

Location **10 West Avenue London NW4 2LJ**

Reference: **16/3424/FUL**

Received: 25th May 2016

Accepted: 20th June 2016

Ward: Hendon

Expiry 15th August 2016

Applicant: Mrs Rachel Rivlin

Proposal: Conversion of single family dwelling into 2no self-contained flats. New bicycle shed at the rear

Recommendation: Refuse

- 1 The conversion of the property into two self-contained flats would result in the loss of a single family dwellinghouse which would be out of character within its setting of established single family dwellinghouses contrary to Policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

- 2 The internal floor area of the upper floor flat fails to meet minimum internal floor space requirements. As such, the proposal would fail to provide a satisfactory standard of accommodation for the existing and the future occupiers of these units, being contrary to Policies CS NPPF, CS1 and CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 and DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2013) and the Adopted Residential Design Guidance SPD (2013).

Informative(s):

- 1 The plans accompanying this application are:

OS Map 1:1250
Block Plan 1:200
Ground Floor (Proposed)
First Floor (Proposed)
Second Floor (Proposed)
Ground Floor (Existing)
First Floor (Existing)
Second Floor (Existing)
Ground Floor (Previous)
First Floor (Previous)
Second Floor (Previous)

Design & Access Statement
Planning Statement

- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

Formal pre-application advice was not considered an option in this instance as there was not considered to be an alternative acceptable solution other than reverting the property back to its original state as a single family dwelling.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m. This planning application was assessed as liable for a payment under Barnet CIL at this time.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk.

Please visit www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil for further details on exemption and relief.

- 4 Within 6 months from the date of this decision notice, the property (No. 10 West Avenue) must cease use as 3 self-contained units and be restored back to the original internal layout as required by Enforcement Notice Ref. ENF/00038/15 and the Appeal Decision Notice Ref. APP/N5090/C/15/3121619 & 3130246 & 3121473.

Officer's Assessment

1. Site Description

The application site consists of a two storey, semi-detached property situated on the south side of West Avenue in Hendon. The property is not locally or nationally listed and is not within a conservation area.

West Avenue is a residential area consisting of inter-war style suburban properties on both sides of the street.

2. Site History

Appeal Reference: APP/N5090/C/15/3121473

Reference: ENF/00038/15

Decision: Appeal dismissed

Description: Without planning permission the conversion of the property into 3 self-contained flats.

Reference: H/01969/12

Address: 10 West Avenue, London, NW4 2LJ

Decision: Refused

Decision Date: 27 November 2012

Description: Single storey rear extension. Alterations to the front including a new access door. New bicycle shed at the rear and associated works to facilitate a conversion of single family dwellinghouse to 2no. self-contained flats.

Reference: H/00701/12

Address: 10 West Avenue, London, NW4 2LJ

Decision: Lawful

Decision Date: 3 April 2012

Description: Extension to roof including hip to gable, 2no front rooflights and rear dormer to facilitate a loft conversion.

3. Proposal

The application seeks to convert the existing single family dwelling into 2no. self-contained flats and the erection of new bicycle shed at the rear.

The application is being submitted in response to an enforcement notice being served on the property to cease the unauthorised use as three self-contained flats and to revert to a single family dwelling. An appeal was submitted and was subsequently dismissed. The conversion works have already been carried out and the property currently is in use as three separate units, with the units being occupied.

4. Public Consultation

Consultation letters were sent to 62 neighbouring properties.

1 response has been received, comprising 1 letter of objection.

The objections received can be summarised as follows:

- Increase in traffic

- Parking issues

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out how the Council considers applications for the conversion of single family homes into two or more self-contained units.
- Barnet's approach to conversions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of both new and existing units enjoy a high standard of amenity. Whether or not a conversion is acceptable in principle will depend on the character of both the house and the street.
- The conversion of existing dwellings into flats can have a cumulative impact on environmental quality and the character of established residential areas. Conversions may be appropriate in certain types of property or street particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries.
- Conversions generate extra movement of people and vehicles and the alterations required to accommodate such a use can impact upon the character and appearance of a locality. Conversion proposals are therefore likely to be resisted in areas of low density housing where predominantly there are single family occupation houses and where the external alterations would impact on the appearance of the local area (e.g. hardstanding for a parking space and refuse storage areas).
- Conversions should aim to meet the outdoor amenity space standards set out in the SD&C SPD. The majority of converted dwellings have access to a garden, most likely in the form of a single or subdivision of an existing garden into private garden areas. This is usually split so that the garden area nearest the house is allocated for the sole use of the ground floor flat and the sub division furthest away from the house allocated for the sole use of the upstairs flat(s).

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of conversion from single family unit to flats is appropriate;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal would provide an adequate level of accommodation for future occupiers;
- Parking and impact on highway safety;
- Any other material considerations.

5.3 Assessment of proposals

This application was called in to committee by Councillor Gordon for further discussion.

Principle of conversion and Impact on the established character of the wider locality and neighbouring amenity

Policy DM01 of Barnet's Development Management Policies DPD states that "Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate" and "loss of houses in roads characterised by houses will not normally be appropriate".

Assessing the context of the area, the Council considers that the predominant character of West Avenue is that of single family dwellinghouses, which is confirmed by a search of the Council Tax records. It is noted that there are two properties (nos. 3 and 7) on the opposite side of the street which are registered as flats, however, they are a minority and there is no record of planning permission being granted for these properties. This was a view which was shared by the appeal inspector who stated:

"Notwithstanding the differences in the parties' perception of the character of West Avenue, there is no doubt in my mind that it is a 'road characterised by houses' for the purposes of criteria (h) and (i) of policy DM01. The building forms part of a uniform frontage of inter-war style suburban properties, the majority of which appear to be single family dwellings."

The proposed creation of a new flatted development would be in conflict with the established character of this street and the loss of a single family dwelling would be contrary to policy DM01.

Provision of adequate living conditions for future occupiers

Policy DM02 requires that development will be expected to comply with the minimum floor space standards as set out in policy 3.5 of the London Plan and outdoor amenity space as stated within Barnet's Sustainable Design and Construction SPD.

The proposal would provide 1 x 2 bedroom unit and 1 x 3 bedroom unit. No exact measurements have been provided by the applicant but using the submitted proposed plans, they have been approximately measured at 70sq.m and 78sq.m respectively. The ground floor unit would exceed the minimum space standards for a 2 bedroom flat. It is considered that the upper flat contains 2 double bedrooms and a single, implying that there could be up to 5 people within this flat. The minimum requirement for a 3b5p is 86sq.m and as such the proposal would not meet this standard.

Both flats would have access to the rear garden space, with the ground floor having direct access and a side passage for the other flat. While this would exceed the Council's recommended guidance for outdoor amenity space, it is not considered an ideal arrangement given that there would be no individual privacy for each of the flats.

Parking and highways impact

Policy DM17 requires development to provide adequate parking standards. It is expected that 1.5 to 1 space is provided per unit for 2-3 bedroom flats. The proposal would provide 2 off-street parking spaces which would meet the requirement. However, consent would be required from Highways for the construction of a new crossover as there isn't one currently on site. The site is located within an area of a PTAL of 3 and is considered to be in an accessible area in terms of public transport.

Other considerations

The applicant has submitted a couple of supporting letters from the applicant's doctors which confirm that due to her medical condition, she has very limited mobility and requires ground floor living accommodation.

This information was also submitted and considered by the appeal inspector who was not persuaded that, in overall planning balance, the justification was of sufficient weight to justify the grant of planning permission. It was considered that there might be other ways to address the applicant's requirements that are not dependent upon the conversion of this property.

The inspector continued and dismissed the possibility that a suitable solution would be to reduce the number of units from 3 to 2 units and that this would not make the development acceptable in planning policy terms. Concern was also raised about the possibility of applying a personal condition or granting a temporary permission which would not overcome the planning difficulties in this case.

As there has been no change in circumstances in terms of justification since this appeal, the Council remains of the same opinion that the material considerations of this application do not outweigh the conflict regarding the loss of a single family dwelling and the substandard living accommodation provided for upper storey flat.

5.4 Response to Public Consultation

The letter of objection raises issues relating to parking and the increase of vehicles to West Avenue. Whilst the proposal would provide the required provisions in terms of parking spaces, the principle of conversion is not considered to be acceptable.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character and appearance of the application site, the street scene and the locality through the loss of a single family dwelling. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers but would provide an inadequate living accommodation for the future occupiers of the upper storey flat. This application is therefore recommended for refusal.

