

Location **24 Oak Grove London NW2 3LP**

Reference: **17/0793/FUL** Received: 9th February 2017
Accepted: 20th February 2017

Ward: Childs Hill Expiry 17th April 2017

Applicant: Mr Sia Tabibi

Proposal: Conversion of existing dwelling into 2no self-contained flats.
Associated refuse and recycling store

Recommendation: Approve subject to conditions and *for the Committee to grant delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)*

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan
- Drawing No. RE/240G/1C Rev. E

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3 Prior to the first occupation of the units, 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).

Reason: To protect the amenities 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 October 2016).

- 4 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 5 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2016) and the 2016 Mayors Housing SPG.

- 6 a) Notwithstanding the details shown on Drawing No. RE/240G/1C Rev. E, 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.

b) 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.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities 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).

- 7 No flat within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with the details shown on Drawing No. RE/240G/1C Rev. E. The cycle parking and cycle storage shall be permanently retained thereafter.

Reason: 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.

- 8 Before the building hereby permitted is first occupied the proposed window(s) on the rear flank wall of the first floor rear extension that face No. 19 Elm Grove, shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 9 The existing terrace on the roof of the two storey rear outrigger shall be removed within 3 months of the occupation of the development hereby approved. The roof of the existing two storey rear outrigger shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area. The Juliet balcony on the existing rear dormer shall be permanently retained.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £0 payment under Mayoral CIL.

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 are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £0 payment under Barnet CIL.

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are 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, London's highest infrastructure priority.

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and 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 this grant of planning permission, please email us at: 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 Extensions: 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 <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

Officer's Assessment

1. Site Description

The application site is a two storey terraced dwellinghouse on the western side of Oak Grove. The application site shares a party wall with both No. 22 Oak Grove and No. 26 Oak Grove. No. 22 Oak Grove is positioned on the application site's northern flank and No. 26 Oak Grove is positioned on the application site's southern flank. No. 19 Elm Grove is located to the west of the application site.

The terrace property on the application site has an existing two storey rear outrigger that projects 4.5 metres in depth from the rear elevation wall. The rear outrigger has a flat roof with a height of 6.1 metres. It has a width of 3.4 metres. The terrace property on the application site benefits from a first floor rear extension that projects 1.1 metres in depth beyond the rear flank wall of the existing two storey rear outrigger. It is built above the existing single storey rear extension. It has a flat roof with a height of 6.1 metres. This extension was approved through application 16/6733/HSE.

The terrace property on the application site benefits from a single storey rear extension that was approved under application 16/1336/PNH on 11/04/2016. It projects 4 metres in depth from the rear flank wall of the two storey rear outrigger. It has a flat roof with a height of 3 metres and a parapet above the roof with a height of 3.3 metres. It has a width of 3.4 metres.

The terrace property on the application site benefits from a rear dormer window. The existing rear dormer was constructed without planning permission but following an investigation it was considered to be lawful as it met the standards the requirements of Class B, of Part 1, Schedule 2, Town and Country Planning (General Permitted Development)(England) Order 2015 as amended.

The terrace property on the application site was previously in use as 2 no. flats. The flats were known as No. 24 Oak Grove and No. 24A Oak Grove. According to Council tax records the property was in use as a single family dwellinghouse from 01/04/1999 (Council Tax Band: E). There is no evidence to suggest that at any time since 01/04/1999 the property has been in any use other than a single family dwellinghouse. On the balance of probabilities, it is considered that the extensions to the property were carried out while it was lawfully a dwellinghouse.

Concern has been expressed that the terrace property on the application site currently in use as flats or a House in Multiple Occupation (HMO). The applicant has submitted a two year tenancy agreement dated 13/05/2017 to demonstrate that the property is being rented as a single family dwellinghouse. Clause 3.4 of the tenancy agreement stipulates that the property cannot be used as an HMO.

The application site is not located within a conservation area and nor does it contain a listed building.

2. Site History

Ref: 16/6733/HSE

Address: 24 Oak Grove, London, NW2 3LP.

Proposal: First floor rear extension.

Decision: Approved subject to conditions

Decision Date: 27 January 2017

Ref: 16/4621/HSE

Address: 24 Oak Grove, London, NW2 3LP.

Proposal: First floor rear extension.

Decision: Withdrawn.

Decision Date: 29 September 2016

Ref: 16/2955/HSE

Address: 24 Oak Grove, London, NW2 3LP, .

Proposal: First floor rear extension. Roof extension involving rear dormer window with balcony, 2no. rooflights to front elevation to facilitate a loft conversion..

Decision: Refused.

Decision Date: 30 June 2016

Ref: 16/1336/PNH

Address: 24 Oak Grove, London, NW2 3LP.

Proposal: Single storey rear extension with a proposed maximum depth of 4 metres measured from original rear wall, eaves height of 3 metres and maximum height of 3.3 metres.

Decision: Prior Approval Required and Approved.

Decision Date: 11 April 2016

Ref: 16/1064/PNH

Address: 24 Oak Grove, London, NW2 3LP, .

Proposal: Rear extension.

Decision: Prior Approval Required and Refused.

Decision Date: 23 February 2016

Ref: 16/0767/PNH

Address: 24 Oak Grove, London, NW2 3LP.

Proposal: Single storey rear extension.

Decision: Prior Approval Required and Refused.

Decision Date: 11 February 2016

3. Proposal

The conversion of existing dwellinghouse into 2no self-contained flats with associated refuse and recycling store.

4. Public Consultation

Consultation letters were sent to 188 neighbouring properties.

A site notice was erected on 02/03/2017.

1 letters of support where received in response.

7 objections were received in response

The objections concerned the following issues:

- The council initially refused to give the developer permission to convert the property into flats when it was originally purchased by the developer in 2016.
- A mixture of both single family dwellinghouses and flats is required in the local area and the proposal reduces the number of the single family dwellinghouses.
- The proposed flat conversion would be an overdevelopment of the site which would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise and disturbance and a loss of privacy.
- The rear flank windows on the approved first floor rear extension should be obscure glazed and permanently fixed shut to protect to prevent the overlooking of neighbouring and adjoining properties. Application 16/6733/HSE was granted with this as a condition and the current proposal should have the same condition.
- The application site overlooks the rear elevation of neighbouring and adjoining properties.
- The extensions to the original terrace property are out of scale with the application and its local context and character.
- The proposal would have a negative impact on parking provision in the local area.
- Permission for extensions to the terrace property on the application site were granted under the pretence that the application site was in use as a single family dwellinghouse when in fact this was not the correct use.
- The proposal would increase the number of people living in the local area without further investment being made in local social infrastructure or green spaces.
- The conversion should only require 3 no. bins, one of each type. The existing street has too many bins already so therefore the bin requirement for the proposal should not be excessive.
- There are currently people occupying the application site which suggests that a flat conversion has taken place without planning permission being granted.

Councillor Jack Cohen and Councillor Shimon Ryde submitted representations cornering the enforcement investigation on the application site.

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 MALP

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 2031. 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, CS14.
- Relevant Development Management Policies: DM01, DM02, DM07, DM08 and DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

The principle of flats in this location:

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

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

The locality that surrounds the application site contains existing flatted residential development. According to council tax records the following properties contain flats:

- 1A Oak Grove = 2 Flats
- 2 and 2a Oak Grove = 2 Flats
- 3 Oak Grove = 4 Flats

5 Oak Grove= 2 Flats
8 Oak Grove = 5 Flats
10 Oak Grove = 2 Flats
12 Oak Grove = 2 Flats
14 Oak Grove = 2 Flats
15 Oak Grove = 2 Flats
16 Oak Grove = 2 Flats
18 Oak Grove = 2 Flats
19 Oak Grove = 2 Flats
22 Oak Grove = 2 Flats
26 Oak Grove = 2 Flats
28 Oak Grove = 2 Flats
30 Oak Grove = 2 Flats
31 Oak Grove = 5 Flats
32 Oak Grove = 2 Flats
34 Oak Grove = 2 Flats
36 Oak Grove = 2 Flats
38 Oak Grove = 4 Flats
40 Oak Grove = 2 Flats
41 Oak Grove = 5 Flats
43 Oak Grove = 3 Flats
49 Oak Grove = 2 Flats
51 Oak Grove = 4 Flats

Permission was granted to convert No. 7 Oak Grove, London, NW2 3LS into 3 no. self-contained flats on 21/12/2016 (ref: 16/6790/FUL) and permission was granted to convert No. 19 Oak Grove London NW2 3LS into 3 no. self-contained flats on 13/12/2004 (ref: C16035/04). Due to the high number of flatted developments on Oak Grove it is considered that the conversion of the dwellinghouse on the application site into flats is acceptable in principle.

Density:

The proposal is for 2 no. residential units with 7 no. habitable rooms. The application site has a size of 0.01 hectares. The London Plan density matrix calculator was used to assess the proposal.

The proposal has a density of:

Unit per hectare: 200.00 u/ha
Habitable rooms per hectare: 700.00 hr/ha

The application site is located in an urban area and it has a Public Transport Accessibility Level (PTAL) of 5. A location such as this can have a maximum density of between 200-700 hr/ha and 55-225 u/ha. The proposal does not exceed this density so therefore it the conversion of the existing dwellinghouse into 2 no. flats is no considered to be an over intensification of the use of the application site.

Whether the proposal provides a satisfactory living environment for future occupiers:

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

Floor Area:

The 2 no. proposed flats have the following gross internal area (gia):

Flat 1	2 bedrooms 3 persons	60.525 m ²
Flat 2	1 bedroom 2 persons	82 m ²

The London Plan (2016) and Barnet's policies and Sustainable Design and Construction SPD (Oct 2016) set out the minimum gia requirements for residential units. The minimum requirements are as follows:

- 2 bedroom unit for 3 persons on a single storey requires 61 m²
- 1 bedroom unit for 2 persons on a two storeys requires 58 m²

It is considered that Flat 2 meets this requirement.

The amount of habitable floor space in Flat 1 is 60.2 m². This flat however has 0.65 m² of storage space under the staircase with a floor to ceiling height of 0.9 metres or above.

Part 10, line g. of the 'Technical housing standards - nationally described space standard requirements' (19 May 2016) states that:

"any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all".

For this reason the 0.65 m² of storage is considered to add 0.325 m² to the gia of the property so therefore its total gia is 60.525 m².

The gia of Flat 1 is 0.475 m² below the requirement. Several versions of the floor space of the proposed scheme were submitted to the LPA for assessment. It should be noted that stairways are considered to be included within the gia of a residential unit. A previous version of the floorspace was submitted in which both of the 2 no. flats met the floorspace requirements but in comparison to the current version, a significant amount of the gia of Flat 1 was stairways rather than floorspace. For the current version, Flat 1 has no stairway so therefore the whole gia is floorspace. Furthermore, in the current version the gia of Flat 2 has increased but the number of bed spaces remains the same. The gia of this unit is significantly above the requirement so therefore it is considered to provide a high standard of occupier amenity. For these reasons it is considered that on balance, despite the deficiency of the gia of Flat 1 by 0.475 m², the proposed units would not provide an unacceptably cramped form of accommodation.

Bedroom size:

Table 2.2: 'Internal layout and design requirements' of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide to comply with the nationally described space standard.
- Double/twin bedroom: minimum area should be 11.5 m² and minimum width should be 2.75 m to comply with the nationally described space standard.

All the bedrooms in the proposed 2 no. flats meet these standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling. All of the proposed flats have floor to ceiling heights that meet this requirement.

Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that habitable rooms should receive adequate outlook. It is considered that all the habitable rooms have enough glazing to provide adequate outlook and to receive adequate daylight/sunlight.

Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. It is considered provided that sufficient sound insulation is provided

that the proposed room stacking is adequate to prevent the future occupiers of the proposed 2 no. flats to suffer a material loss of amenity as a result of noise and disturbance.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision.

Amenity Space:

Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) states that flats should have 5 m² of amenity space per habitable room. Habitable rooms exceeding 20 m² of floor space are counted as two.

Flat 1 has 3 no. habitable rooms so therefore it requires 15 m² of amenity space. 42 m² of rear amenity space is provided for Flat 1 so therefore it is considered to meet this requirement.

Flat 2 has 4 no. habitable rooms and therefore according to the standard it requires 20 m² of amenity space. No amenity space is provided for Flat 2. It should be noted however that Flat 2 is a 1 no. bedroom unit for 2 no. people rather than a family unit. There are existing examples of 1 no. bedroom flats on Oak Grove that do not have amenity space, such as one of the units in the flat conversion approved at No. 7 Oak Grove (ref: 16/6790/FUL). For these reasons the lack of amenity space provided for Flat 2 is considered to be acceptable.

The Impact on the appearance and character of the area:

There are no proposed extensions to the existing terrace property on the application site.

Additional refuse and recycling storage provision is proposed in the front amenity space of the application site. If the application is to be approved then a condition shall be included in the decision notice requiring that details of the enclosures and screened facilities for the proposed bins are submitted to the council. This is to ensure that the proposed bins are adequately screened so that they do not have harmful effect on the character of the streetscene.

The impact on the amenities of neighbouring occupiers

DM01 requires that development proposals should not have a material negative impact on the amenity of the occupiers of neighbouring and adjoining properties.

The proposal does not include any additional extensions to the terrace property on the application site.

There are many examples of flatted development on Oak Grove. The existing dwellinghouse on the application site provides accommodation for 5 no. people and the proposed 2 no. flats provide accommodation for 5 no. people in total so therefore the proposal would not increase the number of occupiers of the application site. For these reasons it is considered that the proposal would not cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as result of noise and disturbance from future occupiers of the property coming and going from the application site and occupying the property.

The existing first floor rear extension has windows on its rear flank wall. This first floor rear extension was approved through application 16/6733/HSE and the decision notice contained a condition stating that the first floor rear flank wall windows should be glazed with obscure glass only and should be permanently fixed shut with only a fanlight opening and should be permanently retained as such thereafter. In order to safeguard the privacy and amenities of occupiers of adjoining residential properties the same condition shall be included in the decision notice of the current application.

There are existing clear glazed windows on the ground floor and first floor of southern flank wall of the two storey rear outrigger on the terrace property on the application site. These windows overlook the northern side elevation of No. 26 Oak Grove. The proposal is to keep these windows are clear glazed. As the use of the application site is not to be intensified it is considered that the overlooking of No. 26 Oak Grove is no worse in the current proposal than it is for the existing dwellinghouse.

The existing two storey rear outrigger has a flat roof and if this roof was to be used as balcony/sitting out area then it is considered that the occupiers of neighbouring and adjoining properties would suffer a material loss of privacy as a result of overlooking. For this reason a condition shall be included in the decision notice restricting the use of this roof as balcony/sitting out area. The Juliet balcony on the existing rear dormer shall be permanently retained to act as a barrier between the roof and the rear dormer window.

For the reasons stated above the proposal is not considered to have material negative impact on the amenity of the occupiers of neighbouring and adjoining properties.

Parking and Highways

Policy DM17 concerns the parking requirements for new developments. Flats with 2 bedrooms require 1.5 to 1 parking spaces per unit. Flats with 1 bedroom require 1 to less than 1 parking space per unit. The proposal does not include any off street parking provision.

The application site contains an existing terrace dwellinghouse. DM17 states that terrace dwellinghouses require 1.5 to 1 spaces per unit. The application site has a PTAL of 5 which is considered very good. Due to the high PTAL it is considered that the 1 bedroom flat does not require a parking space. The existing terrace property has the same parking space requirements as the proposed 2 bedroom flat. The proposal does not increase the number of occupiers on the application site. For these reasons it is considered that the proposal does not require any additional parking spaces so therefore it meets the requirements of DM17.

Cycle parking provision should be in accordance with the London Plan that requires a minimum of 1 space for 1 bed units and 2 spaces for 2+ bed units. The proposal contains 4 no. cycle parking spaces which meets this requirement.

Refuse and recycling storage

Collectively the proposed 2 no. flats require the following onsite bin provision:

- 2 no. 240L Grey refuse bins
- 2 no. 240L Blue dry recycling bins
- 1 no. 240L Green garden waste recycling bins

The proposal provides adequate waste and recycling storage at the front amenity space of the property.

5.4 Response to Public Consultation

The following issues have been addressed elsewhere in the report:

- The principle of the proposed conversion of the existing dwellinghouse into flats and its impact the housing stock in the local area.
- The impact of the proposal on the amenity of the occupiers of neighbouring and adjoining properties.
- The visual impact of the proposal on the character of the local area.
- The waste and refuse provision for the 2 no. proposed flats.
- The previous and existing use of the terrace property on the application site.

Other issues:

- There is no record of the Council previously refusing a full planning application for a flat conversion at No. 24 Oak Grove. An application for Prior Approval which involved the conversion of the property into flats was refused on 11/02/2016 because a flat conversion does not constitute permitted development (ref: 16/0767/PNH). The application was refused because the applicant submitted the wrong type of application rather than because the principle of a flat conversion on the application site was considered to be unacceptable.

- The Council charges a Community Infrastructure Levy (CIL) on all developments that create additional residential floorspace. As the proposal does not create any additional residential floorspace the CIL liability is zero. The proposal only increases the number of occupiers of the application site by 1 no. person so therefore it is not considered to put undue pressure on local social infrastructure or local green spaces.

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 support the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality and it would provide an acceptable standard of amenity for future occupiers. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

