

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 23rd February 2010

Report of
Assistant Director, Planning &
Environmental Protection

Contact Officer:
Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848
Mr R. Lancaster Tel: 020 8379 4019

Ward: Bowes

Application Number : TP/09/1696

Category: Dwellings

LOCATION: 28, UPSDELL AVENUE, LONDON, N13 6JN

PROPOSAL: Conversion of single family dwelling into 2 self contained flats (comprising 1 x 2-bed and 1 x 3-bed) together with alterations to rear extension at ground and first floor.

Applicant Name & Address:

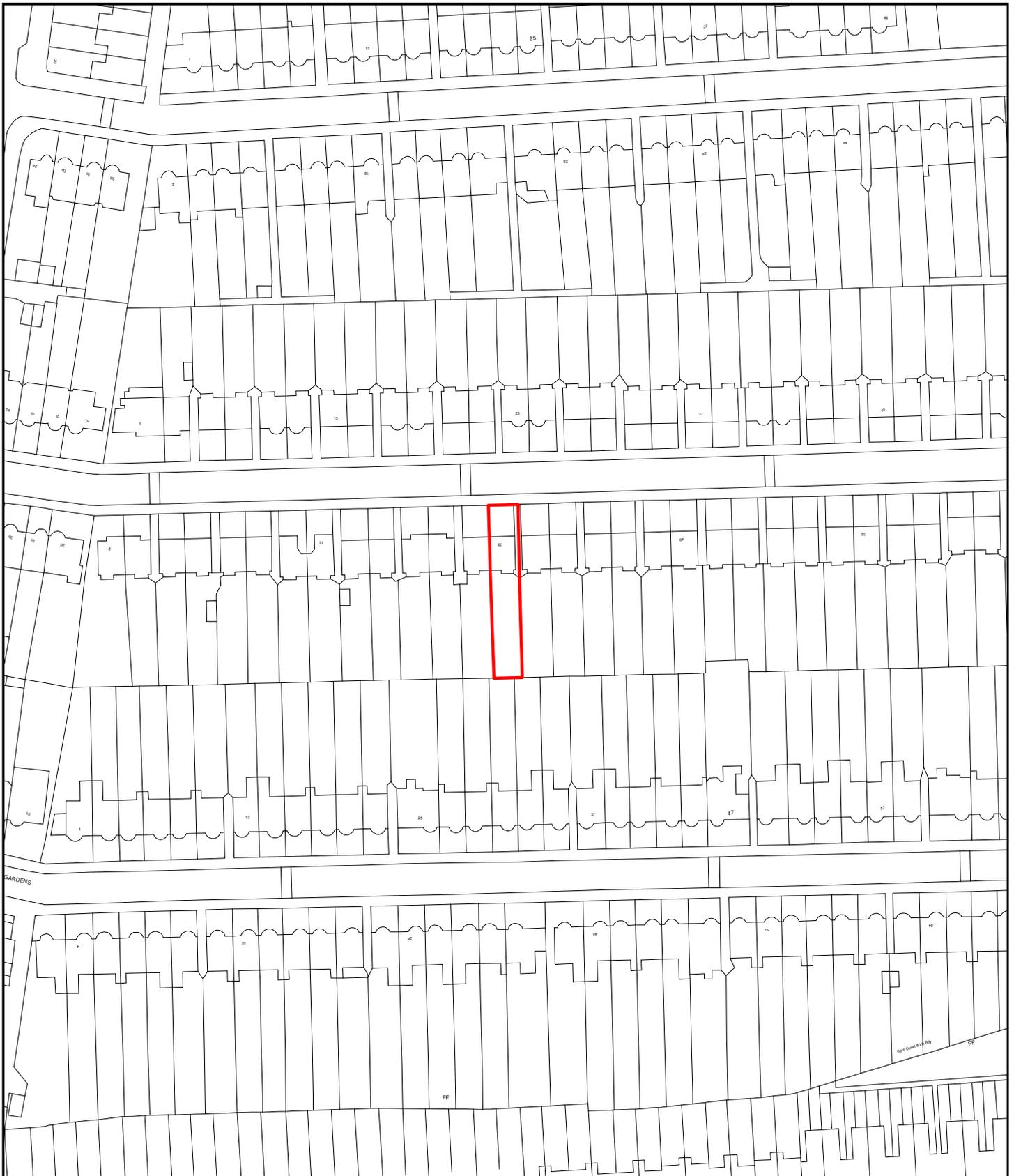
Mr S Maunders,
Kyklo Developments
28, UPSDELL AVENUE,
LONDON,
N13 6JN

Agent Name & Address:

Mr T Edens, Planning Consultants
29, CANFORD CLOSE
ENFIELD
EN2 8QN

RECOMMENDATION:

It is recommended that planning permission be **GRANTED** subject to conditions.



Development Control



Scale - 1:1250
Time of plot: 11:30

Date of plot: 25/01/2010

1. Site and Surroundings

- 1.1 The application property is a two storey interwar semi-detached dwelling with a hipped roof, rendered walls and canopy porch. It is situated on the southern side of Upsdell Avenue, approximately 130 metres east of the junction with Green Lanes. The properties in the surrounding area are similar to the application dwelling, with those on Upsdell Avenue being semi-detached and those on Berkshire Gardens being grouped into terraces of six dwellings.

2. Proposal

- 2.1 Permission is sought retrospectively for the conversion into two flats and alterations to the ground and first floor rear extensions.
- 2.2 The property was extended and converted into 2 flats sometime prior to 2007. An application was made under ref: TP/07/1749 for the retrospective approval of these works. It was refused in December 2007 on the basis that the extensions had a detrimental effect on neighbour's amenities and appearance of the property but not on the principle of converting the property into flats. Two Enforcement Notices were subsequently served requiring reduction / removal of the various extensions and cessation of the use of the property as two flats with a compliance date of 23/06/2008. The applicant then appealed these two decisions. The appeals were both dismissed on 21/01/2009 with a six month compliance period under ref: APP/Q5300/C/08/2075243 and 2073774. After some negotiation between the LPA and applicant, an application for proposed Certificate of Lawfulness for part-alteration to and part-retention of the extensions was made on the basis that the dwelling was to be a single family dwelling. In September 2009 under ref: LDC/09/0295 this was granted. These works have not been implemented. The applicant is now seeking retrospective approval for the conversion into two flats and alterations to the ground and first floor rear extensions.

3. Relevant History

- 3.1 TP/07/1749: Conversion to 2 flats, rear extension and rear dormer was refused in December 2007
- 3.2 LDC/09/0295: Alterations to reduce works to within permitted development limits including reduction of ground and first floor rear extensions, pitched roof over first floor extension, alterations to rear dormer and retention of hip-to gable and second front door: Granted 23-Sep-2009.
- 3.3 Con 5572- Unauthorised extensions – Enforcement Notice. Appeal dismissed 21/01/2009.
- 3.4 Con 5593 – Unauthorised change of use to flats – Enforcement Notice. Appeal dismissed 21/01/2009.

4. Consultations

- 4.1 Public Response

4.1.1 Consultation letters were issued to 10 neighbouring properties and a site notice was erected. One reply has been received the comments of which are summarised below:

- Existing enforcement notice has not been complied with.
- Detrimental impact of first floor extension on neighbour's light and outlook.
- Inaccurate plans.
- Existing balcony results in overlooking.
- Poor upkeep of garden.
- Noise and disturbance from adjoining kitchen and bathroom.
- Dampness resulting from design of dormer window

5. Relevant Policies

5.1. London Plan

3A.1	Increasing the Supply of Housing
3A.2	Boroughs Housing Targets
3C.23	Parking Strategy
3A.3	Maximising the Potential of Sites
4B.8	Respect Local Context and Communities
Annex 4	Parking standards.

5.2. UDP Policy

(I)GD1	Regard to Surroundings / Integrated into Local Community
(I)GD2	Quality of Life and Visual Amenity
(II)GD1	Appropriate location
(II)GD3	Character / Design
(II)GD6	Traffic Generation
(II)GD8	Site Access and Servicing
(II)H6	Range of size and Tenure
(II)H8	Privacy and Overlooking
(II)H9	Amenity Space
(II)H16	Flat Conversions
SPG	Conversion of Single Dwellings into Flats, adopted March 1996

5.3 Local Development Framework - Core Strategy Preferred Options

The Planning and Compulsory Purchase Act 2004 requires the Council to replace the Unitary Development Plan with a Local Development Framework. At the heart of this portfolio of related documents will be the Core Strategy which will set out the long term spatial vision and strategic objectives for the Borough.

In response to consultation in respect of Issues and Options which identified key areas, the Council is now consulting on the Preferred Options for the Core Strategy. As a policy document, the Core Strategy is at an early stage in its process to adoption and thus, presently, can only be afforded limited weight as a material consideration. As the process continues the weight to be attributed to the Core Strategy will grow and the relevant policies are reported to demonstrate the degree to which development proposals are consistent with the emerging policy direction for the Borough.

- SO6 High quality, sustainably constructed, new homes to meet the aspirations of local people
- SO11 Safer and stronger communities
- SO16 Preserve the local distinctiveness
- SO17 Safeguard established communities and the quality of the local environment
- SO21 Sustainable Transport
- CP1 Sustainable and Efficient Land Use
- CP2 Sustainable Design and Construction
- CP10 Managing the supply and location of new housing
- CP12 Housing Mix
- CP14 Safer and stronger communities
- CP29 Promoting sustainable transport and improving access for people with restricted mobility
- CP31 Walking and Cycling

5.4 Other Material Considerations

- PPS1 Delivering Sustainable Communities
- PPS3 Housing
- PPG13 Transport

6. Analysis

6.1 Principle

- 6.1.1 The GIA of the original dwelling was approximately 90 square metres and therefore, the property is of sufficient original size to be considered suitable for conversion into two flats.
- 6.1.2 There are 82 properties on Upsdell Avenue between Green Lanes and St Cuthbert Road, of which 7 have consent for conversion to flats; including the proposed that would result in 9.8% of properties converted. Extending the area to include the remainder of Upsdell Avenue, up to Wolves Lane, there are 128 properties resulting in 10 conversions (inclusive of the proposed) giving 8.6% of properties converted. Both are considerably below the adopted 20% maximum standard.
- 6.1.3 The proposal would result in a density of 251 hrph which is in accordance with the PTAL 3/London Plan standard of 200-250 hrph.
- 6.1.4 The principle of conversion to two flats is, therefore, considered acceptable.

6.2 Impact on Character and Appearance of Surrounding Area

- 6.2.1 The proposed rear extensions, having regard to what is permitted under ref: LDC/09/0295, is considered not to be detrimental to the appearance of the property and would not unduly harm the amenities of neighbouring occupiers. Whilst the house currently in use as two flats does not benefit from permitted development rights, it is considered that the permitted development rights represent a fallback position whereby the applicant could return the house to a single family dwelling, implement the works and then apply to convert the house back into flats.

- 6.2.2 The application proposes a 58 square metre two bedroom flat and a 76 square metre three bedroom flat, against standards of 57 and 80 square metres, respectively. These sizes are considered acceptable.
- 6.2.3 The proposal retains approximately 150 square metres of amenity space, against a standard of approximately 100 square metres. The size and shape of amenity space would be consistent with that of the surrounding area.

6.3 Impact on Neighbouring Properties

- 6.3.1 As approved under LDC/09/0295, No.28 has a 3m deep rear extension across the full width of the property and a 3m deep first floor extension 3.2m wide, 2m from either boundary.
- 6.3.2 The proposed alterations result in a 3m deep ground floor extension on the boundary with No.26, with a step out increasing the depth to 3.25m deep to match the depth of No.30. Having regard to the criteria contained within Policy (II) H12 and the neighbour's existing extension's, the proposal would not unduly affect the neighbouring occupier's amenities.
- 6.3.3 The proposed first floor extension would be 1.13m deep on the boundary with No.26, and after a 1.37m set-in, would be 1.9m in depth. The first floor extension extends across the full width of the property. Having regard to the existing extension and the fact that the first floor extension does not breach the 30 degree rule from either neighbouring property's closest first floor window, the extension is not considered to harm neighbouring occupier's amenities or the appearance of the property. Furthermore it is not considered to unduly reduce the levels of natural light reaching the ground floor windows of No.26.
- 6.3.4 The proposal involves the retention of the roof extension, and given the previous applications and appeal decisions, is considered to be acceptable.

6.4 *Parking and Access*

- 6.4.1 The existing dwelling at no. 28 has off street parking for 2 cars. The London Plan standard is for a maximum of 1 space per flat. Both spaces would be retained, are of adequate dimensions and could be secured by condition.

6.5 *Other Considerations*

- 6.5.1 The provision of 2 secure cycle spaces and adequate space for refuse bins can be provided to the front of the property and could be secured by condition.

7. **Recommendation**

- 7.1 In the light of the above, it is recommended that planning permission be GRANTED subject to conditions.

TOWN AND COUNTRY PLANNING ACT 1990

Mr T Edens,
Planning Consultants
29, CANFORD CLOSE
ENFIELD
EN2 8QN

Whereas in accordance with the provisions of the Town and Country Planning Act, 1990 and the Orders made thereunder you have made application on 20th November 2009 and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:-

LOCATION: 28 UPSDELL AVENUE, LONDON, N13 6JN

PROPOSAL: Conversion of single family dwelling into 2 self contained flats (comprising 1 x 2-bed and 1 x 3-bed) together with alterations to rear extension at ground and first floor.

Now therefore **THE COUNCIL OF THE LONDON BOROUGH OF ENFIELD**, the Local Planning Authority, **HEREBY GIVE YOU NOTICE** pursuant to the said Act and the Orders made thereunder that permission to develop the said land in accordance with the said application is **HEREBY GRANTED**, subject to the following **CONDITION(S)**:-

1. The external finishing materials shall match those used in the construction of the original building.

Reason: To ensure a satisfactory appearance.

1. Within three months of the date of this decision, details of refuse storage facilities including facilities for the recycling of waste to be provided within the development, in accordance with the London Borough of Enfield – Waste and Recycling Planning Storage Guidance ENV 08/162, shall be submitted to the Local Planning Authority. Within three months of the approval in writing of these details by the LPA, the facilities shall be provided in accordance with the approved details and maintained thereafter.

Reason: In the interests of amenity and the recycling of waste materials in support of the Boroughs waste reduction targets.

2. Within three months of the date of the decision details of the siting, number and design of secure/covered cycle parking spaces shall be submitted to the Local Planning Authority. Within three months of the date of the approval of these details, the approved details shall thereafter be installed and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any amending Order, no external windows or doors other than those indicated on the approved drawings shall be

installed in the development hereby approved without the approval in writing of the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any amending Order, no balustrades or other means of enclosure shall be erected on the roof of the extension(s). No roof of any part of the extension(s) shall be used for any recreational purpose and access shall only be for the purposes of the maintenance of the property or means of emergency escape.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

5. Within six months of the date of this decision, the permission, hereby granted, shall be implemented in full.

Reason: To ensure the proper planning of the area.

Signed _____

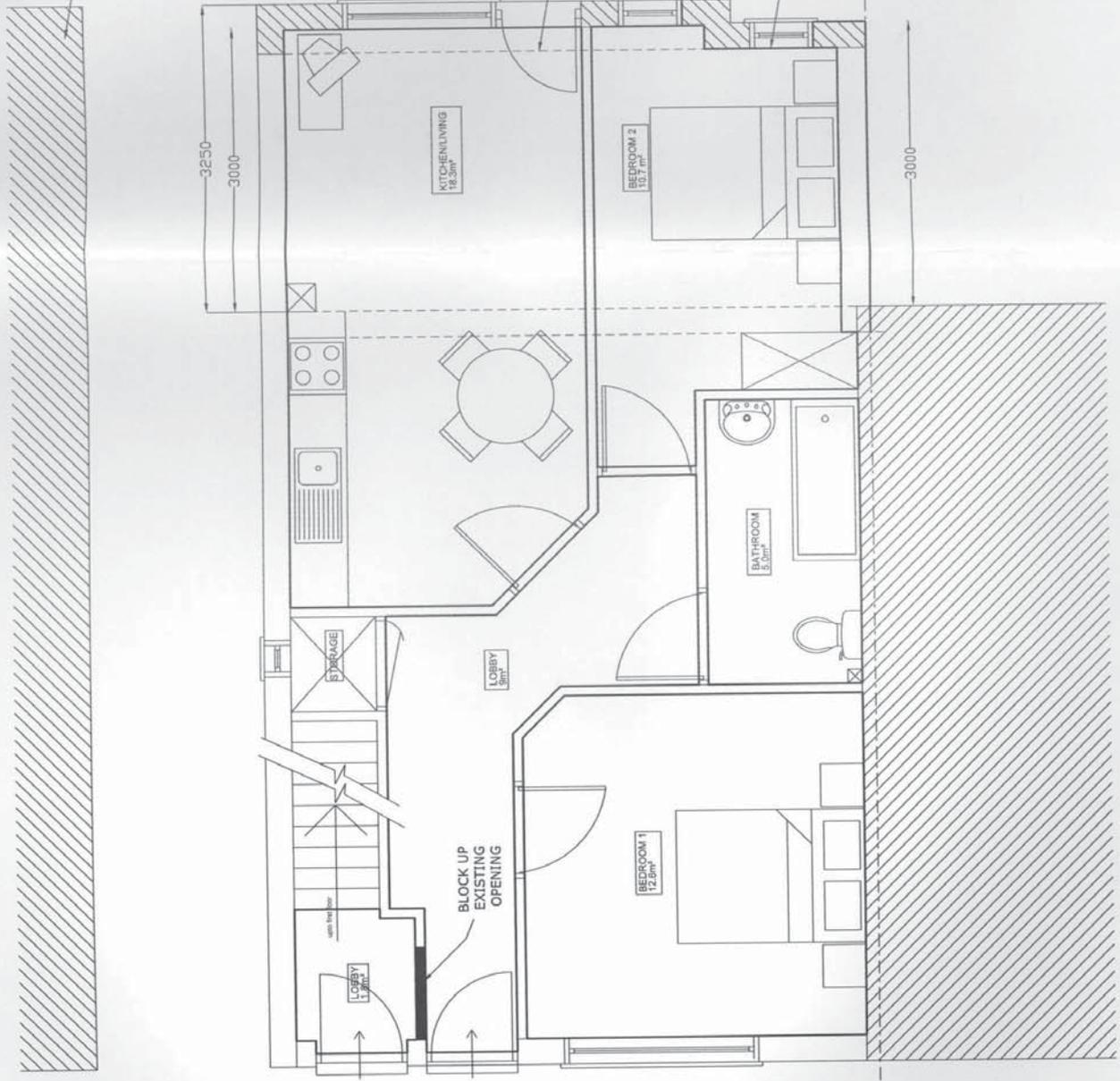
Drawing Nos.: Site Location Plan, Design and Access Statement, 0108_L(0)001, 0108_L(0)002, 0108_L(0)003, 0108_L(0)004, 0108_L(0)005, 0108_L(0)006, 0108_L(0)007, 0108_L(0)008, 0108_L(0)009, 0108_L(0)010, 0108_L(0)011, 0108_L(0)012, 0108_L(0)0013, 0108_L(0)0014, 0108_L(0)0015, 0108_L(0)016

Reasons for granting planning permission:

1. The conversion into 2 no. self contained units, having regard to the floor space, internal stacking and amenity space, does not detract from the residential character and amenities of the surrounding area and in particular, the amenities of neighbouring residential properties, in accordance with Policies (I)GD1, (II)GD3, (II)H9 and (II)H16 of the Unitary Development Plan and Supplementary Planning Guidance: Flat Conversions.
2. The conversion into two flats, contributes to increasing the housing stock, as well as providing units of an acceptable internal size and layout having regard to policies (I) GD1, (I) GD2 and (II) H16 of the Enfield Unitary Development Plan and Supplementary Planning Guidance on Flat Conversions.
3. The proposal does not prejudice the provision of on site parking nor would it lead to additional parking and therefore, does not give rise to conditions prejudicial to the free flow and safety of traffic on the adjoining highways having regard to Policies (II)GD6, (II)H10 and (II)H16 of the Unitary Development Plan.
4. The altered extensions due to their size and siting does not significantly affect the amenities of adjoining or nearby residential properties having regard to Policy (II)H12 of the Unitary Development Plan.
5. The altered extensions due to their design, would not detract from the character and appearance of the surrounding area having regard to Policies (I)GD1, (I)GD2 and (II)GD3 of the Unitary Development Plan.

09/1696

NEIGHBOURING
EXTENSION 3250MM



Structural Information

Copyright: This drawing and any information herein is the copyright of the architect. It is to be used for the project only and not for any other project without the architect's consent.

Disclaimers: Contractors must check all dimensions on site. Only signed drawings are valid. All dimensions must be reported to the architect for any necessary amendments.

H.A.H

42 Leaside, Barnet, Herts, EN5 2PG
 t: 02084457231; m: 07961435921;
 e: hmaudners@gmail.com

BOROUGH OF ENFIELD

20 NOV 2009

DEVELOPMENT SERVICES

CLIENT: KYKLO DEVELOPMENTS LTD
 SITE: 28 Upstaff Avenue
 Palmers Green
 London
 N13 5JN

DRAWING TITLE: PROPOSED GROUND FLOOR FLAT
 DRAWING NUMBER: 0106_L07007
 DATE: 20/11/09 SCALE: 1:50 STATUS: PLANNING DRAWN BY: [signature]

09/1696

Special Information:

Comments:
 This drawing and any decision herein is the copyright of the architect/contractor and must not be reproduced without written permission.
Dimensions:
 Contractors must check all dimensions on site. Only figured dimensions are to be used. All dimensions must be reported to the architect/contractor before proceeding.

H.A.H

42 Leaside, Barnet, Herts, EN5 2PG
 T: 02084497231; m: 07961435921;
 ehmaudhners@gmail.com

LONDON BOROUGH OF LLD

20 NOV 2009

DEVELOPMENT SERVICES

CLIENT: KYALO DEVELOPMENTS LTD
 SITE: 28 Upshall Avenue
 Palmers Green
 London
 N13 6JN

DRAWN/TITLE: PREP FLOOR PLAN (FIRST FLOOR)
 DRAWING NUMBER: 0109_L_01008
 DATE: 18.11.09 SCALE: 1:50 STATUS: PLANNING DRAWN BY: HM

