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Your reference  
ARO/CCH

Our reference  
T/APP/N5090/A/90/174282/P5

Date

11 JUN 91

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY CEDARVALE LIMITED  
APPLICATION NO:- C00316C

1. As you know, I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Council of the London Borough of Barnet to refuse planning permission for continued use of 184 and 186 Golders Green Road, London NW4 as a guest house, formation of a hardstanding for parking of cars at the front and new vehicular accesses to Sneath Avenue and Golders Green Road. I have considered the written representation made by you, by the Council and by interested persons. I have also considered those representations made directly to the Council which have been forwarded to me. I inspected the site on 16 April 1991.
2. The original application was for conversion into a guest house, but I understand that the conversion had already taken place when it was submitted. Also, the plans showed that the scheme included parking and access proposals. The Council considered the application accordingly, and I have taken the appeal on the same basis.
3. You indicate that the premises are used as an annexe to the Croft Court Hotel in Ravenscroft Avenue, and that most facilities and services to guests are provided in the main hotel building which is at least 300 m away. Nevertheless, there would be no certainty that this linkage would remain, and I do not think that a condition to this effect as you suggest would meet the tests in Circular 1/85. I agree with the Council that the use should be considered as separate.
4. From the written representations and my inspection of the site and its surroundings, I consider that the principal issues in this case are the effects of continuation of the use and the further proposed development, firstly, on the character and appearance of the surrounding area and, secondly on the amenities of the nearby residents in terms of noise and disturbance.
5. On the first issue, the appeal premises comprise a pair of substantial inter-wars semi-detached houses situated on the corner of Golders Green Road and Sneath Avenue, about 1/2 km from the district shopping and commercial centre of Golders Green. The surrounding area is primarily residential, and is allocated as such in the Initial Development Plan (IDP) for Greater London and the Greater London Development Plan (GLDP), which currently comprise the statutory development plan for the area, pending adoption of the Unitary Development Plan. However, I saw that along this part of Golders Green Road residential properties are interspersed with many non-residential uses, including hotels and guest houses, offices, medical and



dental surgeries and, opposite the site, a garage and exhaust fitting centre. The side roads off it, such as Sneath Avenue, are almost exclusively residential.

6. Development Control Policy Note (DCPN) No 12 indicates that there is a general presumption against hotel development involving a significant loss of housing anywhere in London. The policies in the IDP and GLDP seek to prevent loss of housing, and this principle is followed in the emerging Unitary Development Plan (UDP) for the Borough. While not yet adopted, this plan is at an advanced stage in its preparation and, accordingly, I can attach considerable weight to it. However, the draft UDP supports in principle the provision of additional facilities for tourists and accepts that exceptions to the presumption against loss of housing might be made in certain circumstances. Although I accept that the criteria set out are not all met in this instance, the examples given of facilities which might be permitted include hostels. I note that hotels, boarding houses and hostels where no significant element of care is provided all fall within the same use class.

7. There has been no significant change to the appearance of the building itself, nor is any proposed, so in this respect the guest house fits in well with its surroundings in accordance with the advice in DCPN 12. As far as the parking provision is concerned, the unfenced front gardens of the 2 houses have already been gravelled over, though there was no indication that the area had been used for parking. The rear garden is overgrown, and there is access to an existing garage here. I saw that a number of other properties in the vicinity have their front gardens turned over to parking. It does not seem to me that the proposals would markedly change the appearance of the site or be out of character with the area. Leaving aside the effect on the amenities of nearby residents, with which I deal below, and having regard to the busyness of Golders Green Road, I do not think that the additional comings and goings associated with the use would materially affect the character of the area.

8. In the circumstances, I have come to the conclusion on the first issue that continuation of the use as a guest house and the further proposed development would not cause significant harm to the character and appearance of the surrounding area.

9. Turning now to the second issue, as both of this pair of houses is used, there is no problem with the transmission of noise through the party wall to an adjoining dwelling. While No 182 extends right up to the boundary, leaving a gap of only a little over a metre to the flank of No 184, there seem to be only small, minor windows in this flank. The nearest house in Sneath Avenue, No 2, is side-on to the end of the rear garden of No 186. I do not think that noise or disturbance from the building itself is likely to be noticeable. Indeed, I note that some nearby residents seem to have been unaware that the premises had been in use as a guest house for several years until they were notified of the application.

10. The most significant effect is likely to be from the use of the parking facilities proposed. You indicate that most guests are from overseas and do not have cars with them, which limits the amount of parking space required and the use made of it. It seems to me that use of the spaces at the front would not be particularly noticeable, bearing in mind the nature of Golders Green Road. At the rear the area is considerably quieter, but I do not consider that the use of 4 parking spaces would be so great as to lead to an unacceptable amount of noise or disturbance.

11. Accordingly, I conclude on the second issue that there would be no undue harm to the amenities of nearby residents through noise or disturbance.

12. In allowing this appeal and granting planning permission I am attaching a condition to require the parking spaces to be provided and use for that purpose

only, as put forward by the Council, though since the use has already commenced I am imposing a time limit on this rather than requiring construction before the use is commenced as suggested. In the interests of highway and pedestrian safety I am requiring the provision of adequate visibility at the accesses. However, I do not find it necessary to restrict changes of use within the relevant use class as suggested by the Council. Circular 1/85 advises that there is a general presumption against such restrictions. While I accept that changes might alter the intensity and type of use, and hence the effect on nearby residents, I do not think that such changes are likely to be any greater than could occur even if the property were to continue to be used as a hotel but catering for a different sector of the market. Furthermore, I would not anticipate such changes being so great as markedly to increase the external effects without requiring further development which would be under the control of the local planning authority.

13. I have considered carefully the local objections to the scheme and also the considerable support expressed by residents and businesses in the area. I have also had regard to the appeal decisions cited by the Council which, while having similarities with this case, also have significant differences. I note the submissions regarding the need for a kosher hotel in this area for Jewish travellers, including the support expressed by the Court of the Chief Rabbi, but this is not a planning matter and has not had a bearing on my decision. I have taken into account all other matters raised in the representations, but I find nothing of sufficient weight to override the considerations which have led to my conclusions.

14. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for continued use of 184 and 186 Golders Green Road, London NW4 as a guest house, formation of a hardstanding for parking of cars at the front and new vehicular accesses to Sneath Avenue and Golders Green Road in accordance with the terms of the application (No CO0316C) dated 18 April 1990 and the plans submitted therewith, subject to the following conditions:-

1. parking spaces shall be constructed in accordance with the details shown on deposited plan No 9014.3A within 6 months of the date of this letter and shall be retained and used only for that purpose thereafter;
2. clear visibility shall be provided at all times to the public highway from a point 3 m from the highway boundary at height of 850 mm above footway level for a distance of 3 m on both sides of each highway access.

15. The developer's attention is drawn to the enclosed note relating to the requirements of The Buildings (Disabled People) Regulations 1987.

16. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Gentlemen  
Your obedient Servant



A R BOYLAND BEng(Hons) DipTP CEng MICE MIHT MRTPI  
Inspector