



Appeal Decision

Site visit made on 18 February 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st March 2025

Appeal Ref: APP/N5090/W/24/3353609

101 Dallas Road, Hendon, Barnet, London NW4 3JD

- 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 Ardian Zabergja against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/1397/FUL.
 - The development proposed is conversion of dwelling house to two flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice and the appeal form describe the development as follows: 'Part single part two storey rear extension, roof extension involving a hip to gable and rear dormer. Conversion of the existing dwelling into 2no. self-contained flats.' This is a more accurate description of the proposed development, and I have determined the appeal on this basis. For the avoidance of doubt, I have dealt with the appeal on the basis of the submitted plans.
3. The Council has confirmed that the policies from Barnet's Local Plan (Core Strategy) Development Plan Document (September 2012) and Barnet's Local Plan (Development Management Policies) Development Plan Document (September 2012) referred to in the Decision Notice have been superseded by policies from the Barnet Local Plan 2021-2036 (March 2025) (BLP). Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. The Council has suggested that Policies GSS01, CDH01, CDH02, CDH04, CDH07 and HOU03 of the LP are now the policies relevant to the determination of this appeal. The appellant is aware of the policies and has had the opportunity to comment upon its relevance to the appeal.

Main Issues

4. The main issues in this appeal are:
 - whether the appeal site is suitable for the proposed development having particular regard to the development plan;
 - whether the proposed development would provide acceptable living conditions for the future occupiers of Flat 1 with regard to internal floorspace;

- whether the proposed development would provide acceptable living conditions for the future occupiers of Flat 2 with regard to internal floor to ceiling height; and
- the effect of the proposed development on the character and appearance of the appeal building and the surrounding area.

Reasons

Site Suitability

5. Policy HOU03 of the BLP requires proposals relating to residential conversions and the redevelopment of larger homes to meet criteria A to G of the policy. It is not disputed that the proposal would meet criteria E and F.
6. Regardless of the fact that the London Plan (March 2021) (LP) does not set a minimum original floor area for proposals relating to residential conversions, Policy HOU03 of the BLP is relevant and specific to proposals for residential conversions in Barnet.
7. Criterion A requires sites proposed for residential conversions to have an existing or planned public transport access level (PTAL) of 3-6 or be located within 800 metres walking distance of a station or town centre boundary. The appeal site has a PTAL of 2 and is situated in excess of 800 metres walking distance to Brent Cross West Station and Hendon Town Centre boundary. As such, the proposal would not be located in an area with good public transport or easily accessible to local services.
8. Criterion B requires proposed conversions to provide at least one larger family sized home of 74 sq. m or more (gross internal floor area) with 3 bedrooms on the ground floor and access to a dedicated rear garden. Both of the proposed flats would only have two bedrooms. The proposal would therefore not provide at least one home of 74 sq. m with 3 bedrooms and result in the loss of an existing single family sized dwellinghouse. Consequently, criterion B of Policy HOU03 would not be met.
9. Criterion C requires the original gross internal floor area of property (at the time of the application) to be no less than 135 sq. m where two self-contained residential units or more are proposed. Based on the evidence before me, the total gross internal floor area of the existing appeal building measures approximately 102 to 103 sq. m, including the existing loft. Hence, the original gross internal floor area of the property falls substantially below the 135 sq. m specified in criterion C of Policy HOU03.
10. Criterion D requires proposals to not have an unacceptable impact on the character of the area and the amenity of occupiers of the neighbouring properties. The main parties agree that the proposal would not harm the living conditions of the occupiers of neighbouring properties, and I have no reason to disagree. For reasons which are explained below, the proposal would harm the character and appearance of the area.
11. Criterion G requires proposals to meet Policy D6 of the LP in relation to residential space standards. For the reasons explained below, it has not been shown that Policy D6 would be complied with.

12. While the proposal would satisfy criteria E, F and part of D, it would nevertheless fail in other respects of the policy by virtue of the site's low PTAL rating, the resulting loss of an existing family sized dwelling and in terms of the original gross internal floor area of the appeal property.
13. For the reasons given, the appeal site is not suitable for the proposed development and fails to comply with the criteria of Policy HOU03 of the BLP. Furthermore, the proposal conflicts with Policy CDH01 of the BLP insofar as it promotes higher density development of an appropriate form in well-connected locations.

Living Conditions – Flat 1

14. Policy D6 of the LP requires housing development to provide adequately sized rooms in accordance with the minimum internal space standards set out in Table 3.1. Accordingly, Flat 1 would be required to meet the minimum space standard of 70 sq. m for a one storey 2-bedroom 4 person dwelling.
15. The Council has incorrectly identified a minimum space requirement of 79 sq. m. This is based on a 2-bedroom 4 person dwelling over two floors. Flat 1 would only be on the ground floor (one storey).
16. The submitted plans indicate that Flat 1 would have a minimum gross internal floor area of 70 sq. m. However, the Council has calculated that Flat 1 would have a floor area of 68.47 sq. m. Even if there was a shortfall in floorspace, it would be marginal, and based on the evidence before me, a spacious kitchen/ living area and well-sized bedrooms would be provided. Consequently, I am satisfied that the Flat 1 would provide adequate living space for its future occupiers.
17. For the reasons given, the proposed development would provide acceptable living conditions for the future occupiers of proposed Flat 1 with regard to internal floorspace. Accordingly, the proposal complies with Policy D6 of the LP and Policy HOU03 of the BLP insofar as they require development to provide adequately sized homes.
18. The Council has referred to Policies CDH01, CHD02 and CDH07 of the BLP. However, these policies respectively relate to high quality design, sustainable and inclusive design and outdoor amenity space and landscaping so are not determinative on this main issue.

Living Conditions – Flat 2

19. Policy D6 of the LP requires a minimum floor to ceiling height of 2.5 metres for at least 75% of the gross internal area floorspace. Ceiling heights contribute to the quality of living accommodation, especially in terms of daylight penetration, ventilation and cooling, sense of space and inclusive environments.
20. While the submitted plans¹ indicate the proposed floor to ceiling heights of the ground and first floors, no measurements have been provided for the ceiling height of the proposed loft floor. Therefore, due to the lack of evidence provided by the appellant, there is no certainty that the loft floor would provide appropriate ceiling heights. As such, the proposed scheme fails to demonstrate compliance with Policy D6 of the LP.

¹ Ref. 2352 Plan 06 Rev B

21. For the reasons given, the proposed development would not provide acceptable living conditions for the occupiers of Flat 2 with regard to internal floor to ceiling height. Consequently, the proposal conflicts with Policy D6 of the LP.

Character and Appearance

22. Dallas Road features a mix of two storey semi-detached and terraced houses with small front gardens and driveways. The general uniformity of the houses adds to the harmonious appearance of the street.
23. A similar part single part two storey rear extension was approved² at the appeal site but this has not been completed.
24. The scale and design of the proposed part single part two storey rear extension would be subordinate to the original house and would not appear overly-dominating, similar to the development previously approved. Its position at the rear of the appeal property would also maintain the character and appearance of the surrounding area.
25. However, the proposed roof extension, which spans almost the entire width of the roof and covers its full height, would add considerable bulk to the roof and appear dominant and disproportionate in relation to the host building. Its excessive scale and massing would create an incongruous addition, failing to respect the proportions and cohesive design of the existing property.
26. Despite being positioned at the rear of the building, due to its height and bulk, the roof extension would be partly visible from the street, disrupting the consistent roofline rhythm of the properties in this section of Dallas Road. The roof extension would appear top heavy and awkward, thereby drawing undue attention to its visual incompatibility which would also be obvious in views from neighbouring properties. As a result, the proposal would be intrusive and discordant with the established character and appearance of the surrounding area.
27. For the reasons given, the proposed development would harm the character and appearance of the appeal building and the surrounding area. There is conflict with Policies CDH01 and HOU03 of the BLP insofar as they require development to respond sensitively to local character and design, scale, massing and roof form.
28. The Council has referred to Policies GSS01 and CDH04 of the BLP. However, these policies respectively relate to delivering sustainable growth and tall building so are not determinative on this main issue.

Planning Balance and Conclusion

29. I note the absence of objections to the proposal from neighbours, but this does not count as a benefit weighing in favour of the development.
30. The proposal would deliver one additional dwelling unit, contributing to Barnet's housing supply. This would support the Government's objective of significantly boosting the supply of homes where it is needed. However, given the small scale of the development, these benefits would be modest and carry moderate weight in favour of the proposal.

² Ref. 23/5507/HSE

31. The site is not suitable for the proposed development. Furthermore, the proposal would not provide acceptable living conditions for the future occupiers of Flat 2 with regard to internal floor to ceiling height. In addition, the scheme would harm the character and appearance of the appeal building and the surrounding area. As a result, the proposal would not accord with the development plan, when considered as a whole.
32. The adverse impacts of the proposal are matters of significant weight against the grant of planning permission and material considerations, including the stated benefits, do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above, the appeal should be dismissed.

U P Han

INSPECTOR