



Appeal Decision

Site visit made on 26 September 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2024

Appeal Ref: APP/N5090/W/24/3344059

63 Salisbury Road, Barnet EN5 4JL

- 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 Zahid Gran against the decision of the Council of the London Borough of Barnet.
 - The application reference is 23/5296/FUL.
 - The development proposed is stated as the erection of a lower ground floor rear extension and conversion of the existing single family dwelling house into 2no. self-contained flats (Use Class C3). New external staircase. Associated refuse/recycling/cycle storage and amenity space.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a lower ground floor rear extension and conversion of the existing single family dwelling house into 2no. self-contained flats (Use Class C3). Associated refuse/recycling/cycle storage and amenity space at 63 Salisbury Road, Barnet EN5 4JL in accordance with the terms of the application Ref 23/5296/FUL subject to the conditions set out in the schedule to this decision.

Procedural and preliminary matters

2. The proposal is to enlarge and convert the appeal property to form two self-contained flats, with the plans showing flat 1 on the lower ground floor and flat 2 on the upper ground, first and second floors. For consistency, I shall refer to the proposed flats in the same way.
3. The submitted plans do not show a new external staircase, to which the description of development given on the application form refers. For accuracy, I have therefore omitted reference to the external staircase in my decision.
4. The Council's first reason for refusal cites Policy HOU03 of Barnet's Draft Local Plan (draft LP). Though a relevant consideration, the policies within the draft LP are not decisive because the plan could be subject to change. Specifically, few details have been provided to confirm whether there are any unresolved objections to Policy HOU03 or whether it may be the subject of modification. Therefore, in accordance with paragraph 48 of the National Planning Policy Framework (the Framework), I attach only limited weight to the draft LP.

Main Issue

5. The main issue is whether the proposal would provide satisfactory living conditions for future occupiers with regard to the gross internal floor area (GIA)

of flat 1; the internal floor to ceiling (IFTC) height of flat 2; and privacy in relation to both flats.

Reasons

GIA of Flat 1

6. Policy D6 of The London Plan (TLP) states that housing development should provide adequately sized rooms with comfortable and functional layouts that are fit for purpose. It adds that dwellings must provide at least the GIA and built in storage set out in Table 3.1. The Officer's report notes that the requirement for a 1 bedroom 1-person dwelling is at least 39sqm. As flat 1 is identified on the plans as a 1-person, 1-bedroom unit with a size of 46sqm, it would comfortably exceed the TLP minimum threshold.
7. From what I saw, the size of both main rooms within flat 1 would be sufficient to accommodate a range of furniture items with adequate circulation space around them. Both rooms would be light and airy with direct access to a rear garden that would provide a pleasant space for day-to-day activities such as sitting out and drying clothes.
8. Overall, the quantity, quality and usability of the living accommodation within Flat 1 would be comfortable and functional, in accordance with TLP Policy D6. A failure of flat 1 to meet the minimum GIA identified in Policy HOU03 does not outweigh my favourable finding on this matter.

IFTC of Flat 2

9. TLP Policy D6 notes that the minimum IFTC height must be 2.5 metres for at least 75 per cent of the GIA of each dwelling. According to the Council, flat 2 would fall short of this requirement.
10. From the submitted plans, the accommodation at ground floor level in flat 2 would exceed the minimum IFTC height, while the difference at first floor level would be just 5cm, which would not be discernible to future occupiers. At second floor level, the sloping roof down to the lower eaves level would limit the useable space at roof level given the potential difficulty of accommodating some taller furniture items and possibly for moving around. However, the living space in flat 2 is provided over 3 floors. From what I saw, ample space would be available across the remaining floors to adequately compensate for any reduced head height in the accommodation at roof level. While the IFTC height of flat 1 would also be just below the minimum standard required by TLP Policy D6 I share the Council's view that the shortfall would not be significant.
11. On balance, I find that a failure to meet the minimum IFTC height within parts of flat 2 and the resultant conflict with TLP Policy D6 would not be so great as to amount to significant harm to the living conditions of future occupiers.

Privacy

12. Because the proposed storage area for bins and cycles would be just in front of, and close to, the bedroom of flat 1 and the living room, kitchen and dining area of flat 2, there could be some overlooking problems from people using this external area. However, views towards the front windows of these rooms are also possible from the steps that lead to the front entrance of each flat and from the footway as it passes the site. Consequently, some overlooking of this type could occur from people arriving and leaving the appeal building and from

footway users. To my mind, the additional overlooking possible would not have a significant impact on the living conditions of future occupiers.

Conclusion on the main issue

13. On the main issue, I conclude that the proposal would not cause significant harm to the living conditions of future occupiers. While the proposal would not accord with some policies of the development plan that are cited by the Council, there are other considerations in this case that outweigh the conflict. For the reasons given, the proposal would comply with TLP Policy D6, Policies CS1 and CS5 of Barnet's Local Plan (Core Strategy), Policy DM01 of Barnet's Local Plan (Development Management Policies) (DMP) and the Supplementary Planning Document, Residential Design Guidance insofar as they aim to safeguard residential amenity.

Other matters

14. There is no persuasive evidence that the proposal would cause or lead to a significant increase in the demand for on-street parking compared to the use of No 63 as a single dwelling even with recent installation of electric vehicle charging points. The Council's Highways Officer raises no objection to the proposal. From the submitted evidence, I have no reason to reach a different view on this issue.
15. The size and layout of flat 2 would be suited to families and so there would be no net loss of this type of accommodation if the appeal scheme were to proceed. While objectors have referred to the potential use of flat 2 as a House in Multiple Occupation, I have assessed the proposal as it is described on the application form and shown on the plans. If the appeal were to be allowed, it would not necessarily set a precedent since each development should be assessed on its own merits, as I have done.
16. The evidence before me indicates that the area to which the site belongs includes a range of dwelling types including family houses and flat conversions. In that mixed residential context, the proposal would not be an uncharacteristic form of development, nor would it be uncommon within the local area. As such, the appeal scheme would not be at odds with DMP Policy DM01, which notes, amongst other things, that the loss of single-family dwellings on roads characterised by houses will not normally be appropriate.
17. The appellant is critical of the Council's handling of the application and the time taken to reach a decision. However, my remit is solely to decide this appeal.

Conditions

18. Although works were underway at the appeal property at the time of my site visit, it was unclear whether these were specifically in relation to the appeal scheme. Therefore, I have imposed the standard time limit condition. I have also imposed a condition specifying the relevant drawings and to require that the development be carried out in accordance with them as this provides certainty. To ensure the satisfactory appearance of the development, conditions are imposed requiring matching external materials and details relating to the subdivision of the outdoor amenity area(s).
19. Conditions to encourage water efficiency and to reduce carbon dioxide emissions are also necessary to reduce water consumption and promote sustainable development respectively. To safeguard the living conditions of

existing and future occupiers a condition is imposed to ensure that sound insulation is in place. To protect the privacy of nearby residents, a condition is imposed to ensure that the flat roof of the extension is not used as a balcony or terrace. Where necessary, I have amended the Council's suggested conditions for clarity and to more closely reflect national policy.

Conclusion

20. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 19/256/001, 19/256/002 and 19/256/003 Revision B.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) No flat hereby permitted shall be occupied until details of the subdivision of the amenity area(s) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation of either flat and permanently retained as such thereafter.
- 5) No flat hereby permitted shall be occupied until 100% of the water supplied to them by the mains water infrastructure is provided through a water meter or water meters and each new flat shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the development. The development shall be maintained as such in perpetuity thereafter.
- 6) No flat hereby permitted shall be occupied until evidence has been submitted to and approved in writing by the local planning authority to demonstrate that measures have been incorporated to achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The approved measures shall be permanently retained thereafter.
- 7) No flat hereby permitted shall be occupied until Pre-completion Sound Insulation Test Certificates have been submitted to the local planning authority that confirm compliance with Requirement E of the Building Regulations 2010, or any subsequent amendment that is in force at the time that the planning permission is implemented.
- 8) The flat roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.