refuse/recycling.
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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

2. The main issues are:
 - whether the appeal site is a suitable location for the conversion of the dwelling into self-contained flats having regard to the residential character of Southbourne Crescent; and
 - whether the proposed development would provide acceptable living conditions for future occupants with regard to privacy.

Reasons

Residential character of Southbourne Crescent

3. The appeal relates to a large detached two storey house with a side garage located in a predominantly residential area. Southbourne Crescent comprises of predominantly single family houses, with the exception of 59 Tejas Court which is a purpose-built development of 7 flats and 57 Southbourne Crescent which was converted into flats from two former dwellings a significant number of years ago.

4. The appellant claims that 17 Southbourne Crescent (No 17) has been converted into flats. However, no substantive evidence has been provided to confirm this is the case. Even if No 17 has been converted to flats, the number of flats in the street would still be in the minority.
5. The appeal site is located in a street strongly characterised by single family dwellings. As such, the proposed flat conversion would be out of character with the predominant pattern of development in the street, which is that of single family dwellinghouses. It is reasonable to assume that the current use of the appeal property as a single family house would see a marked increase in activity as a result of the comings and goings of four separate households as opposed to one household. This could include an increase in the movement and activity generated by associated visitors, deliveries and collections. The increased activity as a result of the intensified occupation of the property would detract from the established single family housing character of the street.
6. For these reasons, I conclude that the appeal site is not a suitable location for the proposed use and would harm the residential character of Southbourne Crescent. Consequently, this would conflict with Policy D3 of the London Plan (2021) (the LP); Policies CS1 and CS5 of Barnet's Local Plan Core Strategy (2012) (the CS); and Policy DM01 of the DMP. Policies D3 of the LP and CS1 and CS5 of the CS require development to respect local context and character. Policy DM01 of the DMP seeks to prevent the conversion of dwellings into flats in roads characterised by houses.
7. The Council has referred to Policy CS NPPF of the CS. However, this policy reflects the presumption in favour of sustainable development contained in the Framework and is therefore not directly relevant to this main issue.
8. In respect of the requirements of Policy HOU03 of the emerging BLP, whilst the proposal would provide a 3 bedroom 4 bedspace dwelling, Flat 1 would not meet the minimum floorspace standard. Consequently, the development would not comply with Policy HOU03. However, based on the plan-making stage it has reached, I can only attach moderate weight to that policy.
9. The proposal would not comply with the Barnet Residential Design Guide Supplementary Planning Document (2016) (RDG SPD) which seeks to promote design that respects the character of the area and pattern of development.
10. The Council has also referred to the Sustainable Design and Construction Supplementary Planning Document (2016) (SDC SPD). However, this SPD focuses on design standards for development and performance standards for buildings, which are not determinative on this main issue.

Living conditions of future occupants

11. In order to access their gardens, the occupiers of Flats 3 and 4 would be in very close proximity to the windows serving bedrooms in Flat 2. This arrangement would compromise the privacy of the occupiers of Flat 2. The appellant states that they are mindful of this effect and suggests that the windows could be fixed and obscured or omitted.
12. Bedroom 1 would be served by two windows. Although the smaller side window which is north facing could be removed or obscurely glazed, the larger window is necessary to provide light, ventilation and a satisfactory outlook from the

room. Omitting this window or making it fixed and obscurely glazed would result in a poor standard of accommodation in Flat 1.

13. Bedroom 2 is also served by two windows. The north facing side window could be omitted or fixed and obscurely glazed without compromising the outlook from this room.
14. For these reasons, I conclude that the proposed development would not provide acceptable living conditions for future occupants with regard to privacy. Consequently, this would conflict with Policy D6 of the LP which expects housing development to be of a high quality design; Policy DM01 of the DMP which requires development to be designed allow for privacy; and Policy DM02 of the DMP which compels development to comply with the SDC SPD.
15. The proposal would also be inconsistent with the RDG SPD and SDC SPD which seek to safeguard and ensure adequate privacy and Policy HOU03 of the emerging BLP which requires a good standard of living conditions in terms of privacy.

Other Matters

16. The appellant is critical of the basis upon which other planning applications have been allowed in the area. However, that is not a matter which is determinative in this appeal.

Planning Balance and Conclusion

17. The proposal would result in a more efficient use of land in terms of the number of housing units and it would deliver additional housing units which would contribute to the supply of housing. Sustainable design features of the development would support the transition to a low carbon future. The site is also in a location accessible by public transport. However, given the scale of the development, these benefits attract limited weight.
18. 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.
19. Development is required to comply with all policies in the development plan, therefore compliance with other relevant policies has a neutral effect in the planning balance.
20. 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