

LOCATION: Moss Lodge, 120 Nether Street, London, N12 8EU

REFERENCE: F/00404/12

Received: 31 January 2012

Accepted: 13 March 2012

WARD(S): West Finchley

Expiry: 08 May 2012

Final Revisions:

APPLICANT: Mr Rachel Ajayi

PROPOSAL: Extension to roof including side dormer window and roof lights to the front and rear elevations to facilitate a loft conversion. Part two, part three-storey rear extension including extension to existing basement and formation of lightwells to front and rear elevations. Conversion of existing single family dwelling house into 4 self contained residential units (Amended Plans & Description).

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plan; Design & Access Statement; Supporting Statement; Plan No's: DP/1752/RG – 10; DP/1796/ES – 1 Rev B; DP/1796/ES – 2 Rev B; DP/1796/ES – 3 Rev B; DP/1796/ES – 4 Rev B; DP/1796/ES – 5 Rev B; DP/1796/ES – 6 Rev B; DP/1796/ES – 7 Rev B; DP/1796/ES – 8 Rev B; DP/1796/ES – 9 Rev B; DP/1796/ES – 10 Rev B; DP/1796/ES – 11 Rev B.

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 building(s) shall match those used in the existing building(s).

Reason:

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

4. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

5. Prior to the 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.

6. The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

7. The floor plan layout as shown on the hereby approved plans must not be changed.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

8. Before the development hereby permitted is occupied, existing parking spaces shall be retained in accordance with the proposed planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason:

To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Development Management Policy DM17.

9. Before the development hereby permitted commences a Construction Management Plan must be submitted to and approved by the Local Planning Authority. This document following approval must be complied with.

Reason:

In the interests of highway safety in accordance with Development Management Policy DM17.

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 Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy 2012:
CS NPPF, CS1, CS5.

Development Management Policies 2012:
DM01, DM02, DM08, DM17.

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

The conversion of the property into four self contained flats and proposed extension is considered acceptable, in character with the surrounding area. The proposal would protect the character of this part of West Finchley and respect the setting of nearby buildings. The proposal would provide acceptable standards of amenity for future occupiers and respect the amenity of existing neighbouring occupiers. The proposal is acceptable on highways grounds.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

2. 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 Council of 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 email: street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

3. Any alteration to the existing crossover or new crossovers will be subject to detailed survey by the Environment, Planning and Regeneration Directorate

as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Environment, Planning and Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

4. Refuse collection points should be located within 10 metres of the Public Highway; alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
5. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £4,620 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £17,820 payment under Barnet CIL.

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.

If affordable housing or charitable relief applies to your development 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 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 Community Infrastructure Levy 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: cil@barnet.gov.uk.

Members would recall this application (original report attached as an appendix) was reported to the East Area Planning Sub-Committee on 12 June 2012 in which the members resolved that the application be approved under delegated powers following the completion of S106 in respect of contributions relating to Health, Libraries and Education.

Barnet Community Infrastructure Levy came into effect on 1st May 2013 which effectively supersedes the provisions of S106 agreement as the development is now liable under the new CIL regime. In these circumstances the original resolution in respect of S106 is no longer valid and a fresh resolution is necessary to agree a recommendation which addresses the current situation in respect of CIL.

Also since the original resolution the council has formally adopted various policy documents. The Core Strategy and Development Management Policies, Development Plan Document was formally adopted by the council and as of 31st October 2012 these documents formally replaced the 183 UDP policies. Therefore all reference to adopted UDP policies contained within the report has been replaced by these documents.

Furthermore, in April 2013 the Council adopted Sustainable Design & Construction; Residential Design Guidance and Planning Obligations Supplementary Planning Documents (SPD's). Whilst these are subject to a 3 month period of challenge under the 2012 Local Planning Regulations the SPD's have very significant weight as planning guidance. but have not totally replaced the Design Guidance on Extensions, Conversions, Porches, and Hardstandings and Vehicular Crossovers and previous versions of the Planning Obligations and Sustainable Design and Construction SPD's. The 3 month period of challenge ends on 18th July 2013.

Members are informed there are no other changes to the proposed scheme.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains 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 July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

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.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Relevant Development Management Policies: DM01, DM02, DM08, DM17.

Supplementary Planning Documents and Guidance

Sustainable Design and Construction (2013)

Residential Design Guidance (2013)

Planning Obligations (2013)

Mayor's CIL

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

Barnet CIL

The Council has also introduced a Community Infrastructure Levy. This applies from 1 May 2013 to most residential and retail developments in the Borough where the application is determined by the Local Planning Authority. The levy will be charged at a rate of £135 per square metre of net additional floorspace.

Relevant Planning History:

C08250C - 'Change of use from dwellinghouse to old persons home, ground and first floor rear extensions, vehicular access and provision of two car parking spaces' Granted (1985).

C08250D - 'Two storey side and single storey rear extensions' Granted (1989).

C08250E - 'Change of use from a nursing home (class C2) to a use within class C1 (Hotels)' Refused (1999).

C08250F/04 - 'Change of use from a nursing home (class C2) to a dwellinghouse (Class C3)' Granted (2004).

C08250G/05 - 'Part single, part two storey rear extension. Loft conversion including side dormer window and roof lights to the rear. Enlargement of basement area' Withdrawn (2005).

C08250H/05 - 'Part single/part two-storey rear extension. Enlargement of basement. Alterations to roof including side dormer window to facilitate a loft conversion. Erection of handrail at front of property' Refused (2005) and allowed at appeal (2006).

C08250J/06 - 'Part single, part two, part three storey rear extension. Alterations to roof including addition of side dormer window to facilitate a loft conversion. Alterations to basement level and formation of lightwells to front. Conversion of existing single family dwelling house into four self contained residential units.' Refused (2006) and allowed at appeal (2007).

Consultations and Views Expressed:

Neighbours Consulted: 35
Neighbours Wishing To 2
Speak

Replies: 15

The objections raised may be summarised as follows:

- Application should be decided under current planning regime rather than that of earlier application in 2007.
- Proposals is contrary to existing established character of Nether Street
- Concerns about cumulative effect of intensification as a result of more flatted development
- Application contrary to Planning Policy and Council Policy
- Current application represents a substantial increase on previous proposal resulting in over development of the site
- Proposals are out of character
- Proposals contrary to Design Guidance Note 5- Extensions to Houses and Design Guidance Note 7 – Residential Conversions
- Plans not accurate and omit some details
- No details of materials for sun room
- No information about impact on existing landscaping
- Concerns about impact on flood risk
- Concerns about noise implications of the development, no information about insulation to the flats
- Concerns about pressure on parking in this section of Nether Street
- Proposals out of scale with the rest of the building and neighbouring
- Concerns about the impact of basement development on surrounding houses
- Concerns about increased comings and goings, noise and disturbance as a result of the development

Internal /Other Consultations:

Traffic & Development - The proposal is for the extension and conversion of the existing 4 bedroom family dwelling house to provide 3 x 3bedroom units, 1 x 2bedroom unit and a studio flat with 4 off street parking spaces.

No changes are proposed to parking and access. For any changes to the existing crossovers a separate crossover application must be submitted for approval to the Highways Authority.

Recommendation:

The proposal is acceptable on highways grounds.

Date of Site Notice: 23 February 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

120 Nether Street is a semi-detached dwellinghouse in the West Finchley Ward. The building is located on the west side of the road between Moss Hall Grove and Hillcourt Avenue. In the past property has been used as a nursing home, however, in 2004 a change of use to a dwellinghouse was granted planning permission. The property has previously been granted planning permission for various extensions that have not been implemented. These include conversion of the property into four self contained flats, extensions and alterations granted consent at appeal in 2006. This permission was not implemented and has expired.

Proposal:

The proposal is made up of the following elements:

1. Part single, part two, part three storey rear extension. The top storey of the extension would involve altering the mansard roof on the property with insertion of rooflights to the front and rear elevation including a rear and side dormer. Situated along the boundary with the adjoining property the extension would measure 3m deep.
2. Alterations to the roof including the addition of a side dormer window.
3. Enlargement of the basement level of the property and the formation of lightwells to the front and rear of the building.
4. Conversion of existing single family dwelling house into four self contained residential units. This would involve various external alterations.

Planning Considerations:

Conversion:

It is not considered that the principle of converting the premises into four self contained flats would harm the residential character of the area. The application which provides additional residential accommodation accords with Council policy. It is acknowledged that the Planning Inspector has allowed four flats at the application

site in 2007 and the internal layout is similar to that previously allowed at appeal (APP/N5090/A/06/2031075).

It is considered that the proposals comply with point h of Policy DM01 of the Local Plan Development Management Policies that states that conversion of dwellings into flats in roads characterised by houses will not be normally appropriate. This part of Nether Street is characterised by purpose built flats and house conversion. The neighbouring site at 114-116 has an extent permission for redevelopment as flats.

The highways department have deemed the proposal as acceptable, there will be the provision of three car parking spaces to the front of the property. On balance it is unlikely that the proposed conversion will have any additional detrimental impact on public highway. The proposal complies with the Council's maximum parking standards.

In terms of internal space, it is considered that there is sufficient space to allow the occupants unrestricted movement within the premises. The flats exceed Barnet's minimum size of 30m² and the minimum space standards within The London Plan, policy 3.5.

In respect to the outdoor amenity space, there is access to the rear garden which is for private amenity space for all flats which provides sufficient amenity space to comply with the London Plan space standards.

To ensure the sustainability of each unit an insulation of acoustic separation for the proposed new units will be required for the floors and party walls. The applicant has not submitted this information and it will therefore be enforced through an appropriate condition attached to this recommendation. A condition requires sound insulation systems in relation to impact and airborne noise to achieve a sound attenuation in line with the Building Regulation requirements for airborne sound and impact sound.

The Community Infrastructure Levy Regulations 2010:

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority. Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace. The charge will be £4,620.00.

The Council has also introduced a Community Infrastructure Levy. This applies from 1 May 2013 to most residential and retail developments in the Borough where the application is determined by the Local Planning Authority. The levy will be charged at a rate of £135 per square metre of net additional floorspace. The charge will be £17,820.00

Extensions:

In regard to the previous appeal decision (APP/N5090/A/06/2031075), it is considered that the proposed extensions in this application are an improvement to what was previously allowed and thus will ensure to protect the local character and visual amenities of neighbouring occupiers.

The main change to the previous application allowed at appeal is the fenestration of

the rear elevation including the lightwells. The proposed first floor extension does not protrude into the second floor as previously allowed at appeal, this allows for a better designed rear dormer with the insertion of two additional rooflights on this elevation.

The proposed single storey rear extension would also comply with Council policies that seek to preserve the amenities of neighbouring occupiers. The design, size and rearward projection of the proposed extension are such that it would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers. The depth of the single storey rear extension is in line with the Council's Design Guidance Note 5 – Extensions to Houses and measure 3 metres in depth along the boundary with the immediate neighbour No. 118 Nether Street and thus will not cause a detrimental harm to the amenities of neighbouring occupiers.

There is currently an existing basement at the application site and the proposed basement will sit mainly under the footprint of the existing property which includes a rear projection with the insertion of lightwells to the front and rear. As there is an existing basement at the application site, the proposed basement is not considered to have a detrimental impact on the amenities of adjoining neighbours.

The proposed first floor rear extension would accord with Council policies that seek to maintain the character of areas and individual properties. The design, size and bulk of the extension is such that it would not have a detrimental impact on the appearance of the property, street scene and general area.

The proposed first floor rear extension is considered to be of a satisfactory distance (4.25 metres) away from No. 118 Nether Street. This element is not considered to be unduly detrimental to neighbouring residential amenities. In relation to No. 122 Nether Street, there are no habitable room windows proposed for the first floor side elevation facing the application site to facilitate overlooking or loss of privacy and the distance to the boundary will be 2.9 metres which is considered to be acceptable.

Council's policies and guidelines in respect of extensions to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. The rear and side dormers with the rooflights and thus are in character with the immediate neighbouring property.

The refuse storage has been shown on the floor plans and will be situated at the rear. This is considered to be acceptable in light of the side access to the rear and a condition has been attached in respect to the enclosure that will be provided for the refuse.

The proposed development respects the proportions of the existing house. It is not considered that the extension is overbearing or unduly obtrusive and therefore there would not be any significant impact on privacy, loss of light, loss of outlook or overbearing in relation to neighbouring properties.

It is considered that the proposed extension, in terms of design to the rear elevation and roof are an improvement to what has been previously allowed at appeal and thus application should be approved.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal and the objections have been covered in the above appraisal.

There was an objection received in regard to room sizes for Flat 3, it falls 2m² short of the London Plan. The loft bedrooms are considered to be single and although they are slightly longer than twice their width, it is not considered sufficient enough to warrant a reason for refusal, as their overall size exceeds the standards.

4. EQUALITIES AND DIVERSITY ISSUES

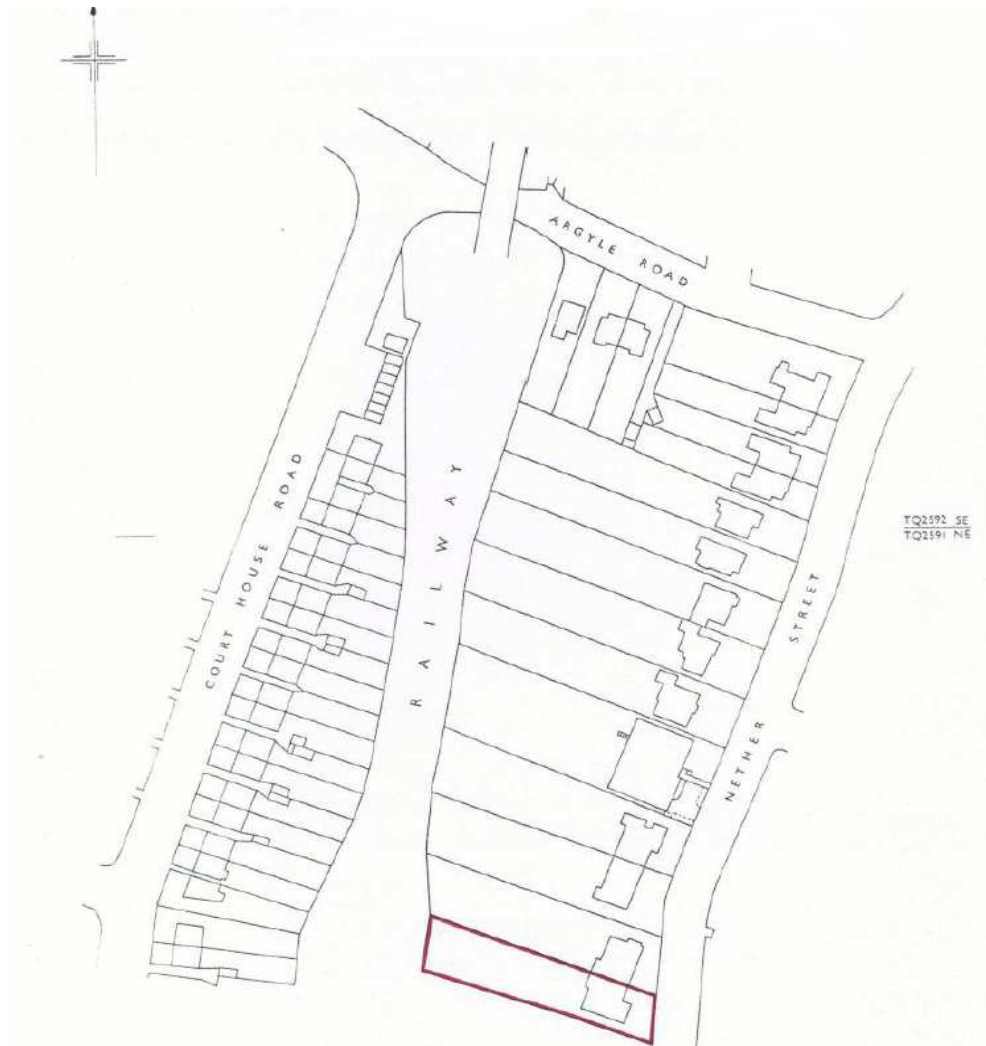
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

As conditioned, the proposal would provide further accommodation without detriment to the residential amenity of neighbouring and future occupiers. The proposal is acceptable on highways grounds. It is recommended the application be **approved** subject to the discharging of attached conditions.

SITE LOCATION PLAN: Moss Lodge, 120 Nether Street, London, N12 8EU

REFERENCE: F/00404/12



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