



Appeal Decision

Site visit made on 18 March 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2025

Appeal Ref: APP/N5090/W/24/3351024

19 Millway, Mill Hill, Barnet, London NW7 3QR

- 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 Ms Meytal Stern against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/1598/FUL.
 - The development proposed is described as a first-floor rear extension, porch extension, conversion of dwelling to form two flats, and all associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated it on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The appeal submission includes an amended plan¹ which was not before the Council at the time of its decision. The Procedural Guide states that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
4. I have considered this additional information taking into consideration the principles established by the Courts in *Holborn Studios Ltd*². In this case, the additional information provides further evidence in relation to the Council's reasons for refusal, rather than significant amendments to the proposal. For this reason, I consider that there would be no prejudice to any party, and I have therefore determined the appeal on the basis of this additional information.
5. At my site visit I observed that the development had commenced and was substantially complete. However, I noted some differences between the submitted plans and the development which had been constructed. For the avoidance of doubt, I have therefore determined the appeal on the basis of the submitted plans.
6. During the course of this appeal, the Council has adopted the Barnet Local Plan (2021-2036), 2025 (BLP). The new BLP replaces the previous Local Plan (2012)

¹ Drawing Ref: PL-PP-01

² *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

(comprising the Core Strategy and Development Management Policies Development Plan Documents). I have been provided with the relevant policies applicable to this scheme and have taken these into account in reaching my decision. Both parties have also had the opportunity to comment on this.

Background and Main Issue

7. Planning permission is being sought for the conversion of the existing dwelling to form two flats. The proposed development also comprises the erection of a first-floor rear extension, and single storey porch extension to the front of the dwelling. The Council has raised no specific concerns in relation to these aspects of the proposal, and based on the information before me, I see no reason to disagree. The Council's sole reason for refusal relates to the standard of accommodation that would be provided for future occupiers.
8. Therefore, the main issue is whether the proposed development would provide adequate living conditions for future occupiers with particular regard to the provision of internal floorspace in respect of Flat A, the outlook and privacy for Flat B and the internal ceiling heights for both Flat A and Flat B.

Reasons

9. The appeal site is a two-storey, semi detached dwelling. The surrounding area is predominantly residential. However, the appeal site is close to The Broadway with its variety of shops and services. It is also close to a variety of transport links.

Ceiling Height

10. Policy D6 of the London Plan 2021 also requires that the minimum floor to ceiling height must be 2.5 metres high for at least 75 per cent of the GIA of each dwelling. The supporting text states that to address the impacts of the urban heat island effect and the fact that the majority of housing developments in London are made up of flats, a minimum ceiling height is required so that new housing is of adequate quality, especially in terms of daylight penetration, ventilation and cooling, and sense of space. Policy HOU3 of the BLP requires that proposals meet the London Plan residential space standards.
11. I recognise that there is some inconsistency between Policy D6 of the London Plan and the Nationally Described Space Standards (the NDSS) which requires a minimum ceiling height of 2.3 metres. However, as Policy D6 forms part of a recently adopted local plan, I attribute greater weight to the standards set out in this policy rather than the NDSS.
12. Based on the annotations provided on the submitted plans, Flat A would have a ceiling height of 2.41 metres and Flat B would have ceiling heights of 2.4 metres on the first floor and up to 2.5 metres on the second floor. There is no distinction within the policy wording nor the supporting text which sets out that this standard should not be applied to conversions. Nonetheless, it is not disputed that the proposed development would fail to meet this standard.
13. The appellant has referred me to a number of decisions made since the London Plan was adopted, where despite the floor to ceiling heights falling below the 2.5m standard set out in Policy D6, the Council considered the ceiling heights to be acceptable and granted planning permission for new residential development.

These include examples at 140 Eglinton Road Woolwich³, 76 Sefton Avenue Harrow⁴, which are in different local authority areas. Further examples have been brought to my attention of applications where the appellant states that the Council did not request details of ceiling heights, but approved schemes, including at 34 The Drive⁵, 193 Hendon Way⁶, 19 Heriot Road⁷ and 64 Cotswold Gardens⁸.

14. Whilst I acknowledge that the examples presented by the appellant highlight instances where the Council may have adopted an inconsistent approach regarding internal ceiling heights, I lack sufficient evidence to undertake a comprehensive comparison between these cases and the appeal proposal. Consequently, I have assessed the proposal based on its own merits
15. For the above reasons, I therefore find that the proposed development would fail to provide adequate ceiling heights contrary to Policy D6 of the London Plan 2021.

Privacy and Outlook

16. In respect of privacy and outlook, the only window serving Bedroom 2 of Flat A would overlook the shared access passage to the rear garden. The shared access route is relatively narrow which would mean that those accessing the garden area from Flat B would need to pass within very close quarters of these windows which would result in an unacceptable loss of privacy for future occupiers of Flat A. Furthermore, the window would also face directly towards the boundary fence, providing poor quality outlook from this window
17. My attention has been drawn to a planning application⁹ for 59 Millway, which shows a window serving a bedroom facing out into a shared access route and a further example¹⁰ at 35 Millway in which the appellant states that the approved plans include living room windows abutting a shared access route. However, I do not have substantive evidence to allow full comparison between the merits of these cases and the appeal proposal. Therefore, I have considered the proposal on its individual merits.
18. Consequently, I find that the proposed development would fail to provide adequate levels of privacy for the occupiers of Bedroom 2 of Flat A.

Internal Floorspace Standards

19. Policy D6 of the London Plan 2021 states that housing development should be of high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. In particular, it seeks to ensure that new housing development provides adequate internal and external space to meet the needs of future occupants. Table 3.1 incorporated within this policy details the minimum gross internal floor area (GIA) depending on property type and proposed occupancy.

³ Planning Application Ref: 22/3368/F

⁴ Planning Application Ref: P/0475/21

⁵ Planning Application Ref: 24/0833/FUL

⁶ Planning Application Ref: 24/0812/FUL

⁷ Planning Application Ref: 23/1099/FUL

⁸ Planning Application Ref: 21/5000/FUL

⁹ Planning Application Ref: 17/4053/FUL

¹⁰ Planning Application Ref: H/01984/08

20. The appellant states that Flat A would be a 3 bedroom, 4-person unit with a GIA of approximately 84m². The Council dispute this and state that based on the sizes of the proposed bedrooms it should be considered to be a 3-bedroom, 5-person unit and as such it would fail to meet the minimum standard for internal floor space provision, for a dwelling of this size. The minimum required floorspace for a 3 bedroom, 4-person bedroom is 74m² and for a 3-bedroom, 5-person unit is 86m².
21. However, as outlined above, the appellant has provided a revised floor plan which reduces the size of one of the bedrooms so that it would only be suitable for single occupancy. This would mean that Flat A would be a 3-bedroom, 4-person unit with a GIA of 84m² which would exceed the minimum required standard. Therefore, I find that the Flat A would provide sufficient internal floorspace.
22. Accordingly, although I have found a lack of harm in relation to the provision of internal floorspace, I have found unacceptable harm in relation to the provision of internal ceiling heights, outlook and privacy. Thus, the proposed development would be contrary to Policy HOU3 of the BLP and Policy D6 of the London Plan 2021, which require amongst other things, housing development to be of high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose.

Conclusion

23. The proposal conflicts with the development plan taken as a whole, and material considerations do not indicate a decision otherwise in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

K Lancaster

INSPECTOR