



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: 22nd January 2025

Appeal Ref: APP/N5090/W/24/3348891

83 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 Mr S Tjirkalli against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 22/5128/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 8 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 8 self-contained flats". However, during the determination of the application the proposal was reduced to 7 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 accommodation within the roof space to provide 7 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 with modifications significant weight. However, the Barnet Local Plan Core Strategy (2012) (CS) and the Local Plan Development Management Policies (2012) (LP) remain 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 12 to 10. 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 also been submitted for a similar scheme on the site next door (No 85). Whilst I am the 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 internal living space, 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, located on a prominent corner plot at the junction of Quinta Drive and Raeburn Gardens. Quinta drive rises upwards from the south and the roof line of the property sits between the heights of Nos 85 and 81. 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 this part of Quinta Drive through the rooflines of dwellings, their building line, orientation and spaces between them. The regularity of this arrangement has a pleasing rhythm to this section of the street scene, that in part, contributes positively to its character.
9. 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.
10. The proposal would have an increased footprint to that of the existing dwelling, spreading further to the rear and sides. In addition, the height would be increased. It would sit at the same level as No 85 and therefore would

disrupt the pattern of the surrounding roofscape. The cumulative impact of the increase in both footprint and height of the proposal would appear discordant alongside the well-balanced proportions of neighbouring dwellings and disrupt the visual pattern of the wider street scene. Although the ridge height has been reduced through the roof's hipped design, this would present a visually prominent gable end when proceeding up Quinta Drive. Furthermore, the additions of flat roof dormers to the rear roof, would add to the overall massing, giving it a top-heavy appearance. This would appear at odds with the proportions of neighbouring properties and harm the character and appearance of the area.

11. 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. Although these properties and other examples in the street have different roof designs they retain their balanced proportions, whereas the proposal would have greater height and bulk in addition to the different roof form. Moreover, the appeal site is in a corner location which is prominent from wider views when moving upwards along Quinta Drive. The topography of the road would result in the proposal appearing elevated above many neighbouring properties. This would accentuate the scale and mass of the proposal resulting in an overly dominant appearance of the corner plot.
12. Policy DM01 of the LP seeks to prevent the loss of houses in 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. Although the proposal is for the demolition of the property, rather than its conversion the same principles are applicable.
13. The proposed flats have the capacity to house up to 27 people, which is a significant increase in comparison to its current use as a single-family dwelling. Therefore, the levels of comings and goings as a result of the proposal would inevitably increase. It would include significantly more parking spaces than the existing dwelling leading to an increase in vehicle movements on and off the site. There would also be additional parking pressure resulting from visitors and deliveries to seven individual households. The increased comings and goings would harm the character of this part of the road, which is dominated by larger family homes, rather than smaller housing units.
14. 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 states that the Council's preferred locations for this form of development are sites that have existing or planned Public Transport Access Level (PTAL) of 3-6 or are located within 800m walking distance of the town centre.
15. 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 is not in a suitable location for this type of development as required by the eLP.

16. I have been referred to No 81 Quinta Drive which is an eleven-bedroom, 12 person House of Multiple Occupation (HMO), which was granted on appeal. 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 case before me 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.
17. 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. The 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.
18. 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. The proposal 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 standards

Internal living space

19. Policy DM02 of the LP states that development will be required to demonstrate compliance with amongst other things, the minimum floorspace set out in the LDNP. Policy D6 of the LDNP requires that for a three-bedroom, 5-person flat, proposals should exceed a minimum gross internal floor area of 86sqm.
20. Flats 1, 3, 4 and 5 would only provide 85sqm. The supporting text of policy CDH01 of the eLP states that space standards are minimums which applicants are expected to exceed. Consequently, future occupants of flats 1, 3, 4 and 5 would likely experience unacceptable living conditions in relation to internal living space.
21. The appellant puts forward that although the internal floorspace of flats 1, 3, 4 and 5 would be 1sqm short of the requirements it is important to consider the overall quality of the home. Even though the proposal would be just below the minimum requirements the result would be a lack of sufficient space for the everyday activities of the flat's occupants, which would impact negatively on their 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. Flats 1, 2 and 3 would have direct access to the space, with access for the other flats via a gated side access.
23. However, the patio doors of flats 1, 2 and 3 would 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.
24. 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.

Outlook, daylight, sunlight and ventilation

25. Flats 6 and 7 are located in the proposed loft space area. Dormer windows are proposed for the living room and kitchen areas. However, the bedroom spaces would only be served by rooflights which would be east facing and allow light to enter. The rooflights would be located high in the roofline and would be of limited size. The position of these rooflights towards the top of the hip would result in future occupiers being subjected to living space, that in my view, would have inadequate exposure to natural light. Furthermore, due to its location high in the roof and its angle, views out would be restricted. This, in my view, severely limits the outlook from the bedroom.
26. The appellant contends that although the bedroom is considered a habitable room, bedrooms are not occupied in the same way as the main living space. Although I recognise that they 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.
27. The proposed rooflight would be openable, however the room would be single aspect. The orientation of the bedrooms would mean that these rooms could become very stuffy or gloomy depending on the time of year. However, as the flats themselves are dual aspect I do not consider that the proposal would cause harm to the occupants in relation to ventilation, daylight and sunlight.
28. 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 as is the case of the proposal, and therefore differ to the scheme before me.
29. In conclusion, the proposal would harm the living conditions of the future occupants of flats 1, 3, 4 and 5 with particular reference to internal space standards, flats 1,2 and 3 with particular regard to privacy and flats 6 and 7 in respect to outlook. The proposal thereby conflicts with policies D3 and D6 of the LDNP and policies DM01 and DM02 of the LP which seeks amongst other things to ensure that development proposals are designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers.

Car parking

30. The proposal would generate a requirement for the provision of 9.5 spaces given its location. However, the proposed plans show provision for an additional 2.5 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.
31. 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 car parking provision would meet policy T6. Therefore, I am unable to conclude that such a condition would address this matter satisfactorily.
32. 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 and CS9 of the CS and DM17 of the LP, which seeks amongst other things to set maximum car parking standards.

Other Matters

33. Concerns have been raised by third parties in relation to the removal of a large willow tree, potential impact from water overflows and noise. The Council have not raised these matters in their reasons for refusal for the reasons given in the Council's report. As I am dismissing the appeal for other reasons, I have not considered these matters further.

Conclusion

34. 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. Nevertheless, the proposal would create 6 additional dwellings, which would make a small contribution to the Council's overall housing supply. It would also comprise three-bedroom dwellings which are in high demand in the area. This is of modest weight which weighs in favour of the scheme.
35. The proposal includes solar panels in order to create a sustainable energy source for occupants and reduce CO2 emissions. In addition, it would be constructed with water saving and efficiency measures and provide ecological features within the communal garden area and would provide minor benefits which weigh in favour of the scheme.
36. 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 regards to internal space standards, privacy and outlook. These significant harms are not outweighed by the benefits which I have identified and are sufficient to justify dismissing the appeal.
37. 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.

38. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR