

**LOCATION:** 26 Victoria Road, London, NW7 4SB  
**REFERENCE:** H/04454/13  
**WARD(S):** Mill Hill

**Received:** 27 September 2013  
**Accepted:** 27 September 2013  
**Expiry:** 22 November 2013  
**Final Revisions:**

**APPLICANT:** Abbeytown Ltd  
**PROPOSAL:** Demolition of existing two storey side extension and formation of gable roof to no. 26. Construction of new 2 storey single family dwelling with rooms in the roof space including provision of 1 car park, refuse and cycle store, and amenity space.

**RECOMMENDATION: Approve Subject to Conditions**

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 11147-01, 11147-02, 11147-03, 11147-10A, 11147-11A, 11147-12B, 11147-13.

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 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 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 11147-13 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

4 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Victoria Road or Albert Road from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).

Reason:

To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.

5 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 6 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 7 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 in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 8 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 9 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 11 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 12 All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 13 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E, F of Part 1 to Schedule 2 of that Order shall be carried out within the area of 26 Victoria Road hereby approved.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 15 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 16 All new residential dwellings within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 of the London Plan 2011.

**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.
- 2 If the development is carried out it will be necessary for a crossover to be formed on the footway by the Highway Authority at the applicant's expense and you may obtain an estimate for this work from the Highways Group, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).
- 3 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](http://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 £3,237.50 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 £12,487.50 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](http://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](mailto:cil@barnet.gov.uk).

## **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 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". The NPPF retains a 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 and is recognised in the NPPF as part of the development plan.

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.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides

guidance on how to implement the housing policies in the London Plan.

### 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 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15

Relevant Development Management DPD (2012): Policies DM01, DM02, DM08, DM17

### 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 and Sustainable Design and Construction SPD are now material considerations.

### Relevant Planning History:

**Site Address:** 26 Victoria Road NW7  
**Application Number:** W00071B  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 05/06/1974  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **First floor side extension.**  
**Case Officer:**

**Site Address:** 26 Victoria Road NW7  
**Application Number:** W00071C  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 12/07/1974  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **First floor side extension**  
**Case Officer:**

**Site Address:** 26 Victoria Road NW7  
**Application Number:** W00071  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 06/07/1965  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **erection of extension at side**  
**Case Officer:**

**Site Address:** 126 Victoria Road NW7  
**Application Number:** W00071A

**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 24/09/1970  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **car-port**  
**Case Officer:**

**Site Address:** 26 Victoria Road, London, NW7 4SB  
**Application Number:** H/03083/13  
**Application Type:** Full Application  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **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.**  
**Case Officer:** Graham Robinson

#### Consultations and Views Expressed:

Neighbours Consulted: 66                      Replies: 1 so far  
Neighbours Wishing To Speak 0

Councillor Khatri has requested that the item is heard by the West Area Sub-Committee due to reasons of possible over development and being on a dangerous corner blocking traffic sight lines

The objections raised may be summarised as follows:

- Plans show site protrudes over edge of hedge and pavement and site boundary should be clarified

#### Internal /Other Consultations:

Highways - No objection

Date of Site Notice: 10 October 2013

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site property is a two storey end of terrace property on the south of Victoria Road adjacent to the corner with Albert Road.

### Proposal:

The proposals are for 'Demolition of existing two storey side extension and formation of gable roof to no. 26. Construction of new 2 storey single family dwelling with rooms in the roof space including provision of 1 car park, refuse and cycle store, and

amenity space.'

### Planning Considerations:

The main issues are considered to be:

- Whether the proposed new dwelling would have an acceptable impact on the character and appearance of the streetscene and general locality
- Whether the proposed dwelling would have an acceptable impact on neighbouring amenity and provide an acceptable level of amenity for future occupiers
- Whether the proposals would have an acceptable impact on highway and pedestrian safety

*Whether the proposed new dwelling would have an acceptable impact on the character and appearance of the streetscene and general locality*

The proposed new building would be two stories with rooms in the roofspace. The building would adjoin the existing terrace. Whilst not symmetrical to the existing bay window on the terrace of properties, the proposals would take reference from existing features on the terrace in an effort to fit acceptably within the streetscene.

The proposed side dormer window has been amended to be reduced in height.

It is considered that the size of the plot is adequate to support a new dwelling without being overdevelopment

It is not considered that the proposals would constitute overdevelopment of the site. The proposals would have an acceptable impact on the character and appearance of the streetscene and general locality.

*Whether the proposed dwelling would have an acceptable impact on neighbouring amenity and provide an acceptable level of amenity for future occupiers*

The proposed new building would extend 3.2m beyond the rear wall of no.26 at ground floor level at a height of 3.25m as amended. It is not considered that this would materially harm the amenities of the occupiers of no.26. It should also be noted that this relationship will be evident to future occupiers of the property. At first floor the building would align with no.26.

Refuse storage would be provided to the side of the property in an enclosure.

The proposals provide 88 square metres of private amenity space to serve the new dwelling. The Council's Supplementary Planning Document on Sustainable Design and Construction specifies that over 85 square metres should be provided. In this way the proposals would comply with policy.

The proposed new dwelling would comply with London Plan Standards on minimum sizes for new development.



*Whether the proposals would have an acceptable impact on highway and pedestrian safety*

The proposals follow discussions with the Council's highways team regarding the siting of a crossover for the proposed development. The siting of the parking space is considered acceptable.

The proposals are for a new 4 bedroom dwelling. Policy DM17 requires that developments provide 2 to 1.5 spaces per unit for detached houses. Therefore the development is marginally short of the proposed parking standard.

The site is located in a PTAL 2 area (Poor accessibility). However, the site is located close to Mill Hill Broadway town centre and the site is in a Controlled Parking Zone operating between 11am-12pm.

The proposals make provision for 1no. off site parking space to serve the development.

It is considered that the proposals would have an acceptable impact on highway and pedestrian safety.

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

The applicant advises that the site plan is correct and the fenced area is part of the site. This appears to accord with land registry maps from 1965 onwards. The proposals do not show any encroachment or any increase to the site area.

### **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**

The application is recommended for **APPROVAL**.

**SITE LOCATION PLAN:** 26 Victoria Road, London, NW7 4SB

**REFERENCE:** H/04454/13



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