

APCAR SMITH PLANNING

Chartered Town Planning Consultants

APPEAL STATEMENT

**36 SUNNINGFIELDS ROAD
LONDON
NW4 4EL**

FEBRUARY 2021

Our Ref: CA/3204

Kinetic House, Theobald Street,
Borehamwood, Hertfordshire WD6 4PJ
Tel: 020 8387 1387
E-Mail: enquiries@apcarsmithplanning.co.uk



CONTENTS

		<u>Page No</u>
1.00	INTRODUCTION	1
2.00	SITE AND SURROUNDINGS	3
3.00	PLANNING HISTORY	5
4.00	APPEAL UNDER GROUND (d)	6
5.00	APPEAL UNDER GROUND (a)	13
6.00	APPEAL UNDER GROUND (f)	17

APPENDICES

- A.** Summary of Council Tax Assessments for Nos 16 to 46 (evens) Sunningfields Road
- B.** Google Earth Imagery of that part of Sunningfields Road containing the appeal site
- C.** Street View image
- D.** Existing Floor Plans
- E.** PTAL Report
- F.** Details in Respect of Application Ref: H/01672/12 – Certificate of Lawfulness of Proposed Development for roof extension
- G.** Details in respect of Application Ref: H/01715/12 – Planning permission for single storey rear extension
- H.** Tenancy Agreements for the 1 bedroom flat at the front of the ground floor
- I.** Tenancy Agreements for the studio flat at the rear of the ground floor
- J.** Tenancy Agreements for the studio flat within the roof space
- K.** Tenancy Agreements in respect of the first floor HMO accommodation
- L.** HMO Licence (2014)
- M.** HMO Licence and submitted documentation (2020)
- N.** Certificate of Installation for fire detection system and subsequent Certificates of Inspection/Servicing
- O.** Landlords Insurance policies
- P.** Advertising schedule and details of advertisements placed
- Q.** Date stamped photographs of the ground floor 1 bedroom flat
- R.** Date stamped photographs of the ground floor rear studio flat
- S.** Date stamped photographs of the second floor studio flat
- T.** Date stamped photographs of the first floor bedsits
- U.** Statutory Declaration from [REDACTED]
- V.** Statutory Declaration from [REDACTED]
- W.** Statutory Declaration from [REDACTED]
- X.** Letters from the 3 current tenants of the 3 self-contained flats
- Y.** Letter from KeyLife Financial Services
- Z.** Letter from P & R Residential
- AA.** Extracts from The London Plan 2016

1.00 INTRODUCTION

1.01 On 1 September 2020 the London Borough of Barnet served an Enforcement Notice (Ref: ENF/0341/20) in respect of 36 Sunningfields Road alleging that, without planning permission, the dwelling house had been converted into 3 self-contained units and 2 bed-sitting rooms sharing facilities on the first floor.

1.02 The reasons for issuing the Notice referred to the following matters:

- The breach of planning control having occurred within the last 4 years.
- No suitable provision for the storage of refuse and recycling facilities.
- Ground floor unit in the rear extension overlooked from the garden detrimental to occupiers of that unit and users of the rear garden.
- The self-contained units failing to meet the minimum floor space standards.
- The units being single aspect and failing to offer adequate daylight, sunlight and ventilation.
- The conversion having resulted in an over-intensive use of the property.
- Given the absence of Building Regulations records there being no evidence of suitable sound-proofing between the units.

1.03 The requirements of the Notice were to:

- Cease the use as self-contained units and bed-sitting rooms.
- Remove bathroom facilities from all but one room.
- Remove kitchen facilities from all but one room.

1.04 A 6 month time period for compliance was given.

1.05 An appeal against this Enforcement Notice was submitted on behalf of the freehold owner, Mr Pratap Velji Gadher, on 13 October 2020. The appeal was lodged on the basis of the following grounds:

- Ground (a) – That planning permission should be granted for what is alleged in the Notice. The Grounds of Appeal made it clear that this related solely to the House in Multiple Occupation on the first floor IF the appeal under Ground (d) in respect of the 3 self-contained units as referred to below is successful.
- Ground (d) – That at the time the Enforcement Notice was issued it was too late to take enforcement action against the matters stated in the Notice. The Grounds of Appeal referred to this relating solely to the 3 self-contained units.
- Ground (f) – That the steps required to comply with the requirements of the Notice are excessive and lesser steps would overcome the objections. As referred to in the Grounds of Appeal this particularly relates to the second requirement of the Enforcement Notice in respect of removal of all but 1 bathrooms.

2.00 SITE AND SURROUNDINGS

- 2.01 36 Sunningfields Road is a semi-detached house on the eastern side of the road between its junctions with Fuller Street to the south and Nursery Walk to the north. This part of the road consists of similar semi-detached properties. On the opposite side of the road is a school with the two storey school building and grounds sitting opposite the group of properties comprising Nos 16 to 46 (evens) Sunningfields Road. Along the southern boundary of the school site is a footpath linking to Church End; along its northern boundary is a footpath linking to Greyhound Hill.
- 2.02 From a review of Council Tax records it has been noted that Nos 16, 18, 40 and 46 all comprise multiple listings and have therefore previously been converted to either flats or Houses in Multiple Occupation or, as appears to be the case at No 16, a mix of both flats and HMO rooms. We attached at Appendix A extracts from the Council Tax records demonstrating this.
- 2.03 It is evident that many of the semi-detached houses in this stretch of Sunningfields Road have previously been extended. It appears that they were originally constructed as hipped roof properties. Many have had roof extensions including hip to gable extensions with box dormers. The majority also benefit from single storey rear extensions as can be seen from the Google Earth imagery at Appendix B. The appeal premises has both a single storey rear extension the full width of the dwelling and a roof extension comprising hip to gable and dormer. The appeal property is roughly centrally positioned in the birds-eye view taken from the east at Appendix B, being that with a red clay tiled roof to the single storey extension with that showing two roof lights and with the roof extension also visible in this view - situated just to the right (of the northern elevation of the school building opposite). In the birds-eye view from the west the appeal premises are again roughly centrally positioned and can be identified by the pitched projecting front entrance porch.
- 2.04 It should be noted that the Enforcement Notice does not allege that the construction of these extensions themselves are unlawful and thus the Local Authority evidently acknowledges that they are lawful extensions.

- 2.05 As can be seen from the street view image at Appendix C the forecourt to the appeal premises is entirely hard surfaced with a dropped kerb across its width.
- 2.06 A floor plan showing the arrangement/layout of the appeal premises is provided at Appendix D. The main front entrance door leads to a self-contained 1 bedroom flat at ground floor level and the stairs leading to the upper floors. At first floor level are 2 bedsitting rooms with a kitchen, bathroom and WC also at that level. This floor operates as a 2 room House in Multiple Occupation (HMO). From the landing are the stairs up to a self-contained studio flat within the roof space with its entrance door at the top of the stairs. Between Nos 34 and 36 Sunningfields Road is a shared alleyway. This provides access to the rear garden and the studio flat within the ground floor rear extension which has its entrance door on the rear elevation. Occupants of all 3 self-contained units and of the first floor HMO share the use of the rear garden.
- 2.07 The site is within a Controlled Parking Zone with on-street parking limited to resident permit holders only between the hours of 10am to 5pm Mondays to Fridays other than in front of part of the school grounds where there is pay by phone parking available between these same hours.
- 2.08 The site has a PTAL rating of 2 being within a 5 minute walk of bus stops serving a number of routes linking to the surrounding suburban areas as well as to bus and rail stations. A copy of the PTAL Report is provided at Appendix E. The site is within a 5 to 6 minute walk of local shops on Church Road.

3.00 PLANNING HISTORY

- 3.01 In 2012 an application for a Certificate of Lawfulness of Proposed Development was confirmed as lawful (Ref: H/01672/12) for an extension to the roof including hip to gable, rear dormer window and roof lights to the side and front elevation to facilitate a loft conversion, together with a new front porch. A copy of the decision notice and approved plans are provided at Appendix F.
- 3.02 Also in 2012 planning permission was granted for a single storey rear extension with two roof lights (Ref: H/01715/12). A copy of the decision notice and approved plans are provided at Appendix G.

4.00 APPEAL UNDER GROUND (d)

- 4.01 The appeal under Ground (d) relates solely to the 3 self-contained units – the 1 bedroom unit at the front of the ground floor, the studio flat at the rear of the ground floor access through the rear garden, and the studio flat in the roof space.
- 4.02 All 3 of these self-contained flats have been in existence and occupied as self-contained dwellings for more than 4 years. Therefore in accordance with Section 171B(2) of the Town and Country Planning Act 1990 (as amended) no enforcement action in connection with the flats can be taken.
- 4.03 As made clear when lodging the appeal the Ground (d) appeal does not relate to the first floor of the property as it is acknowledged that that has not been in use as an HMO for more than the 10 years required for it to have become lawful and immune from enforcement action under Section 171B(3). Therefore if the appeal under Ground (d) in respect of the 3 self-contained flats is allowed the Inspector is asked to consider the appeal under Ground (a) in respect of the HMO accommodation on the first floor.
- 4.04 Each of the 3 self-contained flats is fully self-contained. Occupants of the flats do not share any facilities. The only facilities positioned in the building outside of the 3 flats is the kitchen, bathroom and WC on the first floor. However these are for the occupants of the HMO. Each flat has its own kitchen and bathroom facilities. The kitchens in the 3 flats include full cooking facilities. The bathrooms all contain showers, WC's and basins. Therefore occupants of the flats have no need to use the facilities on the first floor and indeed no entitlement to do so.
- 4.05 The 1 bedroom ground floor flat has a shower room containing shower, WC and wash hand basin accessed from its hallway. Its kitchen with all normal facilities including cooking facilities is accessed via the living room/dining room where there are sliding glass doors through to the kitchen.
- 4.06 The ground floor studio flat is open plan with the kitchen, including all facilities, including cooking, being open to the main living area. The shower room with shower, WC and wash hand basin is accessed from this main room.

4.07 Similarly the studio flat in the roof space has an open plan kitchen with all facilities including for cooking. It also has a separate shower room with shower, WC and wash hand basin accessed from the main open plan room.

4.08 It is evident from the evidence provided that each of the 3 self-contained dwellings has existed for more than 4 years. All evidence is appended and commented upon below.

4.09 The following Assured Shorthold Tenancy Agreements are provided at Appendix H for the 1 bedroom flat at the front of the ground floor:

- AST commencing 23 June 2015 in the names of [REDACTED]
[REDACTED]
- AST commencing 25 November 2016 in the names of [REDACTED]
[REDACTED].
- AST commencing 1 September 2020 in the name of [REDACTED]
[REDACTED]

4.10 As regards Tenancy Agreements for the studio flat at the rear of the ground floor the following are provided at Appendix I:

- AST commencing 30 September 2014 in the names of [REDACTED]
[REDACTED]
- AST commencing 16 December 2016 in the name of [REDACTED]
[REDACTED]
- ASTs commencing 15 June 2017 and 15 June 2018 in the names of [REDACTED].
- AST commencing 23 December 2019 in the name of [REDACTED]
[REDACTED]

4.11 Turning to the studio flat within the roof space the following ASTs are provided at Appendix K:

- AST commencing 1 October 2016 in the name of [REDACTED]
[REDACTED]
- AST commencing 1 October 2017 in the names of [REDACTED] and
[REDACTED] [REDACTED]
- AST commencing 9 September 2018 in the name of [REDACTED] [REDACTED]
[REDACTED]

- AST commencing 1 June 2019 in the name of [REDACTED] [REDACTED]
- AST commencing 25 June 2020 in the name of [REDACTED] [REDACTED]

4.12 Stated terms of the Tenancy Agreements range from 9 to 15 months. Where tenants wish to remain in occupation beyond the end of their term their Tenancy Agreements have simply been allowed to roll-over without new ASTs being issued.

4.13 Whilst the HMO accommodation on the first floor is not being considered as part of the appeal under Ground (d) so as to assist in understanding the way in which the property has been occupied we provide at Appendix K Tenancy Agreements in respect of the HMO accommodation as follows:

- AST commencing 1 October 2016 in the names of [REDACTED] [REDACTED] and [REDACTED] [REDACTED]. At that time the first floor was let out as 1 unit of accommodation.
- AST commencing 4 September 2017 in the name of [REDACTED] [REDACTED] for the first floor front room.
- ASTs commencing 7 October 2017, 7 October 2018 and 7 October 2019 in the name of [REDACTED] [REDACTED] for first floor rear room.
- ASTs commencing 8 November 2018 and 8 November 2019 in the name of [REDACTED] [REDACTED] for first floor front room.
- AST commencing 20 June 2020 in the name of [REDACTED] [REDACTED] for first floor front room.

4.14 The property benefits from an HMO Licence issued under the Housing Act 2004. The HMO Licence was first granted in 2014 and was subsequently renewed in 2020. Provided at Appendix L is the 2014 Licence. As can be seen this refers to the property being suitable for occupation by not more than a maximum of 7 persons (5 households) with the schedule on the last page specifically referring to the accommodation as follows:

Ground floor self-contained unit – front left room – 2 persons/1 household.
Ground floor self-contained unit - rear left room – breakfast/diner.

Ground floor rear addition: self-contained unit – 1 person/1 household.

First floor front left – 1 person/1 household.

First floor rear left – 1 person/1 household.

Second floor: self-contained unit - 2 persons/1 household.

- 4.15 The application to renew this Licence was submitted in January 2020. All correspondence in this respect is provided at Appendix M. The application form refers to 5 letting units of which 3 are self-contained (Question 8.7), 5 households (Question 8.9), 7 people occupying the property (Question 8.10) and also provides details in respect of the number of habitable rooms, bathrooms/shower rooms, toilets, wash basins, kitchens etc. The appendix to the HMO Licence itself refers to 5 households in 6 rooms with no persons occupying the ground floor rear left room which is the living room to the 1 bedroom flat. This Licence itself is not as specific as that originally granted in 2014 in that it does not make clear that the 1 bedroom flat and 2 studio flats were self-contained units but other evidence submitted in connection with the appeal under Ground (d) demonstrates this. Also provided at Appendix M are the other documents that the Applicant for the HMO Licence was obliged to submit to the Local Authority with the HMO application. One of the documents is a floor plan that shows the layout as currently existing identifying the locations of smoke and heat detectors and emergency lighting.
- 4.16 A fire detection system was installed at the property in August 2014. This was installed as a Four Zone Fire Panel with the ground floor front area being Zone 1, first floor Zone 2, second floor Zone 3 and rear ground floor flat Zone 4. The Certificate of Installation is provided at Appendix N. The system has since been inspected and serviced. Copies of some of the inspection and servicing reports are also provided at Appendix N covering the period 2015 until 2020 with one inspection and servicing report being provided for each year.
- 4.17 Also submitted as evidence to assist in demonstrating the 3 self-contained flats as being lawful are the landlord's insurance policies for the property. These are provided at Appendix O, going back to April 2015. That issued by Swinton Insurance in 2015 made it clear that this is a landlord's policy with reference to the property being flats (conversion to existing dwelling) and with reference to 5 bedrooms let to professional people. In 2020 through KeyLife financial Services the

policy was moved to Iprism. Again the documentation makes clear that the property is tenanted and arranged as converted flats.

- 4.18 The Landlord advertises the accommodation within the property using a variety of sources. Provided at Appendix P is a variety of evidence from past advertisements. At the front of this appendix is a Schedule of advertisements detailing which unit within the property the advertisements relate to. Also provided, at Appendix Q, R, S and T, are very recently taken date stamped photographs of the ground floor 1 bedroom flat at the front, ground floor rear studio, second floor loft studio and first floor bedsits respectively. When comparing these with photographs included within the advertisements it can be seen that the advertisements are of these particular properties. These help in proving that the photographs in the advertisements do actually relate to the units within the appeal premises. In addition the advertisement photographs will be recognisable to the Inspector when he/she undertakes the site visit as being from the appeal premises. As is standard practice these types of advertisements do not specify an address; they simply refer to a general area; nor is there any way of proving when the advertisements were posted. However included at Appendix P is e-mail correspondence relating to some of the advertisements being placed together with bank statements showing advertising transactions to Open Rent and Spare Room, a commission from letting agents in respect of the placement of tenants an e-mail to a letting agent specifically referring to a studio flat from January 2016. 3 advertisements which refer to "Flat Share" are also provided; these relate to the 2 bed-sitting rooms on the first floor.
- 4.19 Statutory Declarations have been obtained from two former tenants and also from the electrician responsible for installing and subsequently inspecting and servicing the fire alarm system. These Statutory Declarations are provided at Appendices U, V and W respectively. The Declaration form [REDACTED] at Appendix U refers to his occupation of the 1 bedroom ground floor flat as a wholly self-contained unit between November 2016 and July 2020. As he refers he has personal knowledge of the remainder of the property and confirms its layout as has been described in this Statement. Likewise the Declaration from [REDACTED] at Appendix V refers to his occupation of the studio flat within the roof space for 2 years from September 2016. Again he refers to his personal knowledge of the entire building and confirms the layout as described in this Statement. At Appendix W is a

Statutory Declaration from ■■■■■ of AP Electrical and Fire Alarms Ltd to which he has attached the electrical plans showing smoke detectors, heat detectors and emergency lighting, his Certificate of Installation and one of his subsequent inspection reports. ■■■■■ and his plan confirm the layout of the property as exists today. The plan was prepared in 2014 and, as inspection will demonstrate, the layout has not changed. In his Declaration he describes the layout as has been referred to elsewhere in this Statement as 3 self-contained units with non-self-contained accommodation at first floor level. He explains the reference in his subsequent inspection certificates to “full house” as meaning one fire alarm covering the entire building, clarifying that this does not mean that the property was occupied as a family house.

- 4.20 At Appendix X are three letters from current tenants – one from each of the self-contained flats. Again these letters confirm the layout as described in this Statement.
- 4.21 At Appendix Y, is a recent letter from KeyLife Financial Services (Insurance Brokers) who confirm the current layout and refer to the current insurance policy (as discussed above).
- 4.22 At Appendix Z a letter from P and R Residential is provided. The writer makes reference to having advertised the flats, having visited the property many times over the last 4 years and also confirms the high standard of accommodation.
- 4.23 It is considered that the evidence provided, which comes from a number of different sources, proves that the property has been laid out in its current form – as a 1 bedroom self-contained flat at the front of the ground floor, self-contained studio flat at the rear of the ground floor, self-contained studio flat within the roof space and an HMO comprising two rooms with shared facilities on the first floor – for more than 4 years. It is acknowledged that the HMO accommodation on the first floor is not lawful as it has not existed as such for 10 years. Thus the appeal under Ground (d) is only in respect of the three individual self-contained flats.
- 4.24 Attention is drawn to case law relevant to such conversions, in particular *Baker v Secretary of State for the Environment, Transport and Regions* (2001) JPL1299. The Court held that reference to a

“building” in Section 171B(2) of the Town and Country Planning Act 1990 as amended, included a part of the building, which meant that no enforcement proceedings could be taken once a part of the building had been used as a single dwelling house for 4 years or more. In view of this it is considered that the Enforcement Notice cannot properly relate to the 3 self-contained flats, each of which has been used as a single dwelling house for more than 4 years as the evidence demonstrates.

- 4.25 Section 191(2) of the Act states that uses and operations are lawful if no enforcement action may be taken in respect of them, including if the time for enforcement action has expired. As the 3 self-contained flats at 36 Sunningfields Road have each existed for more than 4 years the time for enforcement action has expired.
- 4.26 In considering the evidence the Inspector will be aware that the relevant test is the “balance of probability”. It is considered that sufficient evidence has been submitted to prove the lawful use of these 3 flats on the balance of probability.
- 4.27 As the 3 flats have existed for more than 4 years and they are now lawful and immune from enforcement action it is considered that the appeal under Ground (d) should be allowed as far as the 3 self-contained units are concerned.

5.00 APPEAL UNDER GROUND (a)

- 5.01 It is considered that the appeal under Ground (a), requesting that planning permission be granted for what is alleged in the Notice, only needs to be considered insofar as the first floor HMO accommodation – the 2 bedsitting rooms sharing facilities on the first floor - is concerned. We will comment on the use in the context of the policies to which the Enforcement Notice refers. However there is also the “common sense” argument that, given that it is considered that there can be no doubt, as a result of the evidence provided, that the 3 self-contained units are lawful and immune from enforcement action, the only potential use of the first floor would be either as a non-self-contained flat or a small HMO consisting of 2 units with shared facilities.
- 5.02 London Plan Policy 3.5 referred to in this third reason for issuing the Enforcement Notice relates to quality and design of housing developments. The policy cross-refers to minimum space standards dependent upon number of bedrooms and bed spaces. However it does not include any minimum standard for accommodation in the form of an HMO. It is clear that the HMO accommodation is of appropriate size given the fact that the property has an HMO Licence including for the 2 bedsitting rooms on the first floor. As can be seen from Appendices L and M both of these rooms are classified as being appropriate for single household/single person occupancy.
- 5.03 Also of relevance in the London Plan is Policy 3.14 (extract of which is provided at Appendix AA. This makes it clear that the Mayor for London resists the loss of shared accommodation that meets an identified need. Para 3.55 of the London Plan (also included at Appendix AA) makes clear that shared accommodation is a strategically important part of London’s housing offer, meeting distinct needs and that where it is of reasonable standard it should generally be protected.
- 5.04 The Enforcement Notice refers to the London Borough of Barnet’s Development Management Policies DM01, DM02 and DM04.
- 5.05 Policy DM01 is referred to in the first reason for the Local Authority having issued the Enforcement Notice, that referring to no provision for storage of refuse and recycling facilities resulting in a detrimental effect on the character and appearance of the property in the general street

scene. In this respect refuse bins are placed on the hard surfaced forecourt area with this always having been the case and as was the case when the property was occupied as a single family dwelling. This can be seen in the photograph at Appendix C and is the same arrangement as for other properties on the road. Policy DM01 relates to the protection of the Borough's character and amenity generally. The retention of the HMO will have no impact on that character. It does not affect the external appearance of the building. Part (h) of the policy refers to conversion of dwellings into flats in roads characterised by houses not normally being appropriate. Given that there are a number of other properties in the road that have already been converted (as is evident by our Council Tax research of the closest properties at Appendix A) and given that there are considered to be 3 lawful self-contained flats within the property, it is not considered that the retention of the HMO accommodation on the first floor by way of allowing the appeal under Ground (a) would be contrary to this.

- 5.06 Policy DM01 is also referred to in the fourth reason for issuing the Enforcement Notice which relates to amenities of present and future occupiers. However the HMO rooms both receive adequate daylight and sunlight as well as natural ventilation being either orientated due east or due west. It is therefore considered that that part of Policy DM01 requiring adequate daylight, sunlight, privacy and outlook (Part (e)) is complied with.
- 5.07 Lastly Policy DM01 is referred to in the fifth reason for issuing the Enforcement Notice which alleges an over-intensive use of the property with increased comings and goings detrimental to the character and appearance of the area. This needs to be considered against the activity associated with the 3 lawful flats. Also the activity associated with various other dwellings in this part of Sunningfields Road, a number of which have previously been converted. Also of relevance in terms of activity and intensity of use is the activity associated with the school directly opposite. Given the nature of the appeal premises and the surrounding area it is not considered that the retention of the HMO at first floor level will result in an over-intensive use of the property.
- 5.08 Policy DM02 is referred to in the second and third reasons that the Local Authority have stated for issuing the Enforcement Notice. The second relates to the rear garden and lack of privacy between that and the ground floor rear unit; the third reason refers to minimum floor

space standards. With regard to the second reason granting permission for the retention of the HMO by allowing the appeal under Ground (a) does not affect matters since, as has been discussed in respect of the appeal under Ground (d), that studio flat at the rear of the ground floor is lawful as are the other 2 flats with all occupiers of all units having access to the garden. As regards minimum floor area Policy DM02 cross-refers to London Plan Policy 3.5. Our comments as discussed above at Para 5.02 are therefore applicable.

5.09 Policy DM04 is referred to in the last reason for refusal which relates to the potential for unacceptable levels of noise and disturbance as there is no evidence of suitable sound-proofing between the units. However the only aspect of Policy DM04 that relates to noise is Part (d) which includes reference to mitigations of noise impacts through design, layout and insulation being expected where appropriate. Without deconstructing the building the sound insulation between units cannot be known. However there have been no complaints from occupiers – past and present – in respect of unacceptable levels of noise disturbance. The fact that all current tenants have been happy to write in support of the appeal, with two of the three specifically choosing to comment on the good standard of accommodation, suggests that there is no unacceptable noise disturbance. Likewise the fact that two past tenants were happy to give time to the preparation and signing of Statutory Declarations suggests that they were also happy with their accommodation and were thus willing to assist their former landlord with this appeal. Whilst it is appreciated that this is not “evidence” of there being appropriate sound-proofing between the units it is considered indicative that there is no unacceptable level of disturbance between units.

5.10 Whilst the Local Authority have referred to their two supplementary planning guidance documents (Residential Design Guidance and Sustainable Design and Construction) no particular aspects of these documents have been referred to in the Enforcement Notice or indeed in the Officer’s Expediency Report. No particularly relevant aspects of these documents have been found. They generally expand on the requirements of policies as referred to above. If the Local Authority draw attention to any particular paragraphs from these lengthy documents in their appeal statement then we will consider and respond at final comments stage.

5.11 For these reasons it is considered that the appeal under Ground (a) should be allowed as the small HMO makes sensible use of that part of the building which does not have a lawful use as any self-contained flat. Furthermore, for the reasons discussed above, it is considered that that use complies with all relevant planning policies.

6.00 APPEAL UNDER GROUND (f)

- 6.01 This ground of appeal only falls to be considered if the appeals under Grounds (d) and (a) fail. It is considered that the steps required to comply with the requirements of the Notice are excessive and that lesser steps would overcome the objections.
- 6.02 The Enforcement Notice requires the cessation of the use of the property as self-contained units and bedsitting rooms (Requirement 1); the removal of bathroom facilities including toilets, basins, baths and showers from all but one room (Requirement 2) and the removal of kitchen facilities from all but 1 room (Requirement 3). It is particularly Requirement 2 that this appeal under Ground (f) relates to.
- 6.03 This is considered to be an unduly onerous requirement even if the property were to revert to a single family dwelling house. The dwelling house would be likely to have 4 bedrooms as the shared kitchen at first floor level (currently forming part of the HMO) would inevitably be put back to its original use as a single bedroom. There are the two original double bedrooms at first floor level. There is also the very large room in the roof space (currently one of the two studio flats). Furthermore it is quite possible that there would be a fifth bedroom, potentially in the ground floor rear extension.
- 6.04 There would therefore definitely be bedrooms over two floors (first floor and within the roof space). Potentially there could be bedrooms on all three floors. It is not reasonable to expect occupants of a large family house to all share one bathroom. It is quite common for houses providing accommodation for a single family to have more than one bathroom and indeed the majority of new build accommodation has an en-suite bathroom for a master bedroom.
- 6.05 Furthermore a WC on the ground floor would be common practice and indeed would be a requirement of current Building Regulations if this were a new build dwelling.
- 6.06 It is therefore considered that the second requirement of the Enforcement Notice ought to be removed in its entirety. The removal of kitchen facilities from all but one room (as required by the third requirement) would be sufficient in itself to ensure that the property could only be occupied as a single family dwelling.

6.07 For these reasons if the appeals under Grounds (d) and (a) both fail the Inspector is respectfully requested to amend the requirements of the Notice to delete the requirement at Para 5.2.

APPENDIX

'A'

<u>ANNEXE FLAT 1 AT 16, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	A	
<u>ANNEXE FLAT 1 AT 16, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	Deleted	
<u>FLAT 1 AT 16, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	A	
<u>ROOMS GND & 1ST FLR AT 16, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	C	
<u>ANNEXE FLAT 2 AT 16, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	A	
<u>FLAT 2 AT 16, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	C	
<u>ANNEXE FLAT 3 AT 16, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	A	
<u>FLAT 3 AT 16, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	Deleted	
<u>FLAT 4 AT 16, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	Deleted	
<u>16, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	Deleted	
<u>FLAT 1 GND FLR AT 18, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	D	
<u>FLAT 2 1ST FLR AT 18, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	D	
<u>18, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	Deleted	
<u>20, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	E	
<u>22, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	E	
<u>24, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	E	
<u>26, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	E	
<u>28, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	E	
<u>FLAT GND FLR 30, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	Deleted	
<u>FLAT 1ST FLR 30, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	Deleted	

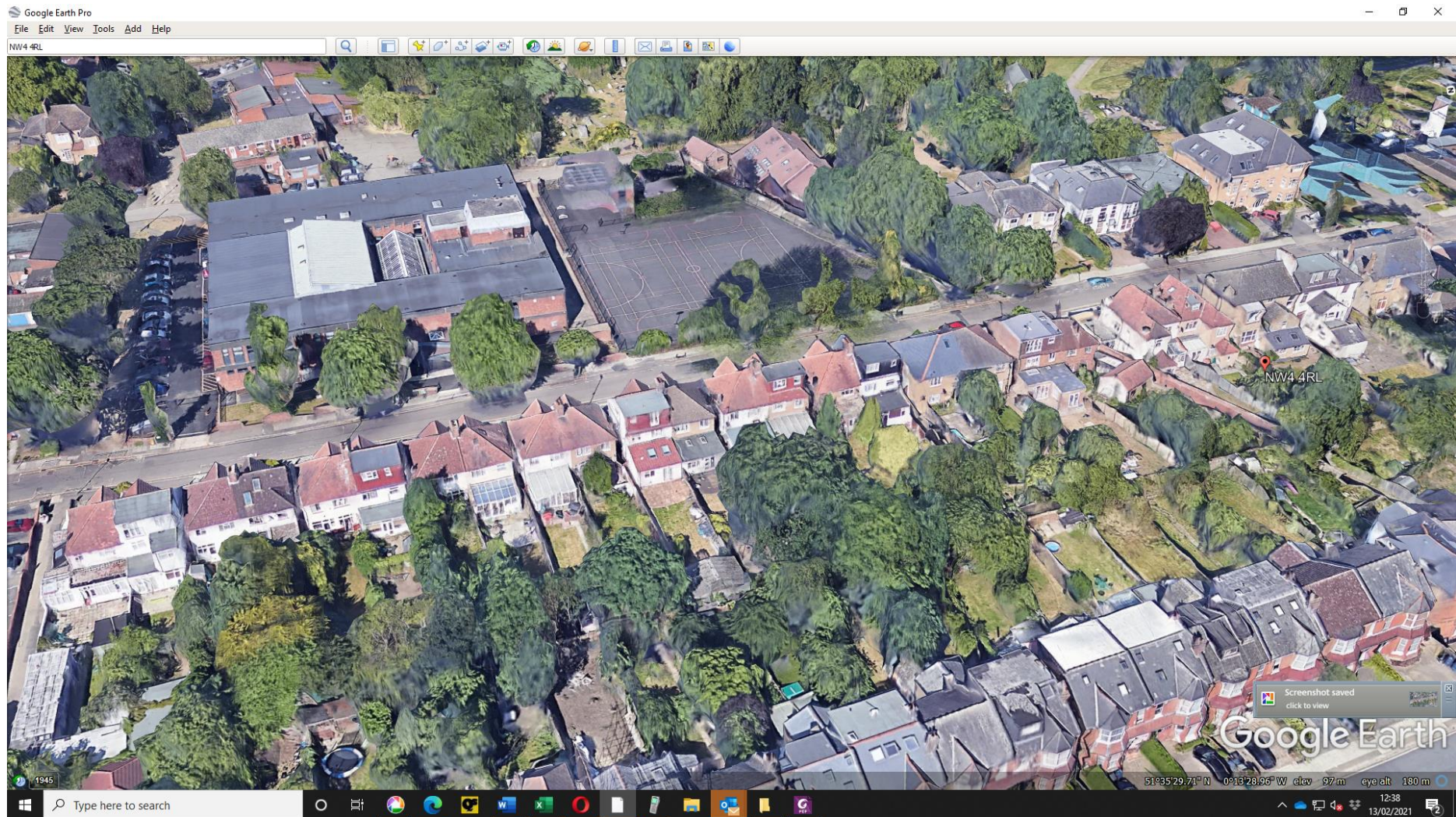
Address	Council Tax band	Im
<u>30, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	E	
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<u>32, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	E	
<u>34, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	E	
<u>36, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	E	
<u>38, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	E	

Address	Council Tax band	Im
<u>FLAT REAR GND FLR 40, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	B	
<u>FLAT 1 AT 40, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	B	
<u>FLAT 2 AT 40, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	B	
<u>FLAT 3 AT 40, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	A	
<u>FLAT 4 AT 40, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	A	
<u>FLAT 5 AT 40, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	A	
<u>40, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	Deleted	
<u>42, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	F	
<u>44, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	E	
<u>FLAT GND FLR FRONT 46, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	B	
<u>FLAT GND FLR REAR 46, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	B	
<u>FLAT R/O 46, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	A	
<u>FLAT 1 AT 46, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	Deleted	
<u>FLAT 1 1ST FLR REAR 46, SUNNINGFIELDS ROAD, LONDON, NW4 4RL</u>	B	

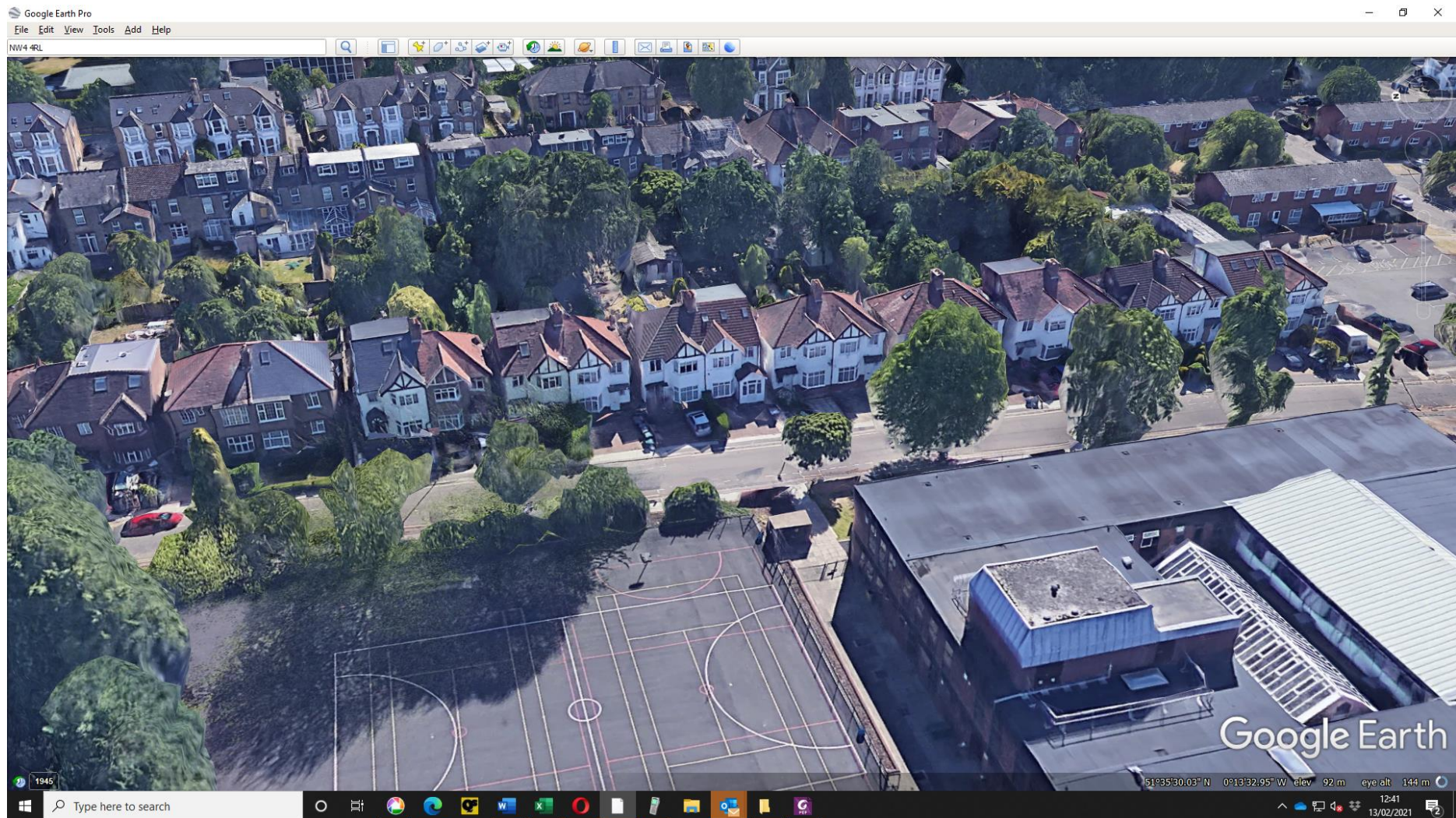
APPENDIX

'B'

BIRDS EYE VIEW OF PROPERTIES ON EASTERN SIDE OF SUNNINGFIELDS ROAD FROM THE EAST

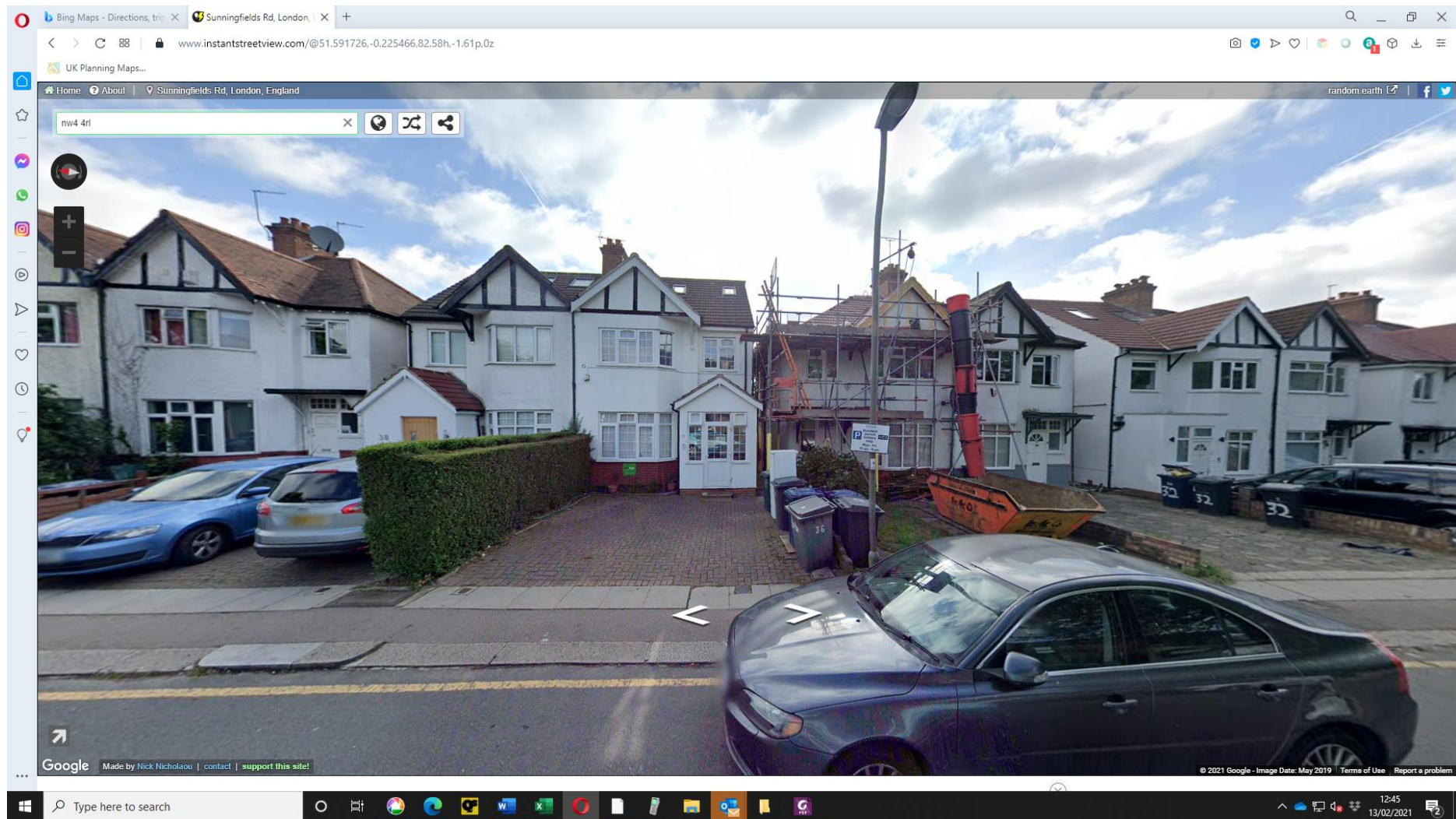


BIRDS EYE VIEW OF PROPERTIES ON EASTERN SIDE OF SUNNINGFIELDS ROAD FROM THE WEST



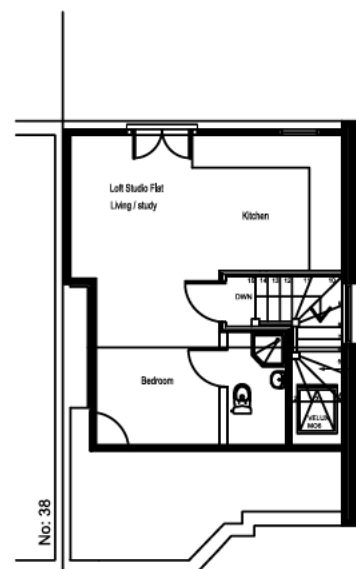
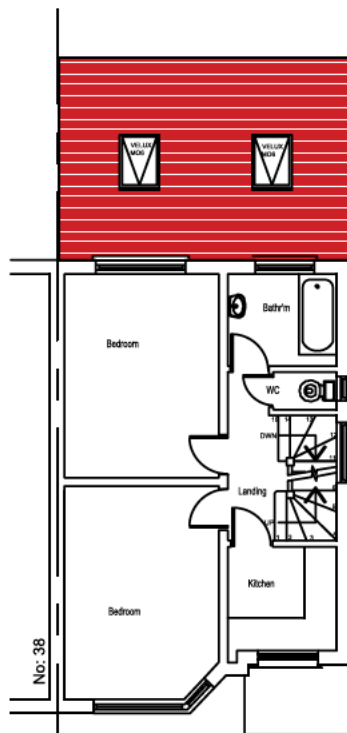
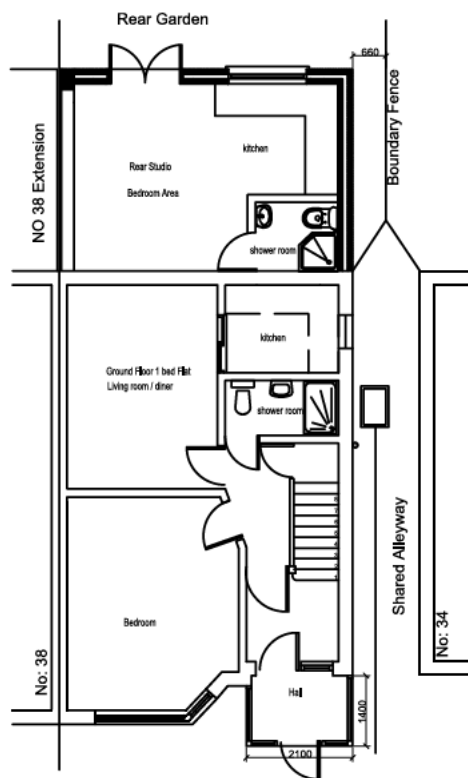
APPENDIX

'C'



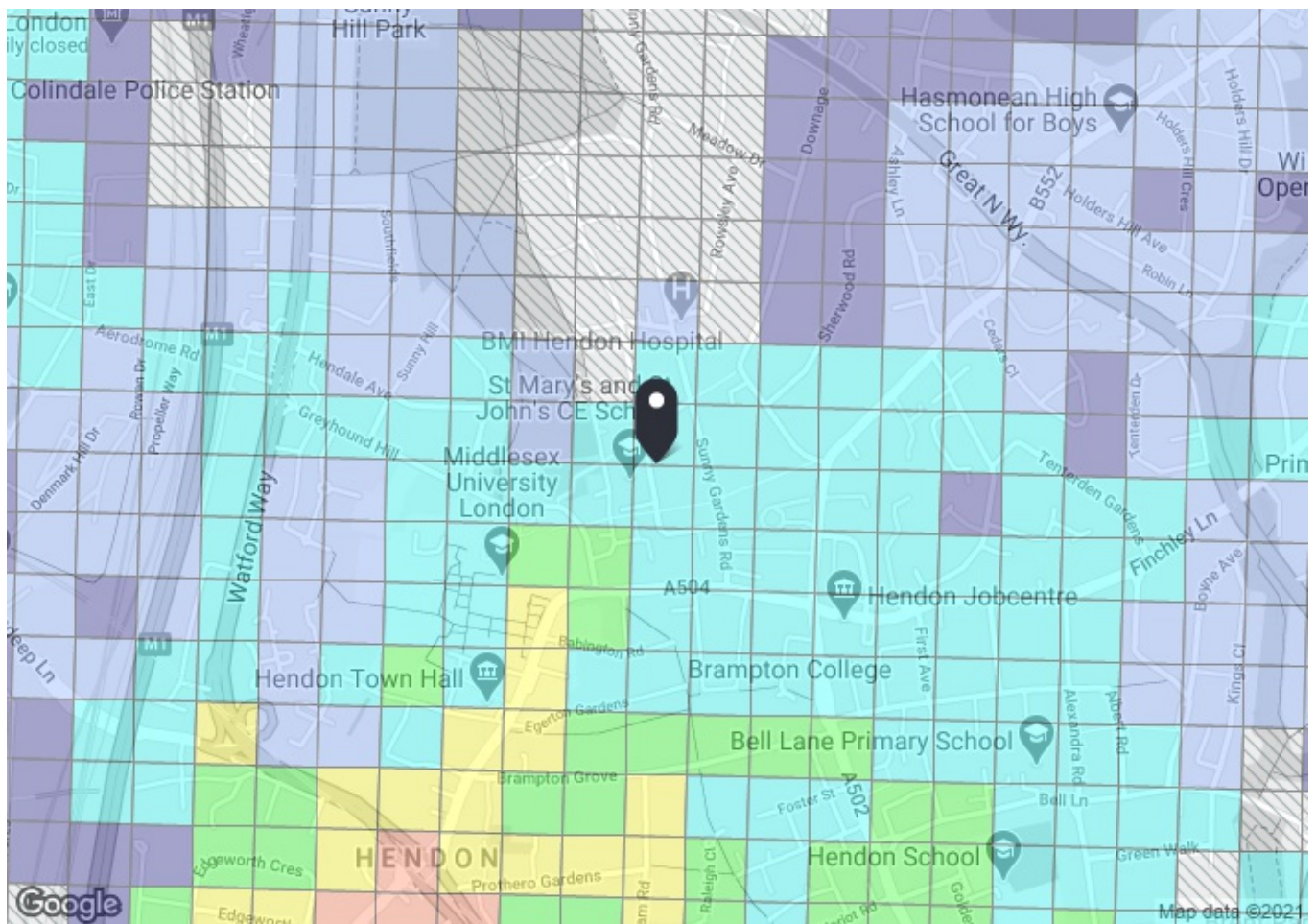
APPENDIX

'D'

[illegible]

APPENDIX

'E'



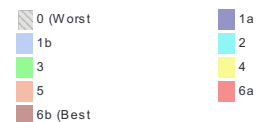
PTAL output for Base Year 2

36 Sunningfields Rd
36 Sunningfields Rd Hendon London NW4 4RL UK
Easting 523036 Northing 189593

Grid Cell 128959

Report generated 13/02/2021

Map key- PTAL



Map layers

 PTAL (cell size 100m)

Calculation Parameters

Day of Week	M-F
Time Period	AM Peak
Walk Speed	48 kph
Bus Node Max. Walk Access Time (mins)	8
Bus Reliability Factor	20
LU Station Max. Walk Access Time (mins)	12
LU Reliability Factor	0.75
National Rail Station Max. Walk Access Time (mins)	12
National Rail Reliability Factor	0.75

Calculation data

Mode	Stop	Route	Distance (metres)	Frequency(vph)	Walk Time (mins)	SWT (mins)	TAT (mins)	EDF	Weight	AI
Bus	HENDON THE QUADRANT	240	497.27	5	6.22	8	14.22	2.11	0.5	1.06
Bus	HENDON CHURCH END	326	400.15	5	5	8	13	2.31	0.5	1.15
Bus	HENDON CHURCH END	143	400.15	5	5	8	13	2.31	0.5	1.15
Bus	HENDON CHURCH END	183	400.15	7.5	5	6	11	2.73	1	2.73
Total Grid Cell AI:										6.09

APPENDIX

'F'

Assistant Director of Planning and Development Management
Building 4, North London Business Park
Oakleigh Road South, London, N11 1NP
Contact Number: 020 8359 4653

Miss Leena Virani
Manu Design Limited
81 Sudbury Court Road
Harrow
Middlesex
HA1 3SG

Application No: **H/01672/12**
Registered Date: 01/05/2012

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)
TOWN AND COUNTRY PLANNING (Development Management Procedure)
(England) Order 2010: Part 6

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
(PROPOSED USE OR DEVELOPMENT)

TAKE NOTICE that the Barnet London Borough Council, in exercise of its powers as Local Planning Authority under the above Act, hereby certifies, within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), that: -
Unless any relevant factor has changed since the application date, the following use / development is **LAWFUL**: -

Extension to roof including hip to gable, rear dormer window and roof lights to the side and front elevation to facilitate a loft conversion. New front porch.

At:- 36 Sunningfields Road, London, NW4 4RL

as referred to in your application and shown on the accompanying plan(s):

INFORMATIVE(S):-

- 1 The plans accompanying this application are:- Site Plan and drawing no. PD-01
- 2 The reason for this determination is:- The proposal is for a building operation/use which, by virtue of Sections 55 and 57 of the Town and Country Planning Act 1990, is development requiring planning permission, but such development is **PERMITTED** under Classes B, C & D Part 1 of Schedule 1 of the Town and Country Planning (General Permitted Development) Order 1995, (as Amended).
- 3 This certificate is issued on the basis of the written evidence submitted with the application. Accuracy and the onus of proof rests with the applicant. Please note that this decision relates only to the circumstances whereby the

property is in use as a single family dwelling house. This certificate and permitted development rights do not apply in the case of converted properties or flats accommodation.

- 4 This application is determined to be lawful based on the information submitted. If any information provided is inaccurate then this may invalidate the certificate.
- 5 The development is permitted by Class B of the General Permitted Development Order 1995 (amended 2008) subject to the materials used in any exterior work being of a similar appearance to those used in the construction of the exterior of the existing dwelling house and any windows in a side elevation are required to be obscured glazed and non-opening up to a minimum height of 1.7m above the internal room floor level.

Date of Decision: 21 June 2012

Signed: *U. Feld*

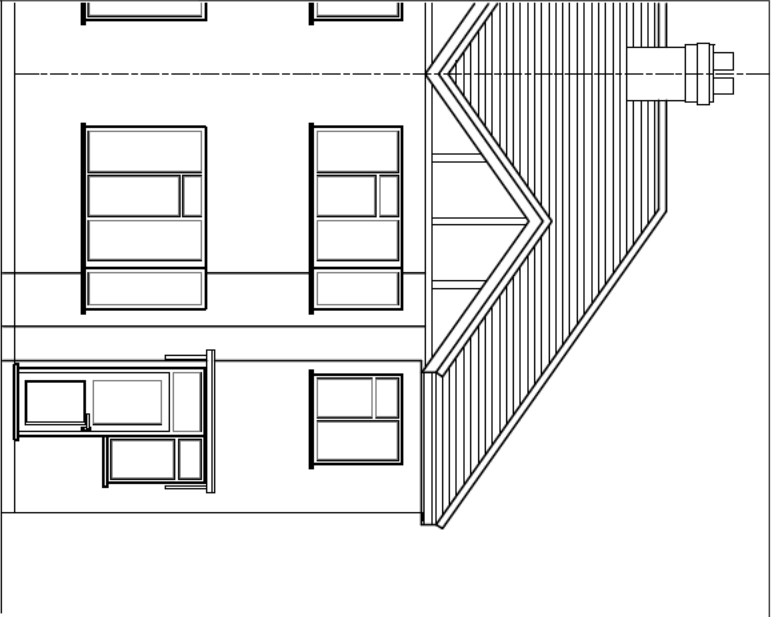
Acting for Joe Henry

Acting Assistant Director of Planning and Development Management

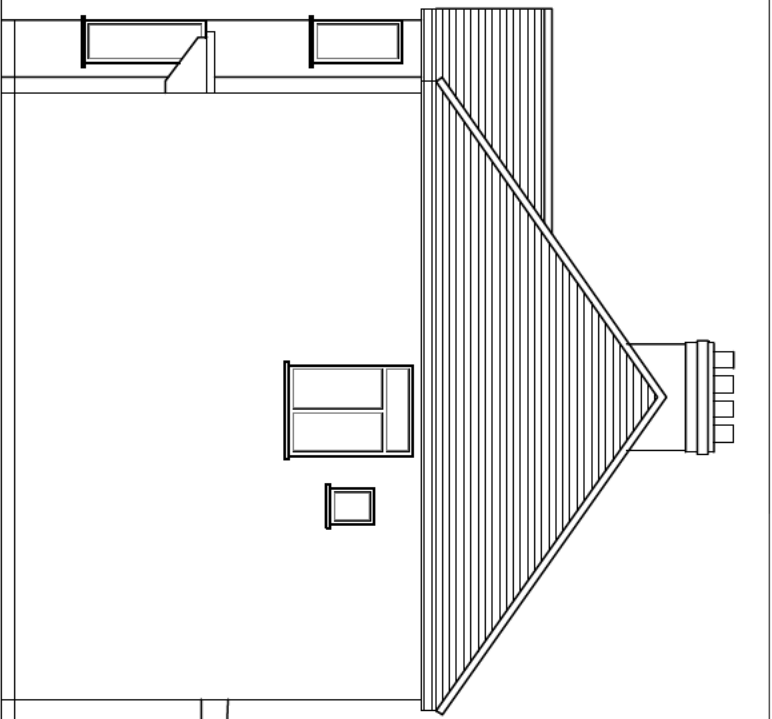
NOTE(S):-

1. This certificate is issued solely for the purpose of Section 191/192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use/operation above and taking place on the land also described above was lawful on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use/operations described above on the land also specified above. Any use/operation which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.
5. This notice relates solely to the grant of a certificate of lawfulness and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

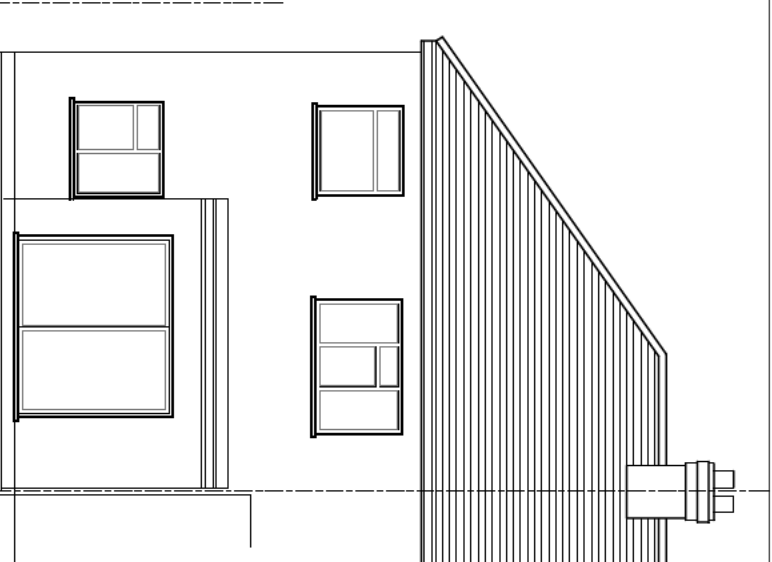
For more information about making an application for Building Regulations approval, please contact the Barnet Council Building Control team by email: building.control@barnet.gov.uk, telephone: 0208 359 4500, or see our website at www.barnet.gov.uk/building-control.



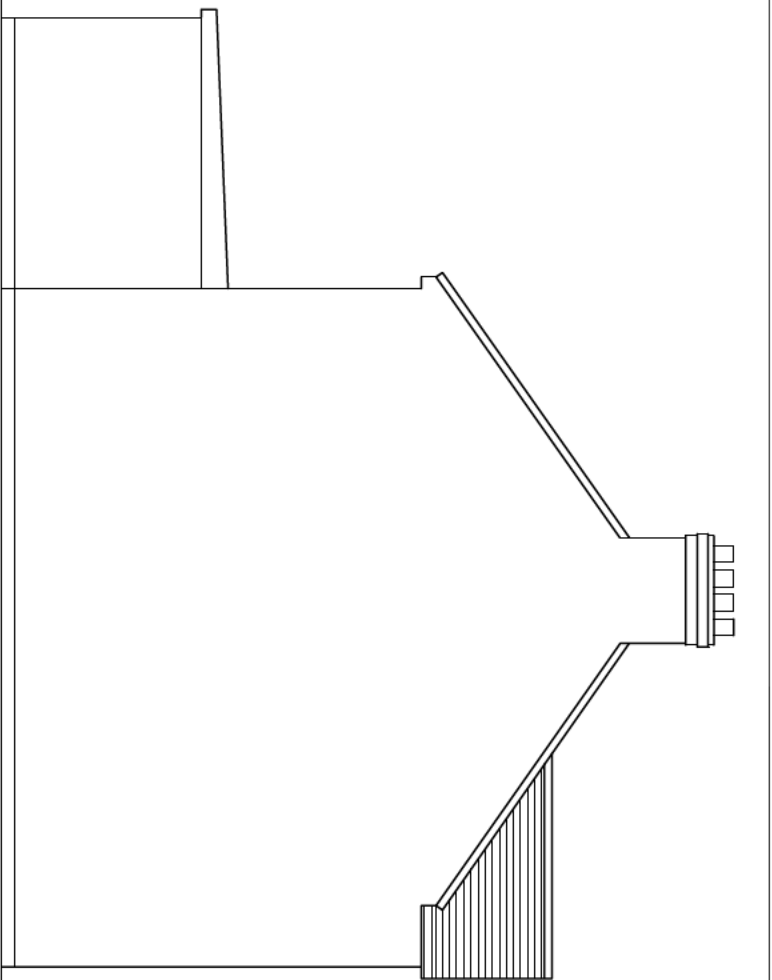
EXISTING FRONT ELEVATION



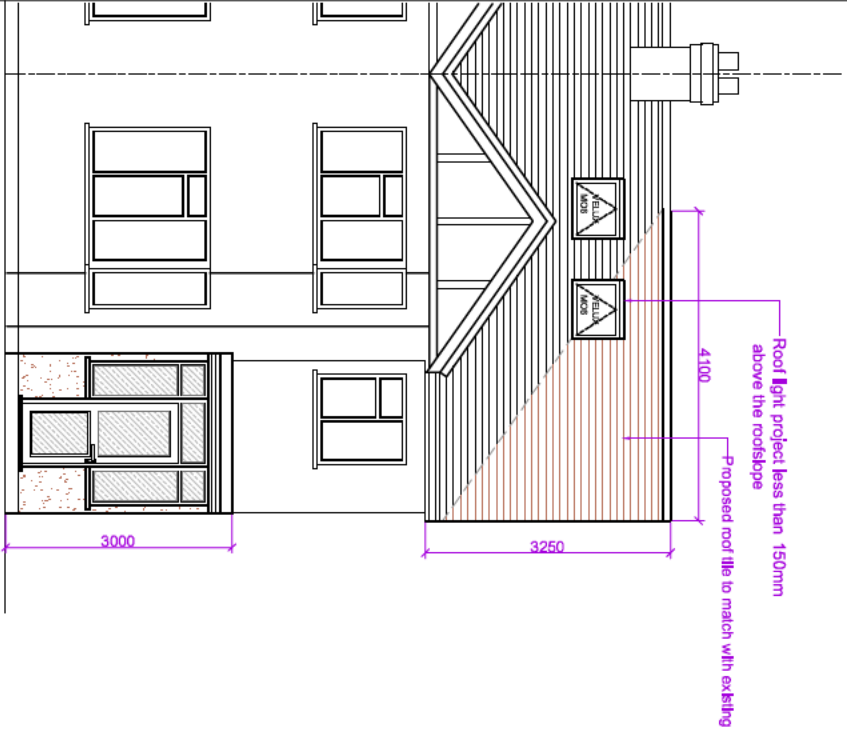
EXISTING SIDE ELEVATION



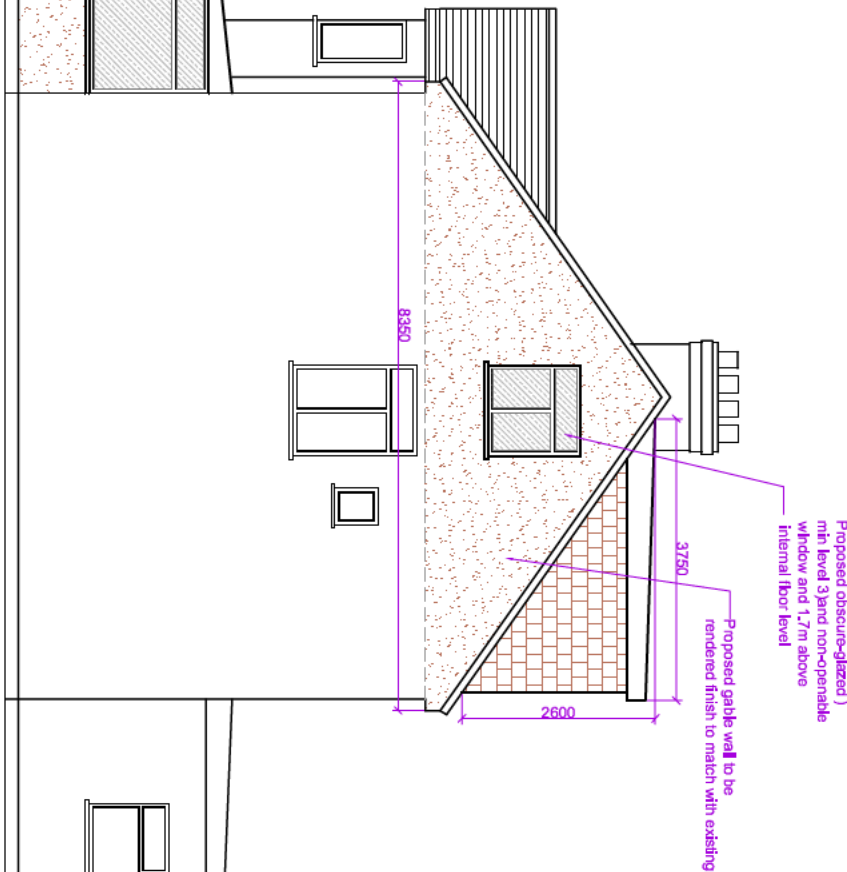
EXISTING REAR ELEVATION



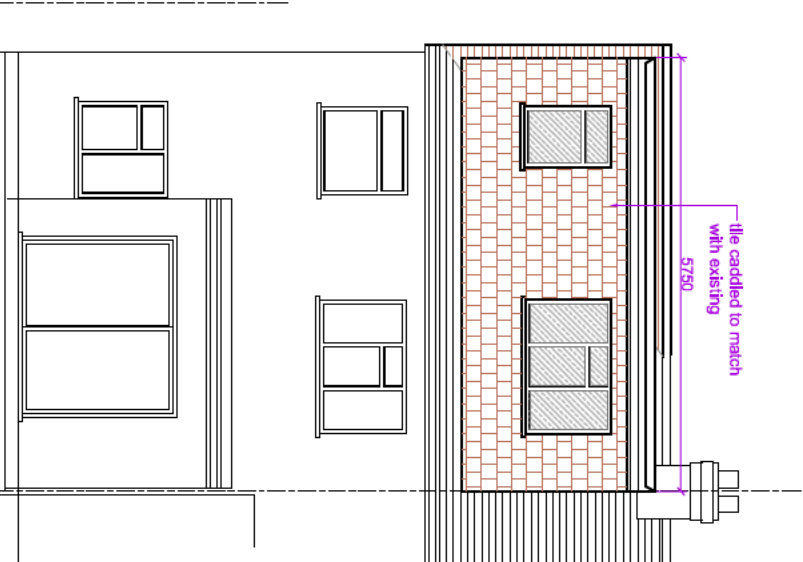
EXISTING SIDE ELEVATION



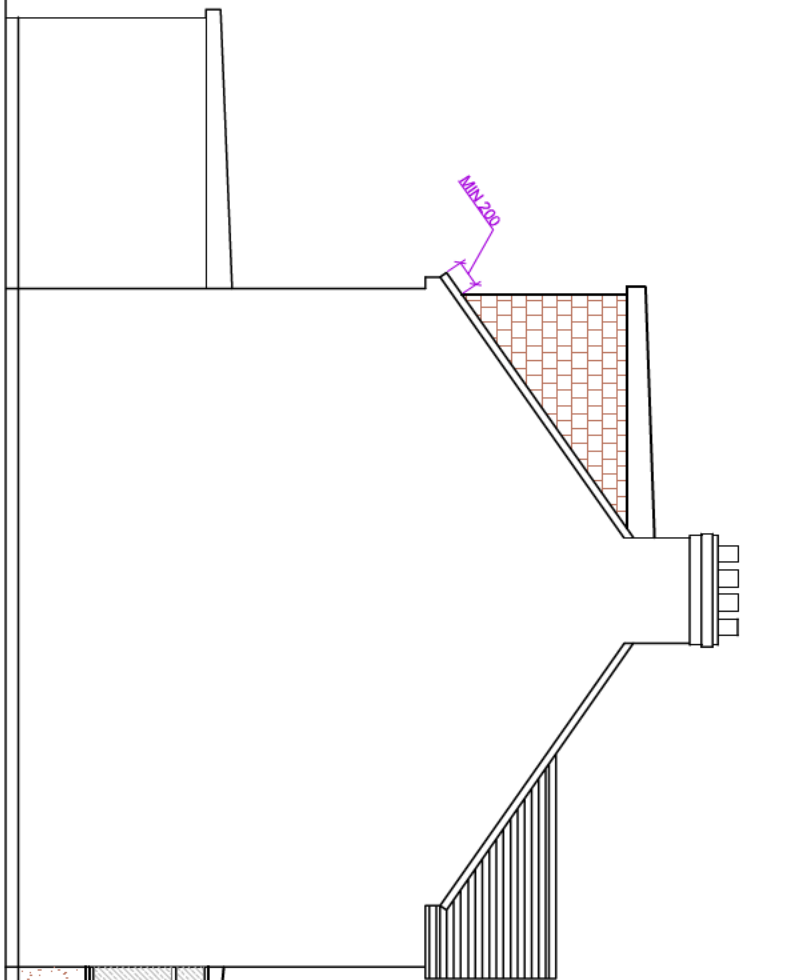
PROPOSED FRONT ELEVATION



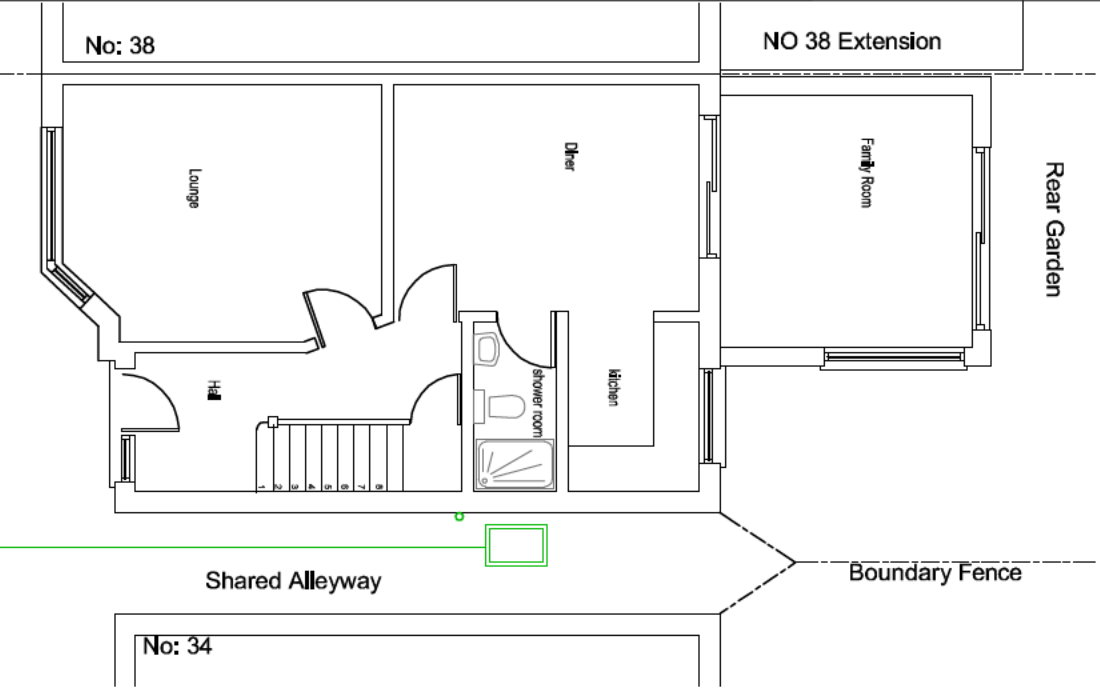
PROPOSED SIDE ELEVATION



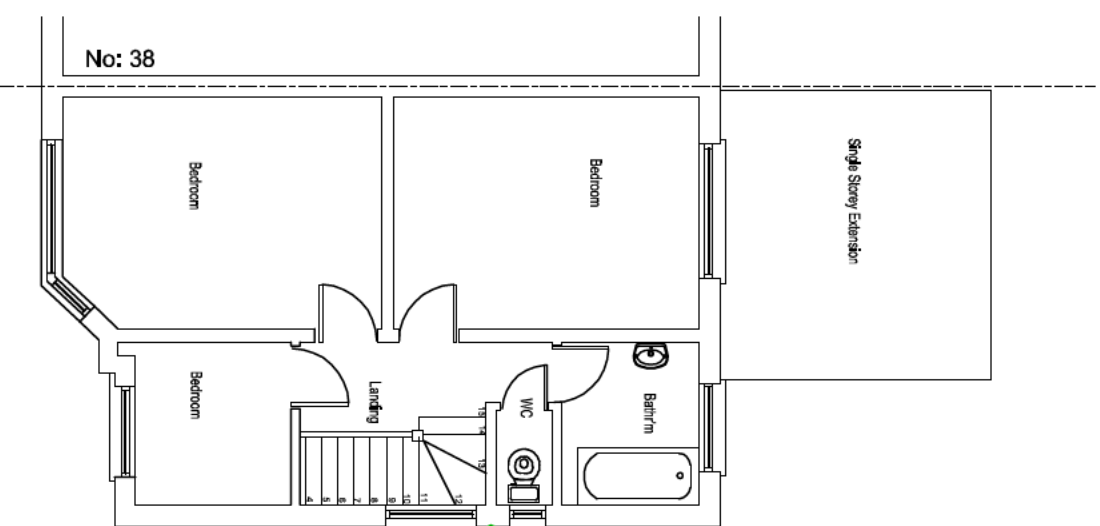
PROPOSED REAR ELEVATION



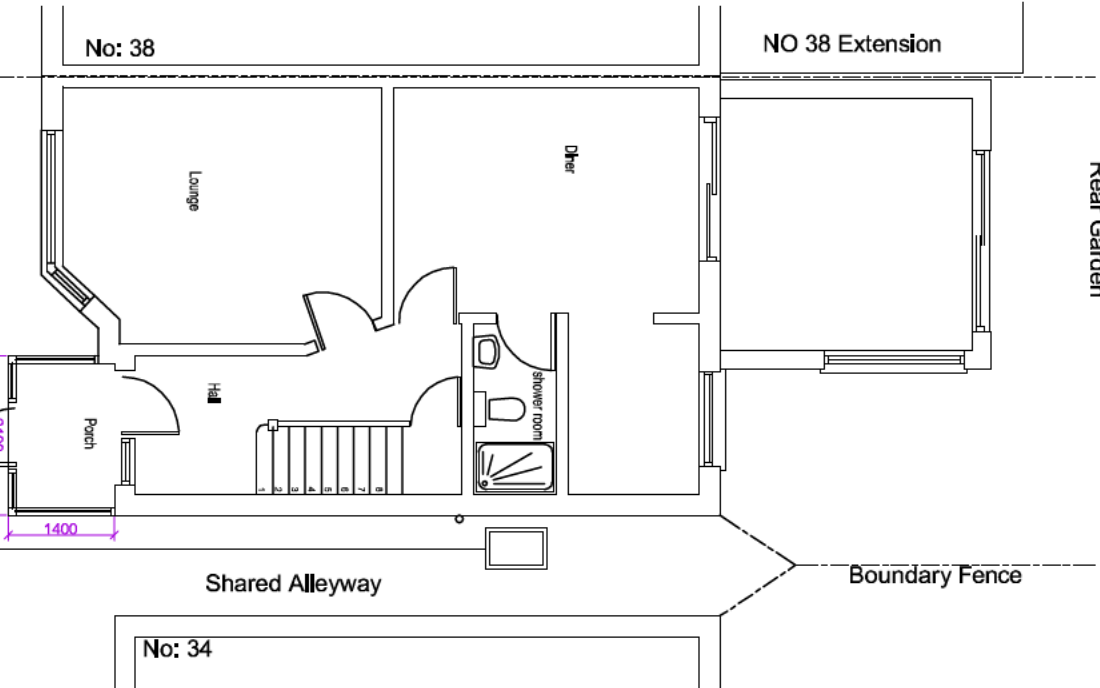
PROPOSED SIDE ELEVATION



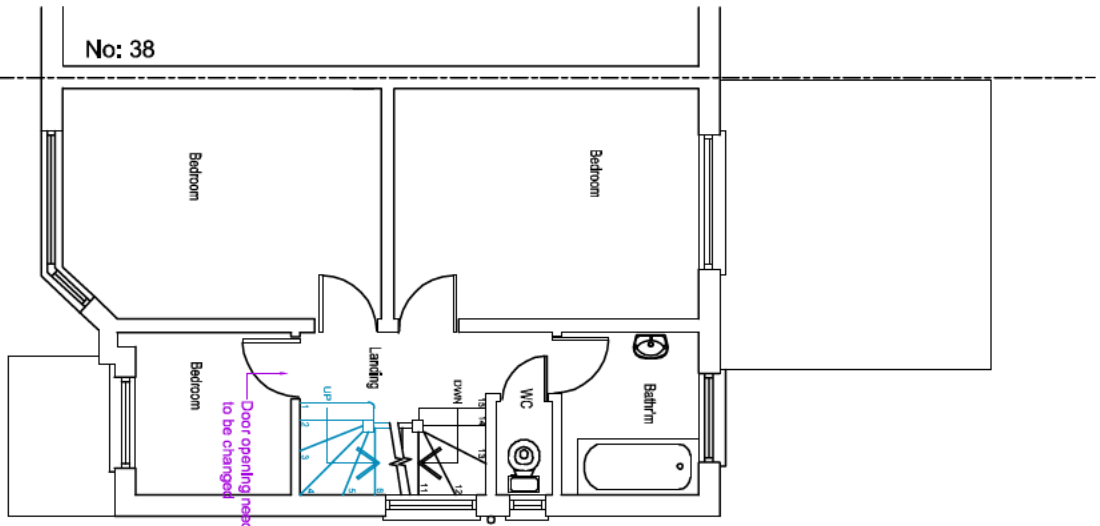
EXISTING GROUND FLOOR PLAN



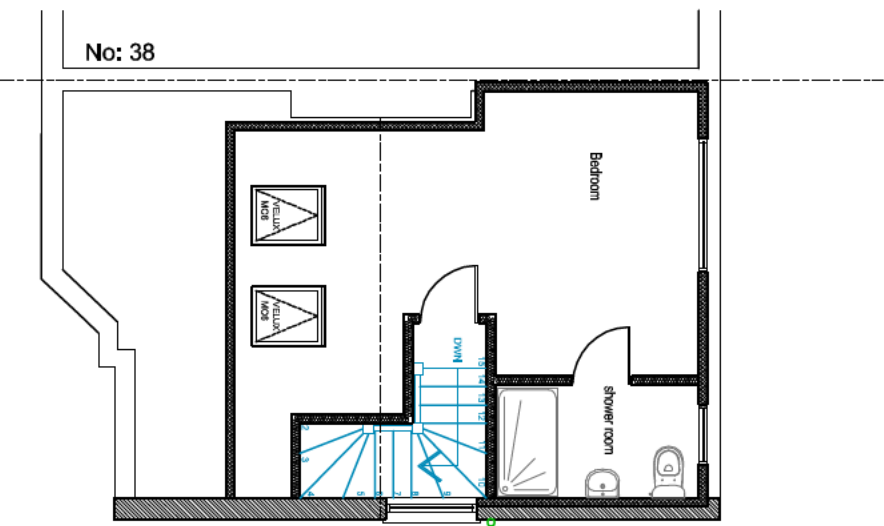
EXISTING FIRST FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROPOSED LOFT FLOOR PLAN

VOLUME CALCULATION

Gable Wall
= (8.35 x 4.10 x 3.25)/6
= 18.54 m³
Rear Dormer
= (5.75 x 3.75 x 2.6) x 0.5
= 28.30 m³
Total Volume
= Gable wall + Rear Dormer
= 18.54 m³ + 28.30 m³
= 46.87 m³

Permitted Development as Total
Volume 46.87m³ < 50m³

Client	MRS C GADDER
Site Address	38 SUNNINGFIELDS ROAD NW4 4RL
Project Title	LOFT CONVERSION WITH REAR DORMER AND FRONT PORCH
Status	PERMITTED DEVELOPMENT
Drawn	LV
Checked	LV
Date	21.04.2012
Scale	1:100 @ A2
Drawing Title	EXISTING AND PROPOSED PLANS AND ELEVATIONS
Doc No	SUN265
Drawing No	PD-01
Rev	

APPENDIX

'G'

Assistant Director of Planning and Development Management
Building 4, North London Business Park
Oakleigh Road South, London, N11 1NP
Contact Number: 0208 359 4722

Miss Virani
Manu Design Limited
81 Sudbury Court Road
Harrow, Middx
HA1 3SG

Application No: **H/01715/12**
Registered Date: 08/05/2012

TOWN AND COUNTRY PLANNING ACT 1990

GRANT OF PLANNING PERMISSION

TAKE NOTICE that the Barnet London Borough Council, in exercise of its powers as Local Planning Authority under the above Act, hereby:

GRANTS PLANNING PERMISSION for: -

Single storey rear extension with 2no. rooflights.

At:- 36 Sunningfields Road, London, NW4 4RL

as referred to in your application and shown on the accompanying plan(s):

Subject to the following condition(s): -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan number PL- 01 /Rev and site location plan.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 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 The materials to be used in the external surfaces of the single storey rear extension shall match those used in the existing building.

Reason:

To safeguard the visual amenities of the building and the surrounding area.

- 4 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the northern and southern side elevations, of the single storey rear extension hereby approved, facing Nos. 34 Sunningfields Road.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):-

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006). In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1 (Character), D2 (Built Environment / Character) and H27 (Extensions to Houses and Detached Buildings).

Core Strategy (Examination in Public version) 2012:
Relevant policies: CS NPPF, CS1, CS5.

Development Management Policies (Examination in Public version)2012:
Relevant Policies: DM01, DM2.

ii) The proposal is acceptable for the following reason(s): -

The proposed development would not unduly affect the residential amenities and living conditions of occupiers of adjoining properties and would be in keeping with the character and appearance of the locality.

Date of Decision: 04 July 2012

Signed: 

**Acting for Joe Henry
Acting Assistant Director of Planning and Development Management**

NOTE(S):-

1. Your attention is drawn to the attached Schedule which sets out the rights of an applicant who is aggrieved by a decision of the Local Planning Authority.
2. This Notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact the Barnet Council Building Control team by email: building.control@barnet.gov.uk, telephone: 0208 359 4500, or see our website at www.barnet.gov.uk/building-control.

IMPORTANT NOTE

The specification is to be read in conjunction with the particular details and other associated structural details as may be provided.

All work is to be carried out to the Local Authority Planning and Building Regulations Standards as necessary of Practice and British Standards as necessary.

All dimensions, levels, sizes, positions and locations of particulars as indicated on drawings are to be verified by the appointed surveyor or other competent person.

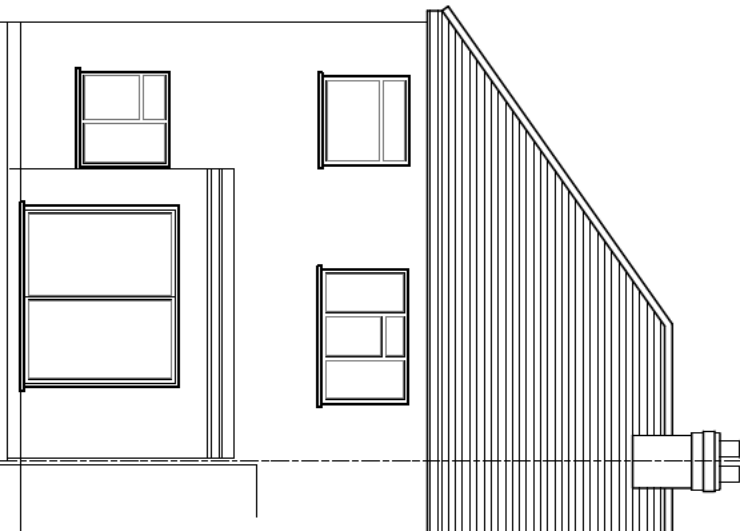
Any discrepancies must be reported to the Architect/Surveyor/Engineer or responsible persons immediately.

The Contractor is responsible for ensuring appropriate Health & Safety on site precautions.

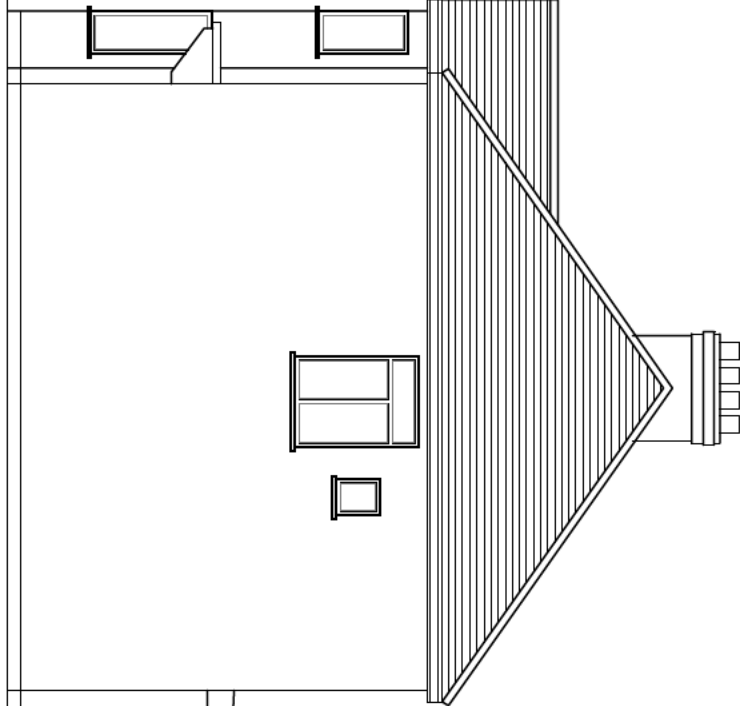
The Client/Building Owner must submit any necessary PART V/VI AGREEMENTS, prior to engaging in the works on site.

EXISTING SIDE ELEVATION

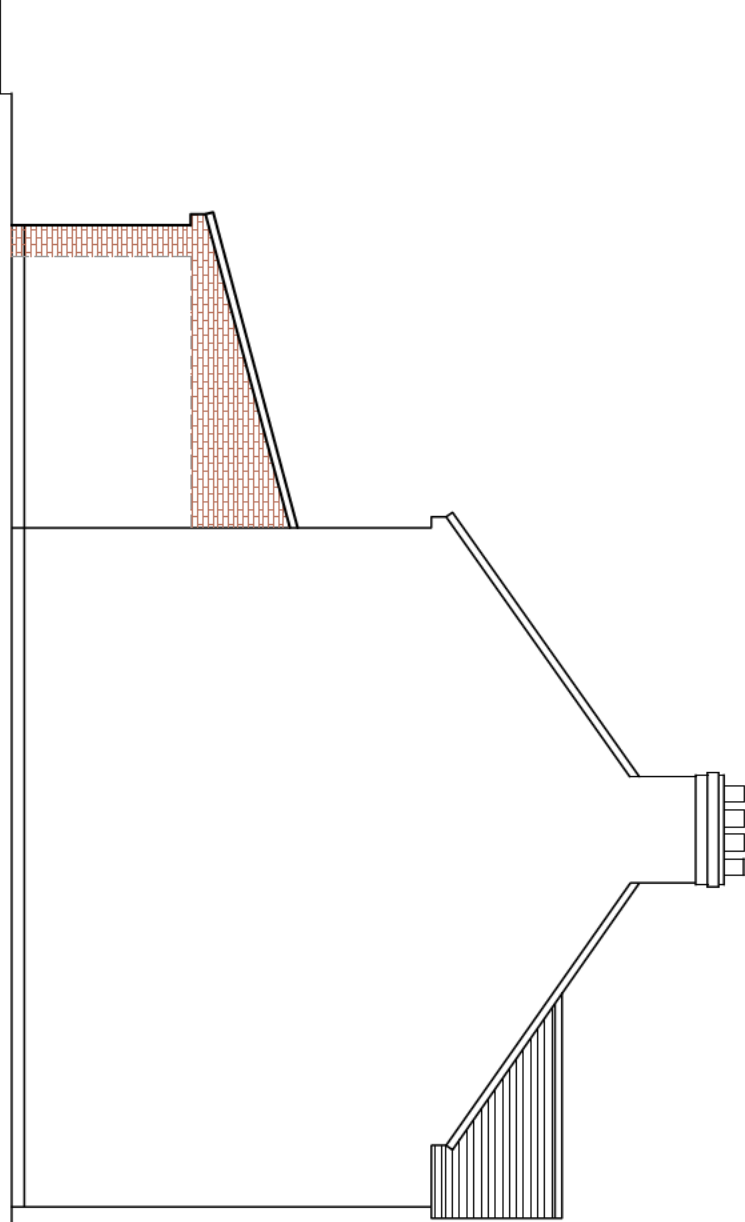
EXISTING REAR ELEVATION



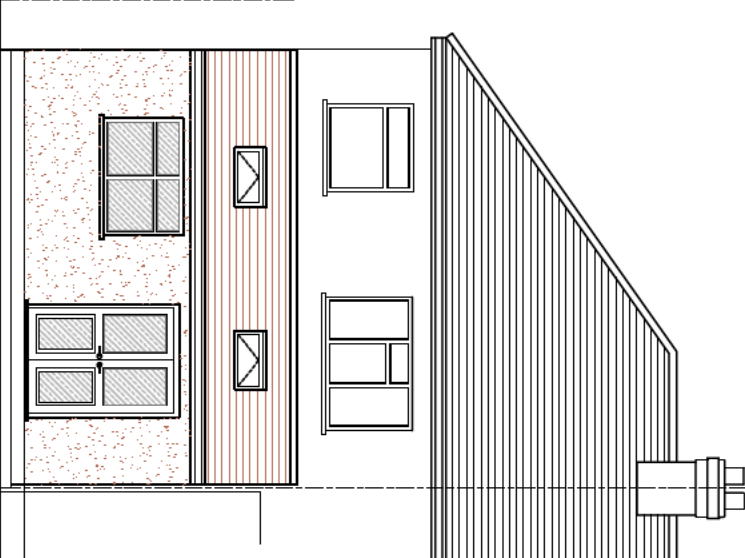
EXISTING SIDE ELEVATION



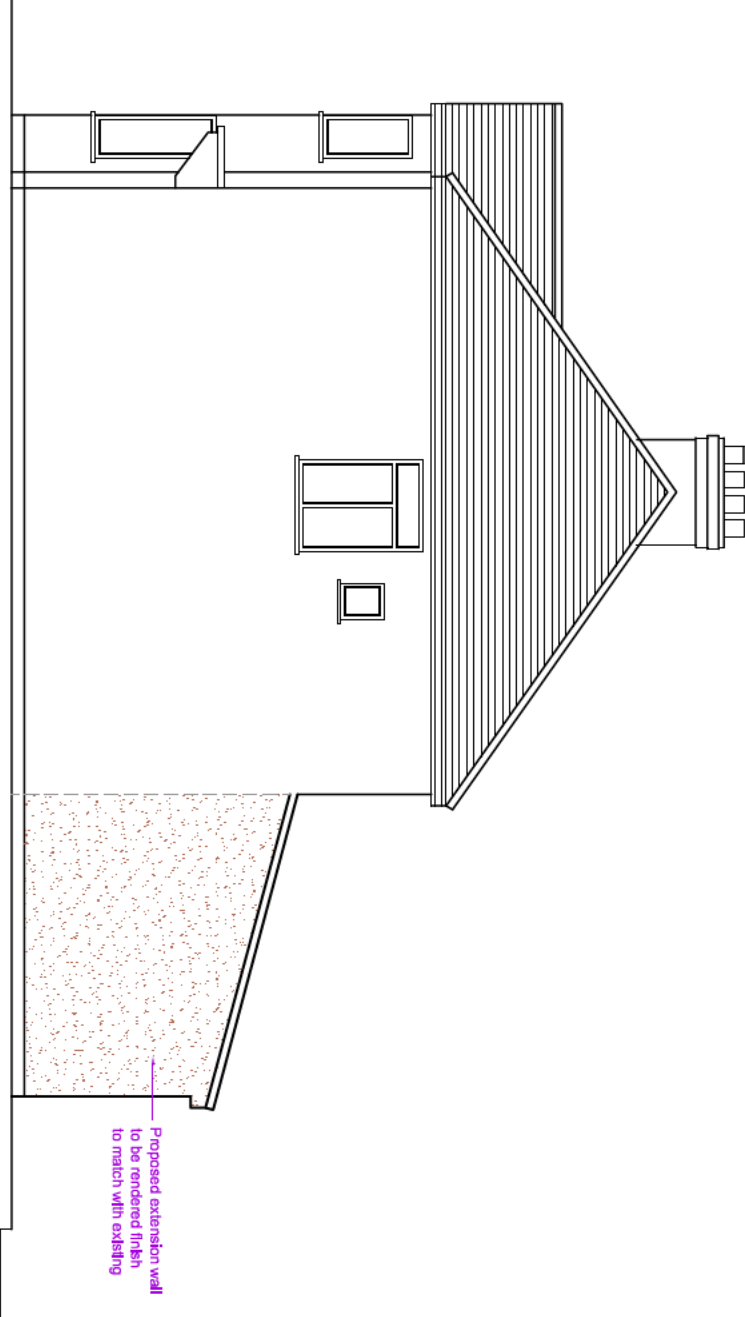
PROPOSED SIDE ELEVATION



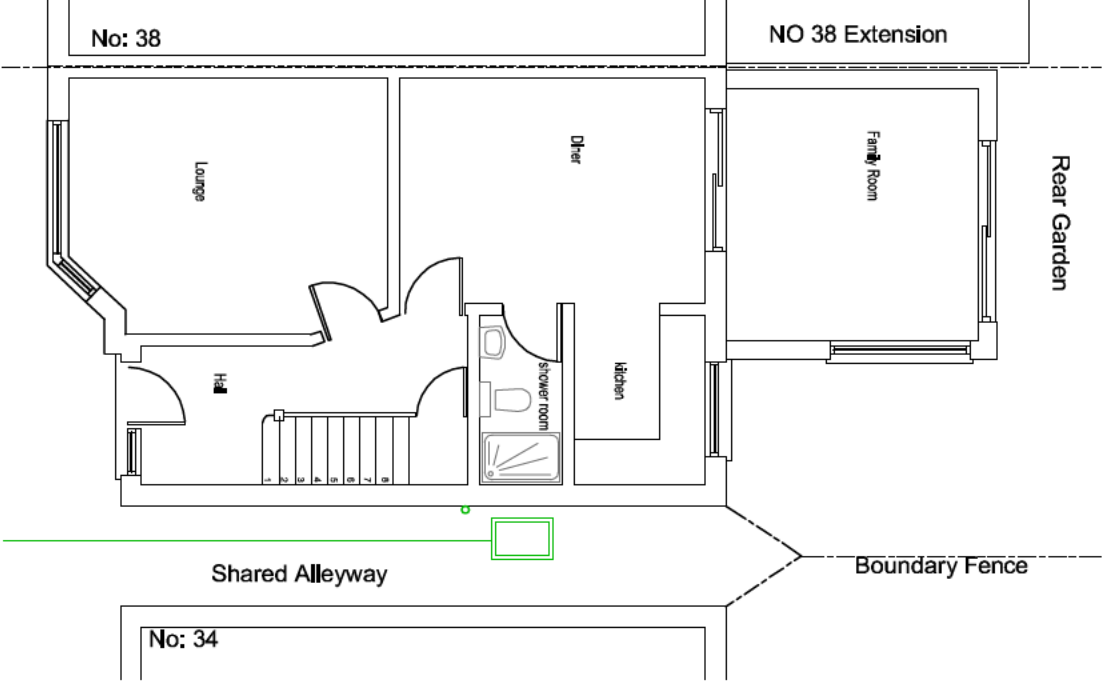
PROPOSED REAR ELEVATION



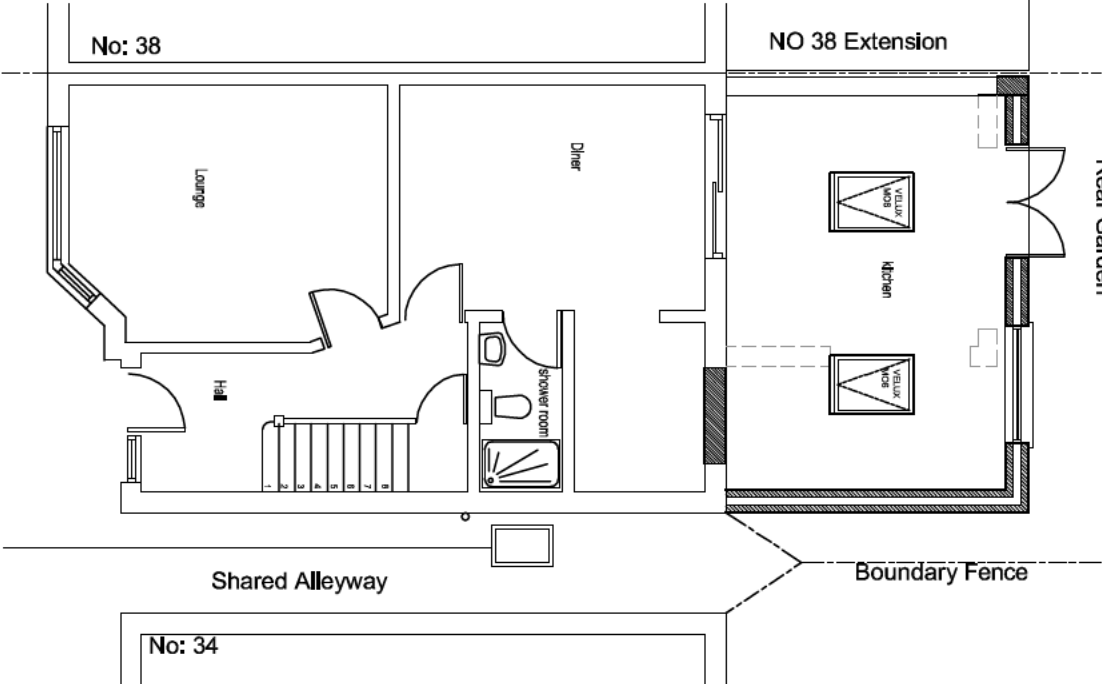
PROPOSED SIDE ELEVATION



EXISTING GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



Client: MR C GADHER			
Site Address: 38 SUNNINGFIELDS ROAD, NW4 4RL			
Project Title: SINGLE STOREY REAR EXTENSION			
Status: PLANNING	Drawn: LV	Checked: LV	
Date: 21.04.2012	Scale: 1:100 @ A2		
Drawing Title: EXISTING AND PROPOSED PLANS AND ELEVATIONS			
Job No: SUN265	Drawing No: PL-01	Rev:	

APPENDIX

'H'

