

Appendix 1

**Application reported
to the
East Area Planning
Sub-Committee
12 June 2012**

LOCATION: Moss Lodge, 120 Nether Street, London, N12 8EU
REFERENCE: F/00404/12 **Received:** 31 January 2012
WARD: West Finchley **Accepted:** 13 March 2012
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.

APPROVE SUBJECT TO UNILATERAL UNDERTAKING

RECOMMENDATION I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £10,458.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £312.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £3,668.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £721.90**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: F/00404/12 under delegated powers subject to the following 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 Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

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 Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

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 (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D4, D5, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H2, H16, H18, H23, H26, H27, M11, M13 and M14.

Core Strategy (Submission version) 2011:

CS NPPF, CS1, CS5.

Development Management Policies (Submission version)2011:

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.

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 Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £4620.00.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief 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 will provide 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, this 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 13th July 2012 the Assistant Director of Planning and Development Management REFUSE the application ref: F/00404/12 under delegated powers for the following reasons:

- The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities, amending to the traffic order and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

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 Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H2, H16, H18, H23, H26, H27, M11, M13 and M14.

Design Guidance Note No 5 – Extensions to Houses.

Design Guidance Note No. 7 - Residential Conversions.

Supplementary Planning Document on Contributions to Education (2008).

Supplementary Planning Document on Contributions to Library Services (2008).

Supplementary Planning Document on Contributions to Health and Social Care (2009).

The Council Guide 'Extension to Houses' was approved by the Planning and Environment Committee (The Local Planning Authority) on March 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

Included advice states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

In respect to amenity, the extension should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook and be overbearing or cause an increased sense of enclosure to adjoining properties.

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Examination in Public version) 2012:

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy sets the vision, core objectives and strategic policies for Barnet. Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

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.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

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

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

Replies: 15

Neighbours Wishing To 2

Speak

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 our 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.

The parking provision is in accordance with the London Borough of Barnet Adopted Unitary Development Plan 2006.

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. Policy GH1 of the Adopted UDP (2006) as well as the SPD on Sustainable Design and Construction (2007) indicates that the Council will seek the provision of additional homes through the redevelopment of existing sites. 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 Emerging 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.

Design Guidance Note 7, relates to the adequate provision 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 policy H18.

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 contributions listed in the above recommendation are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

Government Circular 05/05 and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

UDP Policy CS2 indicates that the Council will seek to enter into planning obligations in conjunction with new developments to secure the provision of community and religious facilities. Policy CS8 states that where a residential development creates a need for school places contributions will be secured for such purposes via planning obligations. Policy CS13 states that the Council will seek to enter into planning obligations in conjunction with new residential developments to secure the provision of health and social care facilities.

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

Para. B5 of the Circular sets out five policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122. These statutory tests are based upon three of the five policy tests in Circular 5/2005 at paragraph B5 (tests (ii), (iii) and (iv)).

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD.

Education needs generated by the development:

Circular 05/2005 supports the use of planning obligations to secure contributions towards educational facilities, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

The proposal would provide an additional residential unit that it is considered would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2010.

It is considered that a financial contribution towards future education facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

Contributions to library services:

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

Contributions to Health facilities:

The proposal would provide an additional residential unit that it is considered would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

The education, library services, health facilities & monitoring fee of 5% contributions will be secured by Section 106 Agreement.

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. As such, policies in Barnet's UDP would be complied with, in particular D2 in respecting its character and appearance, D5 in '*allowing for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users*' and H27 as it has no significant effect on the amenity of neighbouring occupiers.

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

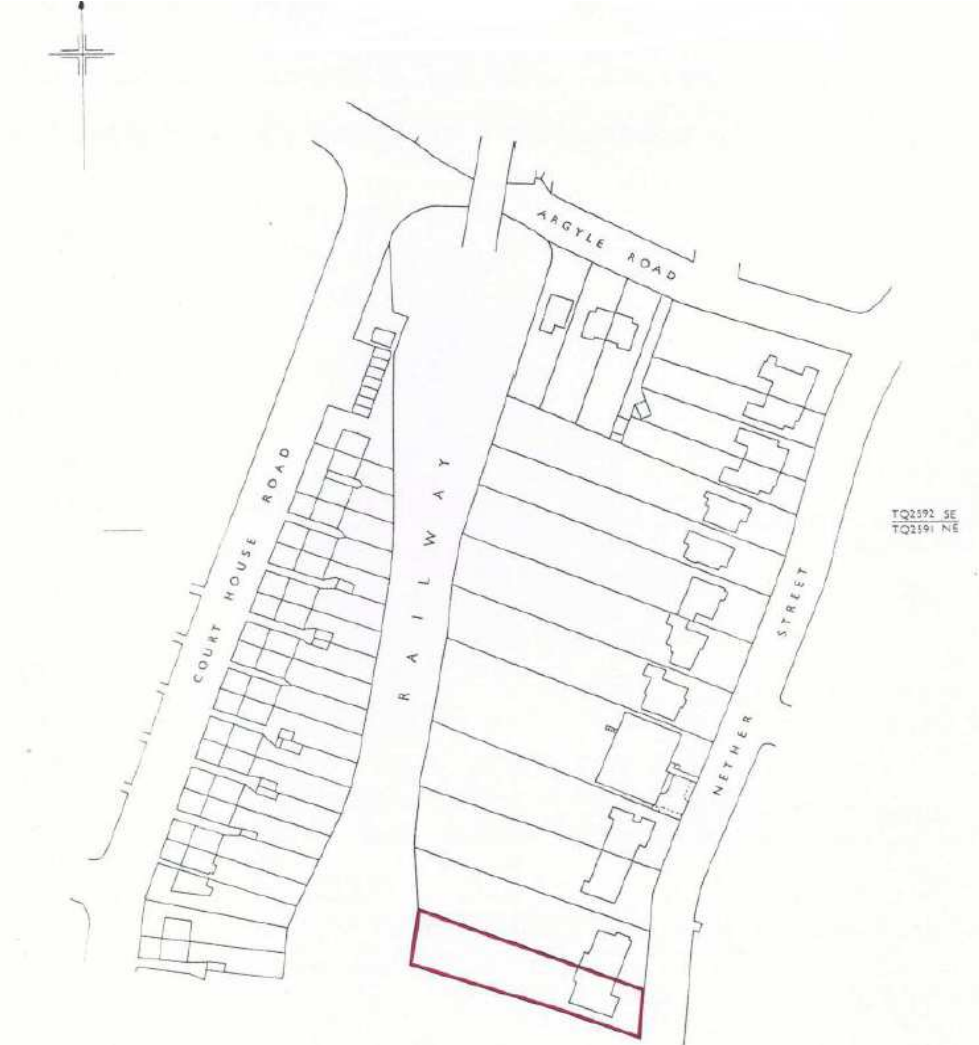
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

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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