
Appeal Decision

Site visit made on 25 April 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 May 2017

Appeal Ref: APP/N5090/W/17/3167943

29 Ravenscroft Avenue, Golders Green, London NW11 8BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Quill Developments Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/5659/FUL, dated 26 August 2016, was refused by notice dated 21 October 2016.
 - The development proposed is the conversion of basement from ancillary storage space into two self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - the living conditions of future occupiers with particular regard to outlook;
 - the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

Reasons

Living Conditions of Future Occupiers

3. The appeal building has been converted into three flats with living accommodation at ground, first and second floor levels and ancillary accommodation at basement level. Planning permission has also been granted for a scheme of three flats¹ which would allow the basement to be used to provide one of two bedrooms, plus bathrooms, a study and utility/storage in two of the flats. Planning permission was refused² for a scheme of four flats which proposed both bedrooms, plus bathrooms, a study and utility/storage in two of the two bedroom flats. In both cases the lightwells outside the basement windows at the front and rear of the building would be smaller than those currently proposed.
4. The appeal proposal would allow the basement to accommodate two self-contained flats. Unlike either of the earlier proposals, therefore, the only outlook available for occupants of the flats would be from the basement level.

¹ Application reference F/04631/14

² Application reference F/03185/14

- Unit 1 would be a studio apartment with all accommodation except the bathroom in a single open plan space served by four openings at the front of the building. The adjoining lightwell would span the full breadth of the room. However, it would be little more than 1m wide and the adjoining ground level would be only slightly lower than the top of the glazing in the openings serving the room. As such, the level view from the openings would be of the lightwell wall at close range. Occupants would have a very restricted upward view of the sky from the front of the room and virtually no view of the sky from the rear of the room. The outlook from the main living and sleeping area of the apartment would, therefore, be oppressive.
5. Although the bathroom window would face rearwards, it would be obscured glazed and look onto an enclosed lightwell. Effectively, therefore the Unit would have a single aspect. Overall therefore, I consider that the outlook from Unit 1 would not be adequate to provide satisfactory living conditions for future occupiers.
 6. Unit 2 would have an open plan living and kitchen area and two separate bedrooms. The openings serving each of these rooms would face a stepped terrace. Whilst the ground level around the terrace would be at approximately the same level as the top of the glazing of these openings, the terrace would be considerably deeper and more open than the lightwell at the front of the building. Therefore, although sky views from the rear of each of the rooms would be restricted, the overall outlook for occupants of unit 2 would be considerably less enclosed and oppressive than from Unit 1. As such, I consider that Unit 2 would provide satisfactory living conditions for future occupiers with regard to outlook.
 7. The appellant has drawn my attention to the approval of a scheme including single aspect basement flats at 823 Finchley Road³. However, the cross-section drawing of that proposal included with the Council's evidence indicates that the outlook from those flats would be significantly more open than that from Unit 1 of the appeal scheme. Therefore, whilst I recognise that the single aspect basement flats may be acceptable in principle, the cited example does not provide a robust justification for the appeal proposal.
 8. There is nothing to suggest that the proposed flats would be unsatisfactory with regard to the size of the floor space or that they would receive inadequate levels of sun or daylight. The flats would also have access to an external amenity area. However, these considerations do not outweigh my concerns regarding the outlook from Unit 1. For that reason, I find that the proposal would conflict with Policy DM01 of the Council's Development Management Policies 2012 (DMP). Among other things, this policy requires proposals to provide adequate outlook for potential occupiers.
 9. Nor would the proposal accord with paragraph 7.5 of the Council's Residential Design Guidance Supplementary Planning Document 2016 or Table 2.4 of its Sustainable Design and Construction Supplementary Planning Document 2016 to the extent that they have similar aims. Further, the proposal would not accord with London Plan 2016 Policy 3.5 insofar as require requires housing development to be of the highest quality internally and externally.

³ Application reference 16/3462/FUL

10. The first reason for refusal also cites DMP Policy DM02 and. However, the Council's submissions do not adequately explain how the proposal would conflict with its objectives.

Living Conditions of Neighbouring Occupiers

11. By virtue of their basement location, the proposed flats would not share party walls with the neighbouring single family dwellings at Nos 27 or 31. A degree of separation between the openings in Unit 1 and No 27 is provided by the existing entrance to the appeal building flats; the garage to the side of No 31 performs the same function with regard to that property. The openings serving Unit 2 are set in from both side boundaries. Together with noise insulation of the building structure, these characteristics would help to limit direct noise reaching the neighbouring properties. The creation of two self-contained flats would add somewhat to the comings and goings at the appeal building, although no additional vehicle parking is proposed. I am not persuaded that the resultant activity would materially increase the level of noise or disturbance experienced by neighbouring occupiers.
12. Consequently, I conclude that the proposal would not be harmful to the living conditions of neighbouring occupiers with regard to noise and disturbance. As such, it would not conflict with DMP Policy DM01 insofar as it requires proposals to demonstrate a high level of environmental awareness or Policy DM04 which presumes against development that generates unacceptable levels of noise close to noise sensitive uses.

Other Considerations

13. National Planning Policy Framework paragraph 47 seeks to boost the supply of housing and paragraph 17 favours the effective use of previously developed land. Nevertheless, the creation of two additional dwellings would make a very limited contribution to the supply of housing in the area. Moreover, there is no substantive evidence to suggest that the Council cannot demonstrate a five year supply of housing land or that there is a particular need for the form of housing proposed.
14. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Conclusion

15. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR