

Location **31 Ravenshurst Avenue London NW4 4EG**

Reference: **18/7156/FUL**

Received: 30th November 2018

Accepted: 30th November 2018

Ward: Hendon

Expiry 25th January 2019

Applicant: Mr MOHAMMED QURAISHI

Proposal: Conversion of existing HMO into 2no self-contained flats involving 2no single storey rear extensions. Associated refuse and recycling store, cycle parking

Recommendation: Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal 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)

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Cost of amending traffic order to prevent residents of the development from obtaining parking permits - £2,000
4. Monitoring of the Agreement - £100

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

- Existing Site Plan, Drawing No.XEVA/31RA/206 Rev A;
- Proposed Site Plan, Drawing No.XEVA/31RA/207 Rev A;
- Existing Plans, Drawing No.XEVA/31RA/201 Rev A;
- Proposed Plans, Drawing No.XEVA/31RA/202 Rev A;
- Existing Elevations, Drawing No.XEVA/31RA/203 Rev A;
- Proposed Elevation, Drawing No.XEVA/31RA/204 Rev A;
- Existing and Proposed Sections, Drawing No.XEVA/31RA/205 Rev A

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 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No.30 Ravenshurst Avenue at ground floor level 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).

4 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 April 2013).

5 a) 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).

6 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.

7 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 (2015) and the 2016 Mayors Housing SPG.

8 a) Before the development hereby permitted is first occupied, details of the enclosure of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31 May 2019, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of amending the traffic order to prevent residents of the development from obtaining parking permits. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted October 2016).

Informative(s):

- 1 In accordance with paragraphs 38-57 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. A pre-application advice service is also offered. 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 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 4500.

- 3 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.

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.

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.

- 4 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrsua@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 5 For a proposal for any new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Officer's Assessment

1. Site Description

The application site is formed of a two-storey mid terraced property sited on the eastern side of Ravenshurst Avenue within Ward of Hendon and is currently in use as a House of Multiple Occupation (HMO).

Submitted plans incorrectly reflect the use of rooms at ground level. A site visit undertaken on 21.01.2018 confirms that the rooms indicated on plan to be 'reception' and 'living room' are in use as double bedrooms. Therefore, the HMO is formed of 6 bedrooms capable of accommodating a maximum occupancy level of 11 persons across the application site (5 double bedrooms and 1 single bedroom). However, the current licence for the property indicates an occupation by five people.

The LPA hold no planning records for the conversion of the single-family dwelling into a HMO. The property has previously been extended by way of a single storey rear extension, front and rear dormer. The LPA hold no planning records for the existing single storey rear extension. The application site is not a locally/statutorily listed building nor is it located within a conservation area.

2. Site History

Reference: 17/5267/FUL

Address: 31 Ravenshurst Avenue NW4 4EG

Decision: Refused

Reason: The first floor flat and loft studio flat would fail to achieve the minimum internal floor space standards for the intended occupancy levels, and would be further exacerbated by the insufficient provision of any private outdoor amenity space for future occupiers. The proposal would therefore provide a sub-standard form of accommodation, to the detriment of the living conditions of the future occupiers contrary to CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012), and the Adopted Residential Design Guidance SPD (October 2016) and the Sustainable Design and Construction SPD (October 2016).

Given the limited space in the front forecourt, it is considered that the siting of 4 2 ltr refuse bins and bicycle storage box would clutter the front forecourt, inconvenience access to and from the property and potentially result in an overspill onto the pedestrian footpath. The clutter within a limited space at the front of the property would therefore appear visually obtrusive to the detriment of the visual amenities of the wider street scene contrary to CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012), and the Adopted Residential Design Guidance SPD (October 2016) and the Sustainable Design and Construction SPD (October 2016).

Decision Date: 3/10/2017

Description: Conversion of existing HMO into 3no. self-contained flats involving single storey side and rear extensions. Associated refuse and recycling store, cycle parking.

Reference: 17/7423/FUL

Address: 31 Ravenshurst Avenue, London, NW4 4EG

Decision: Refused

Appeal: Dismissed

Reason: The scheme has failed to satisfy the minimum required storage provision of 6no. refuse bins for 2no. self-contained units. Given the limited space in the front forecourt, it is considered that the siting of 6 2 ltr refuse bins would clutter the front forecourt, inconvenience

access to and from the property and potentially result in an overspill onto the pedestrian footpath. The clutter within a limited space at the front of the property would therefore appear visually obtrusive to the detriment of the visual amenities of the wider streetscene contrary to CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012), and the Adopted Residential Design Guidance SPD (October 2016) and the Sustainable Design and Construction SPD (October 2016).

The scheme has failed to provide the minimum required built-in storage for the occupiers of both units. Given that both the ground and first floor flat would meet the minimum unit size requirement for the intended capacity, the capacity for storage would unduly compromise the minimum internal floor area, particularly in regards to the first floor flat and given that there are no mitigating factors that could offset the impact, would therefore create a sub-standard form of living accommodation that would be harmful to the amenity of future contrary to CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012), and the Adopted Residential Design Guidance SPD (October 2016) and the Sustainable Design and Construction SPD (October 2016).

The rear garden amenity intended for the purposes of the first floor flat would be via a rear alley accessible approx. 60m south of the stretch of terraces on Somerset Road. This would not be convenient, practical nor functional in this instance and therefore provide an unacceptable and sub-standard form of living accommodation that would be harmful to the amenity of future occupiers contrary to CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012), and the Adopted Residential Design Guidance SPD (October 2016) and the Sustainable Design and Construction SPD (October 2016).

Decision Date: 15 January 2018

Description: Conversion of existing HMO into 2no self-contained flats involving single storey rear extension. Associated refuse and recycling store, cycle parking

Reference: W12066/00

Address: 31 Ravenshurst Avenue, London, NW4 4EG

Decision: Approved subject to conditions

Decision Date: 11 April 2000

Description: Amendments to existing unauthorised front dormer window.

3. Proposal

The proposed development includes:

Demolition of existing single storey rear extension and erection of single storey rear extension on the common boundary with adjoining no 32, rear of the existing two storey rear outrigger approx. 3.0m depth x 3.1m width x 3.0m height;

Single storey side extension on the common boundary with adjoining no 30 approx. 2m depth x 2.2m width x 2.5m high to the eaves, 3.5m max. height;

Conversion of existing HMO into 2no.self-contained flats (1 x 3 bed and 1x1 studio flat):

- o GF/FF 3 bed x 4 person over 2-storey 85.7 m2 (Min. 74m2)

- o LF 1x studio flat 50.7m2 (Min. 37m2)

- 2.no cycle spaces at the rear and 1no. cycle spaces on the LF;

- 4.no refuse and recycling storage at the front;

- Rear amenity space for GF/FF Flat approx.38.7 m2;

- GF/FF Flat (Garden A) 38.70m2;

- LF Studio Flat no amenity space provided on site.

4. Public Consultation

Consultation letters were sent to 205 neighbouring properties.

11 responses were received in objection to the development on the basis of;

- Lack of parking provision and resulting congestion
- Considerable dust and pollution from building works
- Overdevelopment of site due to extensions resulting in added pressure of existing infrastructure, subsequent noise and anti-social behaviour and loss of amenity on adjoining neighbouring properties.
- Increased storage of refuse on the front forecourt and pavement of detriment to the safety and convenience of pedestrians

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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 document. Both were adopted in September 2012. The following policy documents were consulted:

Core Strategy Policies:

- National Planning Policy Framework (NPPF) (2012)
- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9 and CS14.
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (Adopted 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (Adopted 2016)

- 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:

- i. The principle of the loss of the HMO
- ii The principle of flats in this location
- iii. The Impact on the appearance and character of the area
- iv. The impact on the amenities of neighbouring occupiers
- v. Whether the proposal provides satisfactory living accommodation for future occupiers
- vi. Parking and highways
- vii. Refuse and recycling storage

5.3 Assessment of proposals

The principle of the loss of the HMO

The planning application seeks planning permission for the change of use of the HMO into two self-contained flats. The application would result in the loss of an HMO. Policy DM08 resists the loss of existing HMOs in the Borough on the basis that they provide an essential form of low cost affordable housing to meet a variety of housing needs. They are a particular requirement in town centres and close to accessible locations. Their loss should only be supported where there is a demonstrable absence of need. The site is located close to Middlesex University and close to Hendon Town Centre including Church Road and Brent Street.

However, in the absence of a planning application to lawfully establish the HMO and the fact that the change of use from HMO (in this case in use as a C4 HMO) to a C3 dwelling house would actually be lawful, would undermine the position to retain the HMO. The proposed development was also considered acceptable in principle by the Planning Inspector in

determining the appeal against the Council's refusal of planning application 17/7423/FUL in July 2018.

DM09 addresses the loss of HMOs stating, 'The council will seek to retain existing HMO provided that they meet an identified housing need'. As there is no planning history outlining an approved HMO application or an identified need for a HMO at this location, the loss of the current part HMO will not be resisted. Had the application site had a HMO application approved on the grounds of identified need for such accommodation, the applicant would have been expected to demonstrate the absence of need for this type of accommodation.

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.

Within Paragraph 2.8.1 of the Development Management Document which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatbed accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

Policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 (LP) states that proposals should be based on an understanding of local characteristics. Criterion h of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate.

Submitted plans incorrectly reflect the use of rooms at ground level. A site visit confirms that the rooms indicated on plan to be 'reception' and 'living room' are in use as double bedrooms. Therefore, in reality the HMO is formed of 6 bedrooms capable of accommodating a maximum occupancy level of 11 persons across the application site. The LPA hold no planning records for the conversion of the single-family dwelling into a HMO. The proposal now seeks to convert the HMO into 2no. self-contained flats.

Given the internal area of bedrooms, the LPA consider that the conversion could accommodate a maximum occupancy level of 6 persons across the site. It is recognised

that approximately 20% of properties (1, 2, 3, 10, 11, 12, 40, 41) have previously been converted to flats on Ravenshurst Avenue. This alongside the accessibility to the Finchley Church End Town Centre and public transport links therefore constitutes sufficient material consideration to render the principle of a conversion in this location acceptable.

Furthermore, the proposed development results in the creation of a three-bedroom family sized unit which would meet a different and evident housing need in the Borough. The conversion of the property is not considered to directly conflict with the character of the area and the way in which it functions therefore, the use of the application site as self-contained flats would not be contrary to DM01 and is considered acceptable.

The Impact on the appearance and character of the area

DM01 (c) specifically states that development proposal should ensure attractive, safe and vibrant streets. The Residential Design Guide SPD 2016 recommends single storey rear extensions to project a maximum of 3 metres on the common boundary with adjoining properties in the case of terraced properties. The proposed extensions would meet all planning policy and design guidance as per the Council's Residential Design Guide (2016) in terms of depth and height respectively, however would result in a nominal reduction of the garden area from 46 m² to 38.7 m². Given its siting at the rear and low-level scale, the proposed extensions would not be perceptible from any public vantage point. Flats would be internally and separately accessible by way of a common front door and therefore the property would retain the appearance of a single-family dwelling on the wider street scene. The proposed extensions would not be considered of detriment to the character and appearance of the area and therefore would be considered acceptable on appearance and character grounds.

Given the limited space in the front forecourt, it is considered that the siting of 4x 240ltr refuse bins if not stored in allocated storage bins have the potential to clutter the front forecourt, inconvenience access to and from the property and potentially result in an overspill onto the pedestrian footpath. Therefore, details regarding the requirement for bin storage have been made subject to a pre-occupation condition.

The impact on the amenities of neighbouring occupiers

The proposed extensions would not give rise to any undue impact upon the residential amenity of adjoining Nos 30 and 32 Ravenshurst Avenue in terms of loss of light and outlook. A window opening in the southern flank wall of the single storey rear extension would serve a bathroom. The opening would be set in approx. 2.2m from the common boundary with no 30. A condition has been attached to ensure that the opening is obscurely glazed and high opening to safeguard the residential amenities of particularly No.30 Ravenshurst Avenue in terms of privacy.

The original single-family dwelling has previously been informally converted into a HMO and currently serves 6 bedrooms accommodating a maximum of 11 people. The proposed conversion would change its existing status to form 2no. self-contained units, 1 x 3 bed self-contained unit on the ground level/first floor level and 1 studio flat at loft floor level including the loft capable of accommodating a maximum occupancy level of 6 persons across the site. In terms of an increase in site use, the development would support a significantly reduced occupancy level across the site. Therefore, it is not considered that the conversion of the existing HMO into 2.no units would cause an intensification of use on the application site that would result in harm to neighbouring amenity. Consequently, the proposal is considered acceptable on neighbouring amenity grounds.

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

- o GF/FF 3 bed x 5 person over 2-storey 85.7 m² (Min. 74m²)
- o LF 1x studio flat 50.7m² (Min. 37m²)

Both flats would exceed above the minimum unit size requirements set out in the Technical Housing Standards 2015, London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) and therefore would provide an acceptable level of accommodation for the intended occupancy levels.

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;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All rooms would meet these standards.

The Technical Housing Standards 2015 recommend a minimum head room of 2.3m for at least 75% of the floor area per unit. Sections demonstrate internal head room of approx. 2.5m at ground level, approx. 2.4 at first floor and approx. 83% of the internal area at loft level would have adhere to the above minimum requirement and therefore would meet this standard.

Built-in storage has been identified on submitted plans. The minimum floor area of 2.5m² for the ground floor/first floor flat is required and 1.0m² for the purposes of the first-floor flat. Given that both the ground floor/first floor and loft floor flat would meet the exceed the minimum unit size requirement for the intended capacity, the capacity for storage is assessed to not unduly compromise the minimum internal floor area.

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. 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. This requirement has been conditioned on the decision of the application.

Light/Outlook:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that bedrooms and living rooms / kitchens should have a reasonable outlook with clear glazed windows. Section 7.9 of the Residential Design Guidance SPD (2016) states that new development should be sited and designed to maximise daylight and sunlight as far as possible. North facing single aspect units are normally considered unacceptable. It should be noted that no north facing single aspect habitable rooms are proposed in this instance. All habitable rooms would ensure adequate levels of glazing and therefore provide appropriate levels of light, ventilation and outlook whilst maintaining privacy.

Amenity Space:

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for flats there should be a minimum of 5m² of outdoor amenity space per habitable room.

It is acknowledged that the existing rear garden is cramped. The proposed rear extensions would result in a nominal reduction of the existing rear garden area from 46 m² to 38.7 m² and given that the property is a terrace, would be only accessible to the occupiers of the ground floor flat. There is an alley at the rear of the property and accessible via Somerset Road to the south of the application site.

Plans illustrate the provision of the resulting rear garden to provide separate rear amenity space for Flat A. The garden area for the ground floor/first floor flat would measure approx. 38.7m². The Sustainability Design and Construction SPD 2016 stipulates the minimum requirement of 5m of outdoor amenity space per habitable room per unit, the scheme would provide over the required minimum area of outdoor garden amenity for the ground floor/first floor flat.

The studio flat is not allocated any amenity space as part of this proposal. It has been assessed by the officer that due to the proposal sites location close to Brent Street Town Centre and approximately a 10min walk from Sunny Hill Park to the north, as well as the fact that the proposal delivers additional housing in the town centre, that the requirement to provide outdoor amenity space would be outweighed by these benefits.

Parking and Highways

Despite being very close to the Brent Street town centre and to the retailing facilities in Church Road, the PTAL for the site is 2. The site is also located in a Controlled Parking Zone.

The existing occupancy level of the HMO is twice the amount presently intended. The London Plan 2016 recommends a maximum residential parking standard for the proposal of between 1 to 3 parking spaces. No parking provision has been provided as part of this planning application. The impact would therefore be deemed considerably less than the present situation in terms of parking pressures and congestion.

Given the occupancy level, the proposal would not therefore cause an unacceptable level of harm on parking pressures or the local highway network, to justify a reason for refusal in this instance, however, given that the application proposes an increase in the number of previously lawful units on the site, that there would be an uplift in parking demand. Following consultation with the highways department, they have advised a section 106 agreement to limit future occupants obtaining parking permits and this application is recommended for approval subject to the completion of the legal agreement.

In terms of cycle parking provision, plans indicate secure cycle storage for 2 bicycles at the rear for Flat A and 1 cycle space within the studio flat. The development would therefore meet the above requirements of chapter 6 of the London Plan (2016).

Refuse and recycling storage

Submitted plans indicate 4 240ltr refuse bins in the front forecourt within 10m of the public highway. The level of bins storage complies with the standards outlined in Barnet's Waste and Recycling Strategy (2017), this issue has been equally addressed in the character and appearance section of the report by way of condition.

5.4 Response to Public Consultation

The objections raised in the application consultation period have been discussed in the report and addressed through conditions or the legal agreement.

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 matters into account, the application is therefore recommended for approval subject to a legal agreement to secure the removal of car parking permits for future occupiers of the two flats.

