



Appeal Decision

Site visit made on 11 June 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/N5090/W/25/3363734

37 Oak Grove, Cricklewood, Barnet, London NW2 3LS

- 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 Festraso Property Investments Ltd. against the decision of the Council of the London Borough of Barnet.
 - The application ref is 24/3325/FUL.
 - The development proposed is conversion of single dwellinghouse to two self-contained flats, roof extension including rear dormer window and 3no. front facing rooflights and single storey rear/side infill extension with 3no. rooflights.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council of the London Borough of Barnet adopted a new Local Plan on 4th March 2025. The Council has confirmed that the policies from Barnet's Local Plan (BLP) (Core Strategy) Development Plan Document (September 2012) and BLP (Development Management Policies) Development Plan Document (September 2012) referred to in the decision notice have been superseded by policies from the BLP 2021-2036 (March 2025).
3. Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. Policies referred to in the reason for refusal from the BLP 2012, are no longer relevant and are disregarded. The Council have confirmed that the relevant policies from the 2025 BLP are HOU02, HOU03, CDH01, CDH02 and CDH07.

Main Issues

4. The main issues are:
 - the effect of the development on local housing needs and the stock of family sized homes, and
 - whether the development would provide its occupants with acceptable living conditions, with regard to outdoor private amenity space.

Reasons

Housing needs

5. Policy HOU02 of the BLP (2025) sets the Council's priorities stating that all housing schemes are expected to include a proportion of family sized homes and

reflect the dwelling size priorities. For market dwellings, the highest priority (40%) is for three-bedroom dwellings. Policy HOU03 of the BLP outlines that it will optimise the potential for housing delivery from residential conversions subject to criteria. Of particular relevance to the appeal proposal is the requirement for proposals to provide at least one family sized home, with three bedrooms that is capable of providing four bedspaces, with access to a dedicated private garden.

6. The Council does not appear to find conflict with the majority of the criteria within Policy HOU03 of the BLP. I acknowledge that there are other buildings along the road which have been converted to flats such that the proposal would not have a detrimental impact on the character of the street. It is also noted that the proposal is within a location of good public transport accessibility (level 5) and that the proposed units would exceed the minimum internal space standards for new dwellings set within Policy D6 of the London Plan (LP) (2021) (referred to within Policy HOU03 of the BLP).
7. Nevertheless, the proposal would result in the loss of a three-bedroom dwelling through conversion to two, two-bedroom flats. It would therefore result in the loss of the highest priority size of dwelling as set out in Policy HOU02 of the BLP. It would fail to deliver at least one family sized home with three bedrooms as required by Policy HOU03 of the BLP. It would therefore fail to deliver the most appropriate form of development for the site which is one of the considerations required by Policy CDH01 of the BLP.
8. Whilst I acknowledge that the two-bedroom units may be suitable and affordable for smaller families, the BLP is clear in the definition as to the size of family homes that are most required. No substantive evidence has been provided to demonstrate that the two-bedroom units are justified in terms of need, as would be required to deviate from the priorities set within Policy HOU02 of the BLP.
9. Given the above, the proposal would have a detrimental effect on the stock of family sized homes and would fail to reflect the most required local housing needs of the area. It would therefore be contrary to the objectives set within Policies CDH01, HOU02 and HOU03 of the recently adopted BLP.

Living conditions

10. As referred to above, Policy HOU03 of the BLP sets a clear expectation that proposals should include a family sized home with access to a dedicated garden. Policy CDH01 of the BLP relates to promoting high quality design which in relation to outdoor amenity space requires compliance to the standards set within Policy CDH07. Policy CDH07 of the BLP states that development proposals should meet minimum outdoor amenity space requirements which for 1-2 person dwellings should be a minimum of 5m² with an extra 1m² provided for each additional occupant, that achieves a minimum depth and width of 1.5m. This mirrors the requirements set by Policy D6 of the LP. Policy CDH02 of the BLP relates to sustainable and inclusive design, requiring amongst other matters for proposals to meet the highest standards of accessible design.
11. Flat 2 would have no access to outdoor amenity space. It is suggested by the appellant that there are public parks less than a mile away and that it would be common not to have a garden in properties close to the city centre. However, the policy expectation is very clear that residential developments should have outdoor amenity space, and that the amenity space should be private. There are no

allowances within the adopted policies for the level of amenity space to be reduced based on the locality of green spaces or other facilities in the area. I have therefore given the location of nearby public parks and amenities such as local shops little weight in my decision.

12. The proposal would fail to provide its occupants with acceptable living conditions, with regard to outdoor private amenity space. This would lead to a sub-standard level of accommodation and would be contrary to the requirements set through Policies CDH01, CDH02, CDH07 and HOU03 of the BLP as well as Policy D6 of the LP.

Other Matters

13. The proposal would lead to the creation of an additional residential unit in a sustainable location. The provision of cycle storage and proximity to public transport links would also potentially reduce the reliance on the use of private vehicles. Whilst these represent benefits to the proposal, they are not sufficient to outweigh the harm which I have identified in respect to the main issues above. Neither is a lack of objection to the proposal from neighbouring parties.

Conclusion

14. For the reasons given above, having regard to the development plan when read as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

L Gardner

INSPECTOR