
Appeal Decision

Site visit made on 10 June 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/N5090/W/25/3361402

Stanmari, Tenterden Grove, Hendon, Barnet, London NW4 1TD

- 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 Mrs Marlene Roberts against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/4839/FUL.
 - The development proposed is part retrospective, part proposed application for the conversion of the loft in to 1no self-contained flat (retrospective), internal height increase within the loft flat (proposed) and conversion of ground and first floors into 2no. self-contained flats (proposed), subdivision of the garden facilitated by a side gate and closed boarded 1.8m high fencing (proposed), glazing of two flank windows and porch modification (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed at the site visit that some works to create the loft level flat (referred to in the evidence as Flat C) had been undertaken and this was in use. Other works at the property forming part of the overall appeal proposals have also been undertaken and were in progress. I have dealt with the appeal on the basis that planning permission is sought for the development as set out in the application and the submitted plans.
3. The Council's reason for refusal relates only to Flat C, the proposed unit within the appeal property's loft space. While I have had regard to the proposed development as a whole, I have focussed my findings on the issues raised in the Council's reason for refusal.
4. The Council has confirmed that the Barnet Local Plan 2021-2036 (the BLP) was adopted on 4 March 2025. It replaces the previous Core Strategy and Development Management Policies Development Plan Documents. Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. BLP Policies CDH01 and HOU03 are therefore relevant to the determination of this appeal. The appellant has had the opportunity to comment on the BLP policies and I have considered the appeal accordingly.

Main Issue

5. The main issue is whether the proposed development would provide adequate living conditions for the future occupiers of Flat C, with particular regard to internal floor to ceiling height.

Reasons

6. The appeal site comprises a detached dwelling in a predominantly residential area with a hard surfaced parking area to the front and a large garden to the rear. It sits within a group of large, detached properties to one side of Tenterden Grove, with other dwellings, blocks of flats and a school also located within the area.
7. Policy D6 of The London Plan, The Spatial Development Strategy for Greater London (2021) (the LP) relates to housing quality and requires all self-contained residential accommodation to meet stated minimum standards. For private internal space, the minimum floor to ceiling height must be 2.5m for at least 75% of the Gross Internal Area (GIA) of each dwelling.
8. Amongst other things, BLP Policy HOU3 on residential conversions and redevelopment of larger homes requires proposals to meet residential space standards in LP Policy D6 and to meet the criteria set out in BLP Policy CDH01. BLP Policy CDH01 promotes high quality design for the internal layout and design of new homes and provision of a good standard of amenity for potential occupants, including daylight and sunlight.
9. I acknowledge the appellant's reference to the national standard of 2.3m floor to ceiling height. However, the justification for the 2.5m requirement in LP Policy D6 is clear that this is to address the impacts of the urban heat island effect and the fact that the majority of housing developments in London are flats. Therefore, the minimum ceiling height is required so new housing is of adequate quality, especially in terms of daylight penetration, ventilation and cooling, and sense of space. This minimum standard, rather than the national standard, is also a specific requirement of BLP Policies CDH01 and HOU3.
10. There is no dispute between the parties that Flat C would not meet the minimum standards, therefore there is conflict with LP Policy D6 and BLP Policies CDH01 and HOU3. Indeed, no part of Flat C would meet the 2.5m minimum height, and the Council suggests that approximately 24% of the floor area would be less than 2.3m floor to ceiling height.
11. I visited the site on an overcast morning. I observed the window openings serving proposed Flat C and I have had regard to how these contribute to daylight, ventilation and cooling. The larger windows in the rear elevation of the property would serve the bedroom and part of the living, kitchen and dining area, providing daylight to these areas and an outlook towards the rear garden.
12. Other openings are much more limited, including a rooflight to one part of the proposed living, kitchen and dining area and a very small window to the proposed walk-in wardrobe area. An obscurely glazed window close to the neighbouring property, which appeared to be fixed closed, also served the stairs and landing area to proposed Flat C. I observed a rooflight over part of a very narrow area with low ceiling height off the proposed living area to the front of the property. Whilst this is not shown on any of the submitted plans, it would do little in any event to contribute to daylight across the proposed open plan living area.
13. I did not find the loft space to be especially light or spacious, although internal works are proposed to enlarge the living area. In my judgement, and also noting the access to external amenity space, I consider that the failure to meet the minimum floor to ceiling height requirements of LP and BLP policies would not be

adequately mitigated by the proposed layout and the limited openings serving the overall internal space, particularly towards the front.

14. The appellant has directed me to appeal decisions at 90 The Ridgeway, Golders Green¹, 79 Park Road, West Hendon² and 257-259 Chingford Mount Road, Chingford³. In the case of 90 The Ridgeway, that proposal achieved a floor to ceiling height of 2.5m over 69% of its GIA, whereas the appeal proposal does not for any part of its layout, despite differences in layout and openings between the two.
15. The proposal at 79 Park Road again meets the 2.5m requirement for the majority of the GIA, whilst that Inspector found the windows serving the much smaller loft space, in comparison to the overall area of proposed Flat C, to be acceptable. The 257-259 Chingford Mount Road proposal complies to some degree with the 2.5m requirement and relates to the conversion of an existing building with some reference to the extent of work to raise ceilings. Despite the appellant's suggestion, I have limited information before me to demonstrate that any additional works to achieve compliance with the 2.5m requirement would not be technically feasible or viable. Therefore, the allowed appeals are not directly comparable to the scheme before me to weigh sufficiently in favour of it and justify the harm of providing sub-standard accommodation not meeting the 2.5m requirement.
16. I conclude that the proposed development would not provide adequate living conditions for the future occupiers of Flat C, with particular regard to the internal floor to ceiling height. It therefore conflicts with LP Policy D6 and BLP Policies CDH01 and HOU3, the aims of which are set out above.

Other Matters

17. I have had regard to other matters raised in the appellant's evidence, including that the proposal would make a modest contribution to housing supply in the area. However, this does not outweigh the harm I have identified or alter my conclusion on the main issue.
18. Whilst I note reference to compliance with Building Regulations and the lawfulness of development at the site, these are not within my remit to determine within the context of an appeal under Section 78 of the Town and Country Planning Act 1990.
19. Where the proposal has been found by the Council to be acceptable in other respects, for example in terms of its location, character and appearance and effects on the living conditions of neighbouring residents, these are neutral matters and do not weigh in favour of the development.

Conclusion

20. 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 is dismissed.

¹ Appeal Decision ref APP/N5090/W/22/3299154, dated 25 April 2023

² Appeal Decision ref APP/N5090/W/22/3308320, dated 24 March 2023

³ Appeal Decision ref APP/U5930/W/23/3319159, dated 23 April 2024

N Armstrong

INSPECTOR