



Appeal Decision

Site visit made on 10 April 2025

by **R Gravett BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th June 2025

Appeal Ref: APP/N5090/W/24/3356314

16 Hampden Square, Southgate, Barnet, London N14 5JR

- 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 Sofina Aghios against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/0337/FUL.
 - The development proposed is: Conversion of first and second floor accommodation to 2 Flats and create flat 3 in loft. Rear dormer, velux rooflights and ancillary alterations. Retain ground floor business.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed that the Barnet Local Plan 2021-2036 (BLP) was adopted on 4 March 2025. It replaces the previous Local Plan (2012), comprising the Core Strategy and Development Management Policies Development Plan Documents. The Council has also confirmed that existing supplementary planning documents remain extant unless or until they are replaced or updated.
3. Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. The Council has suggested that Policies CDH01, CDH02, CDH04, CDH07 and HOU03 of the BLP are now the policies relevant to the determination of this appeal. The appellant has had the opportunity to comment on the implications of this change.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would provide acceptable living conditions for future occupiers of the second and third floor flat, with regards outlook, natural ventilation and noise.

Reasons

Character and appearance

5. 16 Hampden Square (No 16) is a three-storey property set within a broadly 'u-shaped' terrace, with a stepped gabled and hipped roof form, set back from the

junction of Brookside South and Osidge Lane. The area is predominantly residential in character but No 16 is in commercial use at ground floor forming part of a local parade concentrated each side of the junction.

6. The guidance in the Council's 'Residential Design Guidance Supplementary Planning Document (2016)' (RDG) is that dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope, and dormers which wrap around the hips would not normally be considered acceptable.
7. The proposed dormer would occupy more than half the width of the rear roof slope of No 16, would be set right on its eaves, and would extend almost to the hipped edge. Although the materials would match its host, and fenestration alterations would assimilate with the fenestration of the terrace, in combination, the width and siting of the proposed dormer would result in an unduly large, disproportionate and unsympathetic addition to the host property, in conflict with the RDG guidance.
8. The appellant has drawn my attention to examples of other rear dormers on Hampden Square, and I observed the dormers at 4 and 22 Hampden Square (No 4 and 22) on my site visit. However, because the Hampden Square terrace is 'u-shaped' and the roofline staggered, these two examples are quite different in their siting being located centrally within the roof plane and therefore well away from its hipped edge.
9. Despite these existing dormers, the roof of the terrace has a cohesive and balanced composition and form. Rather than improving the aesthetic to the rear, because of its siting and scale, the proposed dormer would unbalance this composition and would fail to maintain harmony with the architectural character of the immediate context. Whilst I accept wider public views are limited, the dormer would nevertheless appear a dominant and discordant addition to the terrace when viewed from the service area to the rear.
10. The Council's evidence includes an extract of the approved plan for 10 Hampden Square which, in contrast to the appeal proposal, shows a modest dormer extension which would be set well away from the edge of the host hipped roof and would be proportionate in scale to the roof slope. Save a copy of the planning permission, I have no further information regarding the rear dormer at 12 Hampden Square notably its size or siting. Therefore, on the evidence before me, the examples provided offer very limited support for the appeal proposal.
11. Consequently, I conclude that the proposed development would cause harm to the character and appearance of the area. It would conflict with Policy D3 of the London Plan (2021) and policies HOU03 and CDH01 of the BLP which together require development, including residential conversions, to have an acceptable impact on the surrounding character, and enhance local context, responding sensitively to the design, building form, scale and roof form of the existing context.
12. Although I have been provided with BLP Policy CDH04, this policy relates to tall buildings and is not therefore determinative to this main issue.

Living conditions

13. The bedroom of the proposed third floor flat would not have a window on the front elevation of No 16 facing Hampden Square. Nevertheless, two Velux rooflights are

proposed on the front roof plane and because of the relatively low internal height of these, there would be an acceptable outlook from this bedroom. The proposed French doors to the rear lounge and kitchen area, in addition to the Velux windows to the front, would also allow for an appropriate level of air circulation through the flat, and natural ventilation.

14. The guidance in the 'Sustainable Design and Construction Supplementary Planning Document (2016)' (SDC) is that the vertical stacking of rooms between flats should, as far as practical, ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors, in order to minimise noise transfer. In conflict with this guidance, the bedrooms and open plan kitchen and lounge areas of the second and third floor flats would directly overlap.
15. I acknowledge that the appellant has expressed a willingness to revise the internal layout to align the living spaces and bedrooms appropriately. However, I do not have such details before me, nor do I have any information to show how noise transfer between the proposed second and third floor flats would be minimised or mitigated or whether it could appropriately be controlled by a planning condition. The internal arrangement of 4 Hampden Square does not offer justification for the appeal proposal because the planning permission for that conversion pre-dates the SDC guidance.
16. Therefore, notwithstanding I have found outlook and natural ventilation acceptable, I conclude that the proposed development would not provide acceptable living conditions for future occupiers of the second and third floor flat, with regards noise. It would conflict with BLP policies HOU03 and CDH01 which, amongst other things, require development to provide a good standard of amenity and living conditions for future occupiers.
17. I have been provided with BLP policies CDH02 and CDH07 but because these relate to sustainable and inclusive design and amenity space and landscaping, I do not find them determinative to this main issue.

Other Matters

18. An alternative scheme for the conversion of the appeal property into flats, including construction of a rear dormer, was granted planning permission in November 2024¹. I am satisfied that there is a real prospect that this scheme would be built should this appeal fail, and there is therefore a fallback position (the fallback scheme).
19. The fallback scheme is for the conversion of the upper floors of No 16 into two flats, with a two-bedroom flat arranged over both the second and third floor. Although the approved plans show the third-floor bedroom stacked above the second-floor lounge and kitchen area, these rooms would be within the same flat. It does not therefore raise the same issue in respect of noise transfer between different flats as the appeal proposal, where the bedrooms and kitchen and lounge areas of the second and third floor flats would overlap. Nor does it conflict with the SDC guidance with regard the vertical stacking of rooms between flats.
20. Further, the rear dormer of the fallback scheme would be narrower in width, would be set well off the edge of the hip and the eaves of the host roofplane, and

¹ 24/3596/FUL

consequently would appear a more proportionate and sympathetic addition than the rear dormer now proposed. Therefore, I find that the fallback scheme would be less harmful than the appeal proposal, and consequently it is a matter to which I afford limited weight.

21. The proposed development would provide two additional flats which would make a small, but valuable contribution to housing supply in Barnet, including the supply of 1-bedroom flats. In this regard, it would support the Government's objective of significantly boosting the supply of new homes. By converting an existing building, the appeal proposal would make efficient use of previously developed land and would contribute to meeting the challenge of climate change through the reuse of existing resources. These are matters to which I afford moderate weight. However, in this case they are not sufficient to outweigh the harm that I have found.
22. The appeal property has a relatively poor public transport accessibility level (PTAL 2) but is located within a parade of local shops and restaurants so has good access to services. Sufficient provision has also been made for the storage of refuse, recycling and cycles and no harm has been alleged to heritage assets. However, these matters are neutral factors.
23. Finally, the National Planning Policy Framework requires local planning authorities to approach decisions on proposed development in a positive and creative way, including working proactively with applicants. I understand the appellant's concern in respect of the handling of the planning application, including the time taken for the Council to reach a decision. I also acknowledge that amendments to the scheme, including to the internal layout and fenestration, could have been discussed at an earlier stage. However, this is not a matter that has had a bearing on my consideration of this appeal, in which I have had regard solely to the planning merits of the proposal.

Conclusion

24. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

R Gravett

INSPECTOR