

B.E.L GROUP LTD
Architectural & Structural Design

127 Eastern Avenue,
Redbridge,
IG4 5AN

Email: Info@belgroup.co.uk

Telephone: 0207 315 4049

Web: www.belgroup.co.uk



PLANNING STATEMENT

**Certificate of Lawfulness for Existing Use as 2 Self -Contained Flats on the
Ground Floor & First Floor Level**

Property Address: 12 Barratt Avenue, Wood Green, London, N22 7EZ

JULY 2023



1. Introduction

This planning statement has been prepared by B.E.L Group- Architectural & Structural Design in support of the application for a certificate of lawfulness for existing use, specifically for the recognition of two self-contained flats within the property (the proposal) at 12 Barratt Ave, London, N22 7EZ (Application site or the site).

This statements will demonstrate and provide a comprehensive overview of the existing use of the property as two separate residential units, demonstrating that the use has been established and maintained in accordance with the relevant planning regulations and policies.

The statement will outline the history, physical characteristics, and evidence of continuous use, aiming to establish the lawful status of the two self-contained flats within the property. By presenting this information, we seek to demonstrate that the proposed certificate should be granted, acknowledging the existing lawful use of the property as two self-contained flats."

The onus is on the applicant to submit sufficient evidence to the Council to prove that the use has been continuous for four years from the date of the application being submitted. The date that the application was submitted was the 18 July 2023; therefore, it has to prove that the use of the property as two separate dwelling houses has been in existence since 18 July 2019.

The statement is to be read in conjunction with the reports and drawings as submitted with this application.

2. Application Site

The application site is a two storey; terraced house with an outrigger at the rear; situated on the corner/bend of the road at Barrett Ave. The property has been divided into two flats, with one flat on the ground floor and another on the first floor. The main entrance to the property is via a single communal entrance door on the front elevation, at street level. This then leads to an internal lobby from wherein each flat has its own separate entrance door.

The ground floor flat is a one-bedroom flat which also benefits from the outdoor space available in the garden, while the first floor flat is a two-bedroom flat. Both flats have a separate: kitchen, dinner, living and shower rooms. Each rooms in both flats have a higher/equal Gross Internal Area (GIA) than the minimum standard set in the London and local plan.

It is important to note that the application site is located within the 'Wood Green Common Conservation area', but is not a listed building. There will be no external changes to the building, thus, there is no need take this into account.

3. Relevant Planning History

There are no previous applications made for the conversion of a single dwelling into two self-contained flats.

4. Relevant Planning Policy

The National Planning Policy Framework 2012 (NPPF) seeks to promote a wide choice of house types and home ownership. Para. 50 states that local planning authorities:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and....”*

The proposed development would enhance the range of house types and house tenures available

The London Plan (2016) encourages the optimisation of housing (Policy 3.4), and requires that housing be of the highest quality internally and externally (Policy 3.5). The importance of different sizes and types of dwellings is also recognised (Policy 3.8).

Table 3.3 of the London Plan sets out minimum gross internal areas for new dwellings (these are detailed in Table 2 below).

It is submitted that the existing development complies with relevant London Plan policies and space standards.

Government guidance states that the onus is on the applicant to prove that the use has been carried out continuously for more than four years. The relevant test of the evidence is ‘the balance of probability’. The appellant’s own evidence need not be corroborated by independent evidence in order to be accepted, and that if the LPA has no evidence of its own, or from others, to contradict the applicant’s version of events, it should not refuse a Certificate of Lawfulness, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on ‘the balance of probability’.

5. The Proposal

The current and lawful, but unauthorised use, of 12 Barrett Ave N22, as two self-contained flats has been in its current configuration as two self-contained residential units since early 1995, which is greater than the required minimum period for the use to be immune from any enforcement action.

Ever since the flat conversion, the ground and first floor flats have been continuously rented out to tenants throughout this period to the present day. They have been continuously used, without any interruption, for more than four years immediately preceding the submission of this application, and that no attempt has been made by the applicant to conceal these flats.

It should be noted that both flats have separate internal entrances, council tax accounts and is currently undergoing works to separate the utility services. These documents have been submitted with other official documents such as tenancy agreements and bank statements for over the last 4 years.

6. Conclusion

Based on the evidence provided, it can be confirmed that the use in question has been ongoing for a minimum of four years without any interruptions, meeting the required period for immunity from enforcement action.

Additionally, the evidence demonstrates that there have been no other uses of the premises, as supported by the planning history available from the Local Planning Authority's website. To date, there is no contrary evidence of significance or consistency in the local planning authority's records. However, if the Authority wishes to rely on any such contrary evidence, the Applicant requests the opportunity to review and provide comments, as per the National Planning Practice Guidance.

Considering the consistent and corroborative nature of the submitted evidence, it is appropriate for the Local Authority to issue the applied-for Certificate of Lawfulness of Existing Use. This conclusion is based on the balance of probability (the appropriate test), that the correct approach for the Local Authority to adopt is to issue the Certificate as now applied for.