



Appeal Decision

Site visit made on 12 November 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/N5090/W/24/3348929

85 Quinta Drive, Barnet EN5 3DA

- 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 ASC Properties and Investments Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 22/5140/FUL.
 - The development proposed is demolition of existing single family dwelling and erection of single two storey block with accommodation within the roofspace to provide 6 self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is described as "demolition of existing family dwelling and erection of single two storey block with accommodation within the roofspace to provide 6 self-contained flats". However, during the determination of the application the proposal was reduced to 5 flats. I have determined the appeal on the basis of the amended plans which has necessitated a revised description. The Council used the revised description of "Demolition of existing dwelling and erection of single two storey block with basement level and rooms within the roof space to provide 5 no. self-contained flats. Associated amenity space, refuse/recycling area and provision of off-street parking (amended description)", in its decision notice and that is the basis on which I shall determine the appeal.
3. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.
4. There is an emerging Local Plan (eLP) and the Council has received the Inspector's Main Modifications. Consultation has taken place on the Main Modifications of the Submission Draft Barnet Local Plan. The plan is therefore at an advanced stage in its preparation. I have thereby given the relevant emerging policies significant weight. However, the Barnet Local Plan (2012) (LP) remains the statutory development plan until the replacement plan is adopted.
5. The appellant has submitted amended plans reference Drawing 'P.00 Rev E' as part of the appeal. The plan shows a reduction in the number of car parking spaces from 11 to 8. The appellant considers that this is only a minor

amendment. I have considered the submitted plans with regard to the judgement of *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin). In terms of the substantive test, I find that the proposed amendments would be a substantial change to the proposal. In terms of the procedural test, given that interested parties and consultees would not be aware of the amended scheme, I consider that they would be prejudiced if I determined this appeal on the basis of this proposed amendment. Consequently, I have not accepted this additional evidence as part of the appeal.

6. A concurrent appeal has been submitted for a similar scheme at the neighbouring property, No 83. Whilst I am the same Inspector for both appeals I have considered each scheme independently.

Main Issues

7. The main issues are;
 - The effect on the character and appearance of the area, including the effect of an increase in residential units at the site;
 - Whether the proposal provides adequate living standards for future occupants, with particular reference to privacy, outlook, daylight, sunlight and ventilation; and
 - Whether appropriate levels of parking are provided, having regard to the transport objectives of the development plan.

Reasons

Character and Appearance

8. The appeal site is a detached, two-storey dwelling, with off street parking and garden area to the front. The dwelling has an attached garage and a single storey addition. These both project forward of the front building line, nevertheless the dwelling retains a balanced and proportionate appearance.
9. Quinta drive rises upwards from the south and the roof line of the property sits between the heights of Nos 83 and 87. The immediate area around the appeal site is characterised by detached dwellings of similar proportions, scale and height. The dwellings have similar sized front gardens and broadly follow the same building line. Although there is a variety in house styles there remains a regularity to the pattern of the street scene through their rooflines, building line, orientation and spaces between them. The regularity of this arrangement has a pleasing rhythm that in part contributes positively to the street's pattern of development.
10. As you progress downwards along Quinta Drive, the character of dwellings changes to semi-detached and terrace properties. A short distance away, on the corner with Ryecroft Crescent there are examples of bungalows and a purpose-built block of flats. Further examples of blocks of flats are located further down Quinta Drive. The transition between the different house types as you progress up Quinta Drive contributes to its local character and sense of place.
11. The proposal would have an increased footprint to that of the existing dwelling, extending further to the front, rear and to one side. In addition, the

roof height would be increased and would sit at the same level as No 87. It would therefore break up the stepped pattern of the roofline in this part of the street. The cumulative impact of the overall increase in bulk, height and mass of the proposal would appear discordant alongside the well-balanced proportions of neighbouring dwellings and disrupt the visual pattern of the wider street scene.

12. The appellant has put forward that there are other examples of larger and different roof forms in the immediate locality including 60 Quinta Drive and 48 Garthland Drive. I have not been provided with all the details which led to the permission on these sites. Both of these properties are of different architectural style to the appeal property, and form part of a cluster of properties with traditional hipped roofs. Although these properties have been extended and the roof line altered, they retain their traditional, proportionate appearance. Whereas the appeal property is located within a group of gable end properties and the proposed changes would alter the overall massing and proportions in addition to the roofline. Therefore, these examples are not directly comparable to the proposal.
13. The appellant also contends that the rearward projection would not be excessive and cannot be appreciated from wider views. Although the depth itself may not be particularly visible it is the effect of this in combination with the height and roof design, which would create an overly dominant development.
14. The site is not currently enclosed on the boundary with the pavement. I have not been provided with any details of the vehicle lift and therefore cannot satisfactorily reach a conclusion as to whether this would be acceptable.
15. Policy DM01 of the LP seeks to prevent the loss of houses on roads where this is part of the established character. The supporting text explains that conversions of dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. It goes on to explain that changes can involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries.
16. The flats have the capacity to house up to 20 people, compared to its current use as a single-family dwelling for approximately 8 people. Therefore, the levels of comings and goings as a result of the proposal would inevitably increase. The proposal would include significantly more parking spaces than the existing dwelling and this would be reflected in the increase in number of vehicle movements on and off the site. There would also be additional parking pressure resulting from visitors to the site and deliveries. The increased comings and goings would harm the character of the area, which is dominated by larger family homes, rather than smaller housing units.
17. Policy HOU03 of the eLP states that proposals for the re-development of larger homes will be supported, provided that they do not have an unacceptable impact on the surrounding character of the area and where there is no unacceptable impact on the amenity of occupiers and neighbouring properties. The supporting text of the policy explains that the Council's preferred locations for this form of development are sites that have existing or planned Public Transport Access Level (PTAL) 3-6 or are located within 800m walking distance of the town centre. The appeal site is a short walk from local shops and there

are bus connections to High Barnet high street. However, the site has a PTAL rating of 1b and is not located within 800m of the town centre. Therefore, the proposal would not be in a suitable location for this type of development as required by the eLP.

18. I have been referred to No 81 Quinta Drive for use as an eleven-bedroom, 12 person House of Multiple Occupation (HMO), which was granted on appeal¹. In this case the appeal property already had extant permission for conversion to four self-contained two-bedroom flats. The Inspector therefore concluded that the conversion to a HMO could generate a similar level of activity and parking demand. As the proposal would double the number of occupants I do not consider that these cases are directly comparable. I also note that this scheme involved limited external alterations to the building to facilitate the conversion.
19. The appellant has also referred me to other flatted developments at 43-49 and 67-73 Quinta Drive, Elvaston Court, Weardale Court and Debenham Court. I observed that these properties are reasonably close to the appeal site. These properties are purpose-built blocks of flats and are clustered close together reflecting the more dense development character of this part of Quinta Drive. Whereas the appeal site is located in a less dense area of development with larger houses on more spacious, evenly spaced plots.
20. The bulk, height and mass of the proposal would appear discordant alongside the neighbouring two-storey properties and disrupt the visual pattern of the immediate street scene. Furthermore, it would result in an unacceptable increase in the use of the site.
21. The proposal would harm the character and appearance of the area and result in an unacceptable increase in residential units at the site, at odds with the prevailing pattern of family housing in the locality. It therefore conflicts with policies D3 of the London Plan (2021) (LDNP), policies CS1 and CS5 of the CS and policy DM01 of the LP, which amongst other things seek to ensure that development proposals prevent the loss of houses in roads characterised by houses, preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings and streets.

Living Conditions

Privacy

22. The Barnet Residential Design Guidance Supplementary Planning Document (2016) advises that 5sqm of outdoor space should be provided per habitable room for flats. The proposed communal garden space meets these requirements. However, the patio doors of flats 1 and 2 face directly onto this communal area. Therefore, other residents would have uninterrupted views into the kitchen/living/dining areas served by the patio doors, that would seriously impinge on the privacy of occupiers of those flats.
23. The appellant has suggested that screening could be dealt with by an appropriately worded condition. However, I do not have any details before me indicating how the effect on overlooking could be overcome. Therefore, I am unable to conclude that such a condition would mitigate the harm I have identified.

¹ APP/N5090/W/18/3217738

Outlook, daylight, sunlight and ventilation

24. Flat 5 is located in the proposed roof space with one bedroom, which would be served by two rooflights which would allow light to enter. One of the rooflights would be located high in the roofline and one on the ceiling and would be of limited size. The position of these rooflights close to and in the flat roof, would result in future occupiers being subjected to living space that in my view, would have inadequate exposure to natural light. Furthermore, there would be no outlook from the ceiling rooflight. Due to its high location and angle, views out of the other rooflight would be restricted. This, in my view, severely limits the outlook from the bedroom.
25. The appellant contends that although the bedroom is considered a habitable room, they are not occupied in the same way as the main living space. Although I recognise that bedrooms are not the primary living space they also serve as spaces for studying, home working and children's play. Due to the location of the rooflights it would not provide suitable levels of outlook to this room. The proposed rooflight would be openable, however the room would be single aspect. The orientation of the bedroom would mean that it could become very stuffy or gloomier depending on the time of year. However, as the flat itself is dual aspect I do not consider that the proposal would cause harm to the occupants in relation to ventilation, daylight and sunlight.
26. The appellant has referred me to the support in the Framework for mansard roof extensions. Although I acknowledge that mansard extensions are in the roof space, they tend to have a vertical emphasis rather than being angled and inserted into the roof plane in the case of the proposal, and therefore differ to the scheme before me.
27. The proposal would harm the living conditions of the residents of flats 1 and 2 in particular reference to privacy and flat 5 in particular regard to outlook. Therefore, the proposal conflicts with policy D6 of the LDNP and policies DM01 and DM02 of the LP which seek amongst other things to ensure that development proposals are designed to allow for privacy and outlook for potential occupiers.

Car parking

28. The proposal would generate a requirement for the provision of 7.5 spaces given its location. However, the proposal would provide for an additional 3.5 spaces. Policy T6 of the LDNP states that developments should adhere to strict maximum car parking standards in order to encourage a shift towards more sustainable modes of transport. The over provision of car parking would undermine these sustainability goals.
29. The appellant has suggested that car parking provision could be dealt with by an appropriately worded condition. However, I do not have any details before me indicating how the proposal would meet policy T6 of the LDNP. Therefore, I am unable to conclude that such a condition would address this matter satisfactorily.
30. In conclusion, the proposal would not provide appropriate levels of parking, and would fail to meet the transport objectives of the development plan. It thereby conflicts with Policy T6 of the LDNP and policies CS NPPF, CS9 of the

CS and policy DM17 of the LP. These policies amongst other things sets maximum car parking standards.

Conclusion

32. The Council has a five-year supply of housing. The appellant puts forward that despite this the Council is not delivering against the targets set out in the LDNP, however I note that the Housing Delivery Test (2023) has also been met. Even so, the proposal would create 4 additional dwellings, which would make a minor contribution to the Council's overall housing supply. This is of modest weight which weighs in favour of the scheme.
33. The proposal also includes solar panels in order to create a sustainable energy source for occupants and reduce CO2 emissions. It would also be constructed with water saving and energy efficiency measures and provide ecological features within the proposed garden and would provide minor benefits which weigh in favour of the scheme.
34. However, it would cause considerable harm to the character and appearance of the area and fail to provide adequate living conditions for future occupants with particular reference to privacy and outlook. These significant harms are not outweighed by the benefits which I have identified and are sufficient to justify dismissing the appeal.
35. 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.

C Skelly

INSPECTOR