



Appeal Decision

Site visit made on 23 May 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/N5090/W/19/3220030

159-161 Brent Street, London NW4 4DH

- 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 Mr Ben Halevi of SIAW Ltd against the decision of the Barnet London Borough Council.
 - The application Ref 18/5405/FUL, dated 4 September 2018, was refused by notice dated 29 October 2018.
 - The development proposed is described as conversion of B1 use office space at third floor level into a residential unit (C3).
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Decision

1. The appeal is allowed and planning permission is granted for conversion of B1 use office space at third floor level into a residential unit (C3) at 159-161 Brent Street, London NW4 4DH in accordance with the terms of the application, Ref 18/5405/FUL, dated 4 September 2018, subject to conditions set out in the attached schedule.

Preliminary Matters

2. The appeal form was completed on behalf of Mr Eran Ostfeld of Hendon Special Limited, but the original application form was submitted on behalf of Mr Ben Salevi of SIAW Ltd. However, it has since been confirmed that the original applicant has given consent for the appeal to continue in their name. I have therefore proceeded on that basis.
3. The National Planning Policy Framework was revised in February 2019 (the Framework). I have also taken this into account as part of the determination of this appeal.

Application for costs

4. An application for costs was made by Hendon Special Limited against the Council of the London Borough of Barnet. This application is the subject of a separate Decision.

Main Issues

5. The main issues are:
 - The effect on the living conditions of future occupiers, and
 - The effect on local car parking availability.

Reasons

Living Conditions

6. The appeal site comprises a former office on the top floor of a three storey building, which contains residential apartments with a retail unit on the ground floor. The proposal would result in a new mezzanine area being added to provide bedroom space, with living space forming the remainder of the unit, resulting in the creation of a studio flat for one person.
7. The mezzanine area would be located within the void space above the kitchen, storage space and shower room and accessed via a set of stairs. At the site visit, much of the internal fit-out work had been undertaken and I observed the shower room and kitchen facilities and the area above, together with the three window openings.
8. The Council consider that the proposal would result in a cramped head height as a result of the mezzanine area being introduced within the unit. Having not viewed the appeal site internally, the Council drew its conclusions from the submitted plans.
9. I have taken the height within the mezzanine to be somewhere between the Council's view (1.6m) and that of the appellant (1.73m) with a height of 2.35m below the mezzanine level. Either way, these measurements are below the minimum ceiling height of 2.5m specified in Table 3.3 of the London Plan (2016). However, this minimum height is 'strongly encouraged' and applies to 'at least' 75% of the gross internal area.
10. The proposed unit would exceed the minimum space standard for a 1 bed, 1 person dwelling, as set out in Table 3.3 of the London Plan (2016), at 40.1m, and the Council do not dispute this. Given that the mezzanine would only function as an area for sleeping, which would not be enclosed like a traditional bedroom, I consider the clearance to be acceptable in this case.
11. I therefore conclude that the proposals would not harm the living conditions of future occupiers, and would therefore not offend Policy 3.5 (Quality and design of housing developments) which seeks quality in internal and external residential design, as well as accompanying Tables 3.3 and 7.6 of the London Plan (2016).

Car Parking Availability

12. The surroundings of the appeal site fall within the Brent Street shopping area. Beyond this, the surroundings include residential development, some offices and a sixth form college (Brampton College) on Lodge Road. I note the Council's concerns over the existing lack of on-street car parking resulting from competing demands within the vicinity and this was apparent during the site visit.
13. I consider the site to be sustainably located, with clear public transport opportunities immediately adjacent to the appeal site. I note the Council's concerns that the appeal site has a Public Transport Accessibility Level (PTAL) rating of 2. However, there is no objection to the proposals on highways grounds. Whilst I note that the Council have requested a S106 agreement, exempting the occupiers of the new development from purchasing Parking Permits, I do not consider the proposal as a residential dwelling for one person would result in a discernible impact on car parking demand within the area.

14. For the above reasons, I do not therefore consider that the proposals would result in measurable harm to the availability of car parking within the immediate area without a S106 agreement and do not find conflict with Policies CS9 of the Barnet Local Plan Core Strategy (2012); nor Policy DM17 of the Barnet Local Plan Development Plan Document (2012) both of which seek to manage local parking demand efficiently.

Conditions

15. I have applied the conditions relating to timing, as well as listing the specific plans in the interests of proper planning and precision.
16. I attach Condition 3 in order to ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.
17. I attach Condition 4 in order to protect the living conditions of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).
18. I attach Condition 5 in order to ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the character and appearance of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).
19. Finally, I note that the appellant felt that Conditions 3 and 5 would be unnecessary, but I consider that it would be prudent for the council to be able to control this aspect of the development in perpetuity in order to protect the living conditions of future and existing occupiers.

Conclusions

20. For the above reasons and having regard to all other matters raised, I conclude that this appeal is allowed.

Sian Griffiths

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan BS17-BD+T-001; Existing layouts, section and elevations Drawing No BS17-PP-101, and Proposed layouts, section and elevations Drawing No BS17-PP-201.
- 3) Before the development hereby permitted is first occupied, cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.
- 4) Prior to the first occupation of the unit, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).
- 5) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

End of Schedule