



Appeal Decision

Site visit made on 9 June 2011

by **P W Clark MA MRTPI MCM I**

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

Decision date: 27 June 2011

Appeal Ref: APP/N5090/A/11/2148598

53 Brockenhurst Gardens, Mill Hill, London NW7 2JY

- 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 Dr Dan Smith against the decision of the Council of the London Borough of Barnet.
 - The undated application Ref H/03393/10 was refused by notice dated 29 October 2010.
 - The development proposed is change of use of the ground floor to a dental surgery: use class D1.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of the ground floor to a dental surgery: use class D1 at 53 Brockenhurst Gardens, Mill Hill, London NW7 2JY in accordance with the terms of the undated application, Ref H/03393/10 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001A, 002A, 003A, 004A and 005A.
 - 3) Notwithstanding the description of development, the ground floor of the property as shown on drawing 004A shall be used as a dental surgery and for no other purposes (including any other purpose in class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order, with or without modification.

Procedural matter

2. The application was undated. Nevertheless it was registered and determined. Certificates within the application are signed and dated 9 August 2010, which may be taken as its date. Revised drawings were submitted during its consideration. Condition 2 makes it clear that my decision relates to these.

Reasons

3. Business competition with other dental practices is not a basis for a planning decision so the only issue is the effect of the proposal on the supply of housing.
4. There is no suggestion that the location is no longer environmentally suitable for residential use, so, if the proposal were to lead to a loss of housing, it would

fail one of the tests set out in policy H3 of the Barnet Unitary Development Plan (the UDP) adopted in 2006. This policy governs the loss of residential uses.

5. However, the house has recently been extended by a loft conversion to form a potentially five bedroomed house. The proposal would retain a potentially three bedroomed dwelling. It would not result in the loss of a residential use but in a reduced intensity of that use. There is no evidence to show that five bedroomed dwellings are a type which is in short supply, or that a three bedroomed dwelling would not continue to contribute to the supply of housing.
6. Furthermore, UDP Paragraph 6.3.1.11, which is the justification for policy H3, advises that in predominantly residential areas changes of use may be necessary to provide important local facilities, such as doctors' and dentists' surgeries. Since 1997, of fifteen planning permissions for dental surgeries in Barnet, five have resulted from the conversion of formerly residential premises.
7. The UDP advises that any such proposal will be considered on its merits having regard to the impact on the amenity of neighbouring occupiers, car parking and traffic. In this case, although local residents express concerns about those matters, the Council does not. Dental surgeries are normally compatible with residential neighbours. Some other uses within class D1 of the Use Classes Order, such as places of worship, might not be and so a condition, as suggested by the Council, would limit the specific use to that proposed. The site immediately adjoins a town centre and would benefit from the parking and other transport facilities of the centre as a whole.
8. UDP policy GCS1 seeks to ensure a supply of land for health facilities to meet the needs of residents in the borough. Policy CS10 provides that proposals for dental surgeries will be permitted where they are easily accessible, would not harm the character of the surrounding area and would not be situated within a primary retail frontage.
9. This location adjoins Mill Hill town centre, easily accessible by public transport and other means, and meets the other criteria of the policy. I conclude that it would have an acceptable effect on the supply of housing and so would not conflict with policy H3. It would comply with policy CS10.

P. W. Clark

Inspector