

**LOCATION:** 24 Victoria Road, London, NW7 4SB  
**REFERENCE:** H/03822/13  
**WARD(S):** Mill Hill  
**APPLICANT:** RS Architects

**Received:** 23 August 2013  
**Accepted:** 12 September 2013  
**Expiry:** 07 November 2013  
**Final Revisions:**

**PROPOSAL:** Retrospective planning application for a conversion of existing house into 2no. self contained units.

**RECOMMENDATION: Approve Subject to Conditions**

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: AZ VR 003; Drawing No: AZ VR 004; Drawing No: AZ VR 005; Drawing No: AZ VR 007; Drawing No: AZ VR 008; Drawing No: AZ VR 013; Drawing No: AZ VR 014; Drawing NO: AZ VR 015; Drawing No: AZ VR 016; Drawing No: AZ VR 018 (Amended 03/10/2013). Drawings are dated 22 August 2013.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

2 The units shall only be occupied by Eva Zadah and her family. In the event that Eva Zadah no longer occupies the premises, the use shall cease and the building returned to its former use as a single family dwellinghouse within 3 months.

Reason: To safeguard the character of the area and the amenities of neighbouring occupiers in accordance with policy DM01 of the Adopted Barnet Development Management Policies 2012.

**INFORMATIVE(S):**

1 i) 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.

**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 Government's 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 Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02.

#### Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013) are now material considerations.

#### Relevant Development Management Policies:

Relevant Planning History:

#### **Site history for current landparcel :**

30028 - 24 Victoria Road, London, NW7 4SB

Case Reference: **H/03822/13**

**Application:** Planning  
**Validated:** 22/07/2013  
**Status:** WDN  
**Summary:** WIT  
**Description:** Demolition of existing side and rear addition to 26A, to include construction of new two-storey single family dwelling with alterations to roof including side and rear dormer window.

**Number:** H/03083/13  
**Type:** APF  
**Date:** 11/09/2013  
**Case Officer:** Graham Robinson

**Application:** Planning  
**Validated:** 13/11/2012  
**Status:** DEC  
**Summary:** LW  
**Description:** Extension to roof including rear dormer and 2no. front roof-lights to facilitate a loft conversion.

**Number:** H/04300/12  
**Type:** 192  
**Date:** 26/11/2012  
**Case Officer:** Tania Sa Cordeiro

**Application:** Planning  
**Validated:** 17/05/2001  
**Status:** DEC  
**Summary:** LW  
**Description:** Single storey rear extension.

**Number:** W/12520/01  
**Type:** 191  
**Date:** 06/07/2001  
**Case Officer:**

### Consultations and Views Expressed:

Neighbours Consulted: 62      Replies: 5  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- 1) Detrimental impact on the character of the area which largely comprises single family dwellinghouses.
- 2) Will constitute over-development of the area.
- 3) The corner of this road is congested and the proposal will lead to parking shortages and traffic.

### Internal /Other Consultations:

Highways: The proposal will not result in an intensification of the site and will therefore not lead to a significant increase in traffic or off-street parking.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is a mid-terrace property located on the southern side of Victoria Road. The dwellinghouse is attached to No. 22 and 26 Victoria Road, and does not lie in a conservation area.

### Proposal:

The applicant wishes to retain the use of the application site as 2 self-contained units: a one bedroom flat on the ground floor and a 2 bedroom flat on the first floor

and loft. The application site had previously been used as a single family dwellinghouse. There have been no external works to the property as part of this proposal.

Concerns had been raised that the property had been converted into 3 self-contained flats without planning permission. This was because on inspection of the site there were found to be 3 separate internal entrances on the ground and first floors and in the loft. The applicant has since shown that the house has been converted only to two flats and has consequently removed the first floor entrance door. The applicant has also demonstrated that the conversion is not for the purposes of a commercial venture and No. 24 Victoria Road will in fact continue to be used by the existing occupiers.

Sensitive information has been made available to council officers and is considered sufficient reason to warrant approval of this application under a personal planning permission. This means that approval will be granted for the use of the site as two self-contained flats during the occupancy of the site by the current occupiers, Eva Zadah and her family. However, once Eva Zadah has vacated the property, the application site will be reverted back to its previous use as a single family dwellinghouse.

#### Planning Considerations:

The main issues in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

#### **Size of Flats**

Policy 3.5 of the London Plan states that 1 bedroom flats should be between 37 to 50 sqm and 2 bedroom flats should be between 61 to 70 sqm in floorspace area. Both flats would exceed these space standards.

## **Impact on Character of Area**

No extensions or external alterations have been carried out as part of this proposal apart from the insertion of a new set patio doors at the rear elevation. There would therefore be no impact on the appearance of the street scene. Although flat conversions are not an established characteristic of Victoria Road, there is a purpose built block of flats, Lowlands Court and Holcolme Court, at the junction of Victoria Road and Lawrence Street. It is considered however, given the overall character of the area, that Victoria Road is a street where the conversion of houses into self-contained flats would normally be resisted, being contrary to policy DM01. The particular circumstances of this case are set out in the report.

## **Amenity Space**

The proposal results in 8 habitable rooms. Barnet's Sustainable Design and Construction SPD requires 5 sqm of amenity space per habitable room. This would make a total requirement of 40 sqm. The rear garden area has an area of 100sqm and therefore is of a sufficient size. There has been no subdivision of the outdoor amenity space as the property will be occupied by the same family and therefore the need of private amenity space is not required.

## **Parking**

*'DM18: Travel impact and parking standards'* of Barnet's Local Plan requires 1 to less than 1 space per unit for a 1 bedroom flat and 1.5 to 1 space for a 2-3 bedroom flat. There is no offstreet parking provided. However, as the application site used to be a 3 bedroom terraced house, with a parking need of 1.5 to 1 spaces, the proposed development is not expected to result in an intensification of the use of the site. In addition, as the site will be occupied by the same family, there will not be changes in the number of occupants. As such, there would be no significant increase in on-street parking or general traffic in the road.

## **3. COMMENTS ON GROUNDS OF OBJECTIONS**

1) There are no proposed external changes to the appearance of the application site as a result of this proposal, so the impact of this proposal on the character of Victoria Road is considered limited. Furthermore, despite Victoria Road being made up mainly of single family dwellinghouses, there are purpose built blocks of flats at the junction of Victoria Road and Lawrence Street.

2) As a personal planning condition has been applied, the application site conversion is not for the purposes of a commercial venture, but will be occupied by the same family and will not result in an intensification of the site. Once the application site has been vacated by the applicant, the house will revert to its use as a single family dwellinghouse. No extension works are proposed as part of this application.

3) The Highways Department have been consulted as part of the appraisal process and do not consider that the proposed development will result in an intensification of the site and will therefore not result in a significant increase in either on-street

parking or general traffic in Victoria Road.

#### **4. EQUALITIES AND DIVERSITY ISSUES**

Under section 149 of the equalities act 2010, the Council has a duty to ensure that it behaves as follows:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.

(b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic:

(b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

(c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

(a) Tackle prejudice

(b) Promote understanding

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to:

(a) a breach of an equality clause or rule;

(b) a breach of a non-discrimination rule.

(9) schedule 18 (exceptions) has effect.”

The likely equalities impacts of the development are as follows:

In considering the application, the Council needs to pay due regard to protected characteristics under the Equalities Act.

The proposals would provide independent living for a person with a disability whose family will continue residing in the other flat. Given this, it is possible for the permission to be personal. In this way it is possible for the property to be converted back into a single family dwellinghouse in the future. It is considered that this allows the particular needs of the applicant to be met whilst protecting the character of the area in the long term.

## **5. CONCLUSION**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal does not fail to comply with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the conservation area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN:** 24 Victoria Road, London, NW7 4SB

**REFERENCE:** H/03822/13



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