



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: 24 January 2025

Appeal Ref: APP/N5090/W/24/3347568

5 Elvington Lane, Colindale, Barnet, London NW9 5WB

- 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 Aliakabar Ghannad against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/0661/FUL.
 - The development proposed is conversion of 4 self-contained flats to 3 self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character of the area, including the supply of family housing; and
 - whether the proposal would provide adequate living conditions for future occupants, with particular reference to internal living standards, daylight, outlook and stacking.

Preliminary Matters

3. Despite the description of development set out above, I consider the description found on the Decision Notice better reflects the scheme that is before me and that which the Council considered. However, I have omitted reference to the words 'part retrospective', as they do not form part of the description of development. The development proposed is therefore for the 'conversion of single-family dwelling into 3 no self-contained flats. Associate refuse/recycling/cycle storage'. I have dealt with the appeal on the basis of the revised description and the submitted plans.
4. There is an emerging Local Plan (eLP) and the Council has received the Inspector's Main Modifications. 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 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 Government published a revised Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been substantially amended. As a result, I

have not sought submissions on the revised Framework, and am satisfied that no party's interests have been prejudiced by taking this approach.

Reasons

Residential character

6. The appeal site is a two-storey dwelling located at the end of a short residential terrace. The terrace faces onto Elvington Lane, a small cul-de-sac of similar style dwellings. To the front there is off street parking. The property has been extended by two storey extensions to both the rear and side, with a further single storey rear extension. Although there are examples of purpose-built blocks of flats in the surrounding streets, Elvington Lane retains the character of family housing.
7. The property is currently subdivided into 3 one-bedroom and 1 two-bedroom flats, with shared gym room, with ensuite. However, the Council have confirmed that this does not have the benefit of planning permission and the use has been on-going for less than 4 years.
8. The proposal is for the creation of 1 four-bedroom flat on the ground floor and 2 one-bedroom flats at first floor level. The garden is currently subdivided with a fence running from the rear of the single storey extension to the end of the garden. This would be relocated so it would run across the width of the property and provide private amenity space for the four-bedroom flat. A smaller area of communal space for the other flats would also be provided and accessed via a side gate. Apart from the sub-division of the garden, there are no other changes proposed to the external appearance of the building itself.
9. 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 to 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 the changes can involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries. Policy HOU03 of the eLP echoes policy DM01 but also requires that conversions of larger homes should also have an existing or planned Public Transport Accessibility Level (PTAL) of 3-6 or should be located within 800m walking distance of the town centre.
10. The proposal would accommodate three separate households. It is reasonable to assume that there would be some intensified use compared with that of a single family dwelling, even to a modest degree. Occupants are likely to have different lifestyle patterns and as a result there would be increased comings and goings to and from the site at different times. There would also be more visitors, deliveries and rubbish generation. In my view, the increased level of activity would be noticeably different to the cul-de-sac's established character of family housing.
11. The appellant contends that No 3 has also been converted into 6 self-contained flats, which is supported by information taken from Council Tax records from a Valuation Office search online. However, I note that the Council states that no permission has been granted for this use. Nevertheless, even if this were the case, it only reinforces my view that the predominant character of the cul-de-sac is family housing.

12. The appeal site has a PTAL rating of 1b, albeit on the boundary of a PTAL 2. However, it is within 800m walking distance from the Burnt Oak town centre boundary so would meet this requirement of the emerging policy.
13. For the reasons set out above the proposal would harm the character of the area including the supply of family housing. It therefore conflicts with policies CS1 and CS5 of the CS and DM01 of the LP. These policies seek amongst other things to ensure new development respects local context and preserves or enhances local character.

Living conditions

Internal living standards

14. 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 London Plan (2021) (LDNP). Policy HOU03 of the eLP requires that residential conversions provide at least one family sized home with three bedrooms. It goes on to state that the gross internal floor area should not be less than 135sqm where two self-contained residential units are proposed and where possible at least 61sqm is required for each additional dwelling proposed.
15. Although flat 2 is shown on the submitted plans as a one-person unit, I observed that it is large enough to accommodate 2 people. A minimum of 50sqm would therefore be required. However flat 2 would be 37.9sqm, so falls well below this threshold. Flats 2 and 3 would also fall below the requirement of 61sqm as required in policy HOU03 of the eLP. As a consequence of the reduced space, future occupiers of flats 2 and 3 would be exposed to a poor-quality internal living environment that would impact negatively on their living conditions. Furthermore, the LDNP also requires that at least 75% of the flats should achieve at least 2.5m floor to ceiling height. The proposal would not provide sufficient ceiling heights, which would further reduce the living standards for future occupants.
16. Consequently, the proposal would harm the living conditions of future occupants in particular reference to internal living standards.

Daylight, outlook and stacking

17. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers and users. The Residential Design Guidance Supplementary Planning Document (2016) (RDG) states that all habitable rooms should contain at least one main window with an adequate outlook. Policy D6 of the LDNP states that housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings.
18. Both flats 2 and 3 would be single aspect only. The kitchen areas in both of these flats would be located away from the windows, towards the back of the flats. There would be some light entering the flats via the main windows. However, given the distance from windows and the configuration of the kitchen, those areas would likely be considerably less exposed to daylight. This area would become dark and gloomy particularly in the winter months, which would result in an unsatisfactory living environment for its occupiers. Furthermore, as the flats would be single aspect, there would be little

opportunity for cross ventilation leading to hotter rooms during the summer months.

19. The RDG states that the vertical stacking of rooms between flats should, as far as practical, ensure that bedrooms do not overlap with living rooms, kitchens and bathrooms. With regards to the stacking arrangement the living space of flat 3 would be located above one of the bedrooms of flat 1. Therefore, the proposal would not provide appropriate stacking arrangements leading to noise transmission and disturbance to other occupiers.
20. The appellant puts forward that amended plans are being prepared to address the reasons for refusal in relation to living conditions. However, no revised plans have been submitted prior to the appeal. Therefore, I have considered the proposal on the basis of the submitted plans.
21. In conclusion the proposal would fail to provide adequate living conditions for future occupants with particular reference to internal living standards, daylight, outlook and stacking. It thereby conflicts with Policy D6 of the LDNP, policies DM01 and DM02 of the LP. Together, these policies seek amongst other things to ensure that development complies with a number of national and London-wide standards and make a positive contribution to the Borough.

Conclusion

22. The proposal would provide two additional dwellings which would make a minor contribution to the supply of housing in the area. However, it would lead to intensified use of the site which would harm the character of the area. Furthermore, it would fail to provide adequate living standards for future occupants. These significant harms are not outweighed by the benefits which I have identified and are sufficient to justify dismissing the appeal.
23. 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