

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

15 February, 2017

16/4003

SITE INFORMATION

RECEIVED: 13 September, 2016

WARD: Willesden Green

PLANNING AREA: Brent Connects Willesden

LOCATION: 10 Villiers Road, London, NW2 5PH

PROPOSAL: Erection of a rear dormer window and three front roof lights, conversion of garage, erection of a single storey rear extension, creation of a basement level, erection of rear extension at first floor level and sub-division to provide an additional 2 flats to existing flats (totalling 1x 3bed, 1x 2bed, 1x 1bed and 1x studio) with associated bin and cycle stores.

APPLICANT: Mr John Cawley

CONTACT: Mr Damon Peddar

PLAN NO'S: See condition 2

LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

When viewing this on an Electronic Device

Please click on the link below to view **ALL** document associated to case

https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_130180

When viewing this as an Hard Copy .

Please use the following steps

1. Please go to pa.brent.gov.uk
2. Select Planning and conduct a search tying "16/4003" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

SITE MAP



Planning Committee Map

Site address: 10 Villiers Road, London, NW2 5PH

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This map is indicative only.

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Time limit (3 years)
2. Approved Plans
3. Submission of details of materials for external works
4. Submission of details of cycle storage
5. Submission of details of landscaping plan
6. Restriction of permitted development rights to convert residential units to small scale HMO accommodation
7. Reinstatement of footway
8. Submission of Construction Management Plan
9. Any other planning conditions considered necessary by the Head of Planning

Informatives

1. Party Wall
2. Draw the Applicant's attention to the CIL liability
3. Applicant to notify Highways and to repair any damage to the Highway
4. Any other informatives considered necessary by the Head of Planning

And that the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

A) PROPOSAL

Revised drawings were submitted on 08/01/2017. The development proposes consists of the following.

Creation of two additional flats (4 in total) _

- Studio (Flat A) on ground floor
- 3 bed 6 person (Flat B) on ground and basement levels
- 2 bed 3 person (Flat C) on first floor
- 1 bed 2 person Flat D) on first and second floors

Extensions and Alterations _

- Creation of a part basement and excavation of part of the rear garden nearest the house.
- Erection of 3 metre deep single storey extension directly behind existing two-storey outrigger (following demolition of existing).
- Part demolition of existing garage and erection of a side/rear single storey extension. This extension

- would not project past the rear wall of the original two storey outrigger.
- L-shaped flat roofed first floor rear extension nearest to No.8
- Erection of two rear dormer windows on rear roof slope, installation of three skylights on front roof slope and two skylights on roof of outrigger
- The existing garage doors to the front would be retained and used for refuse/recycling and bicycle storage

Original submission - The original submission differed as follows;

- The applicant proposed a large rear dormer roof extension which would span across both the main roof and roof of side extension (see existing section). It was advised the applicant alter the design, as above.
- The proposed rear/side extension would have projected 5.9 metres past the rear wall of the original outrigger, 12.20 from the rear wall of the main house.

B) EXISTING

The application site comprises a two storey mid-terraced Victorian property located on the eastern side of Villiers Road. The property is currently in use as two self-contained residential flats. A neighbour has commented that these flats have existing for over 30 years. Unlike the other houses on the street, the property has a side extension which abuts no.8, which appears an original feature. This comprises a car garage at ground floor level and residential space above. The roof of this side extension is slightly stepped down from that of the main roof. The rear garden has been divided into two, providing outdoor amenity space for each flat. A single storey rear extension is located directly behind the original two storey outrigger.

Villiers Road is a residential street characterised by similar style residential terraced properties. The Willesden Green Town Centre, a Secondary Shopping Frontage, is located approximately 30 metres to the south of the site. The property is not listed and is not situated within a conservation area.

C) AMENDMENTS SINCE SUBMISSION

Since the original submission of the application the following amendments have been made to the scheme:

- The large dormer was omitted and replaced with two smaller dormer windows.
- The side/rear extension was reduced in depth to a depth of 6.42 m, as measure from the rear wall of the main house.

D) SUMMARY OF KEY ISSUES

The key issues for consideration are as follows:

1. Principle: The principle of converting the existing substandard residential accommodation to self-contained residential units is considered to be acceptable.
2. Standard of accommodation: The residential units comply with minimum space standards
3. Parking and Access: A condition would be included requiring the proposal to be a car free development
4. Impact on character and design: The proposed extensions would improve the appearance of the property, host terrace and surrounding area.
5. Impact on neighbouring amenity: The proposed extensions would not materially affect the amenity of any neighbouring resident

RELEVANT SITE HISTORY

None

CONSULTATIONS

Consultation period: 09/01/2017 – 30/01/2017

38 neighbouring properties were consulted. To date

Consultation period: 09/01/2017 – 30/01/2017

38 neighbouring properties were consulted.

To date 14 letters of objection have been received. Details of the comments have been outlined in the table below.

Objections

Objection	Response or paragraph in report
The creation of two additional flats would increase demand for parking on the street, which is already limited	See Paragraph 3.1
Skips and vehicles used for construction would take up valuable parking spaces	An application cannot be refused on the grounds of disruption caused by construction works. Relevant building control regulation would also mitigate potential disruption to neighbouring residents.
The proposal would constitute an over development and result in overcrowding	The site is considered to be of sufficient size to provide 4 residential flats.
The proposed flats would be too cramped	See paragraph 2.1
Loss of family size accommodation	See paragraph 1.2
Concerns the proposed works would cause subsidence and damage adjacent properties	See paragraph 4.7
The proposed development would not be in keeping in the character of the area.	See section 4
Would set a precedent within the area and similar proposals would follow	Each proposal is considered on its own merits. There is a presumption in favour of development, as set out in the NPPF. Development would only be refused if it is not in accordance with the borough's planning policies.
Safety concerns regarding construction works, especially to school children and clients existing nearby health centre	A condition would be included requiring a construction statement be submitted and approved by the local authority, to mitigate against any potential damage. The works would also need to comply be building control legislation.

Creation of 4 flats may result in anti social behaviour	There is no evidence to suggest a larger number of flats would result in antisocial behaviour
Concerns regarding noise created by additional flats	See paragraph 5.6
Neighbours not consulted on first application	All adjoining properties were consulted, the statutory requirement.
Councillors were not formally consulted upon application	Councillors were consulted on the re-consult.
The extension to the roof is at odds with the character of the street	See paragraph 4.3 - 4.4
Basement drawings were not sufficiently detailed	A construction statement would be required by condition

POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2016 London Plan (Consolidated with Alterations since 2011).

The following are also relevant material considerations:

- The National Planning Policy Framework (2012)
- Supplementary Planning Guidance No. 5 "Altering and Extending Your Home" (2002)
- Brent Basements Practice Guide (2013)

DETAILED CONSIDERATIONS

1. Principle of development

1.1 Residential extensions and alterations to dwelling houses associated with the creation of additional self-contained units are acceptable in principle. London plan policy 3.3 Increasing housing demand and Policy CP 2 Population and Housing Growth of the Local Plan have identified a rising population and a need for additional homes across London and the borough. The proposed development would see the alteration of the existing two flats and the creation of an additional two flats, creating four in total.

1.2 CP 21 A balanced Housing Stock recognises a need to maintain a balance housing stock by protecting existing accommodation that meets a known need. DMP 17 relates to the conversion of family sized dwellings and whilst this is of some relevance it is not directly applicable to this scenario. Family sized units, 3 bed and above, are in demand in the borough. As the property has an existing 3 bed flat, a family sized unit would need to be provided. Given that a family size unit is proposed, this objective has been met.

1.3 Although contributing to the housing supply is an important consideration, the following material planning considerations would need to be assessed to determine whether the proposal is acceptable.

- Standard of Accommodation
- Parking and Access
- Impact on Character and Design
- Impact on neighbouring amenity

2. Standard of accommodation

2.1 It is considered that all habitable rooms would provide adequate levels of outlook and natural light. Habitable rooms at basement level often have restricted outlook and natural light. However, in this case, as part of the garden would be excavated to basement level and large patio doors proposed, both bedrooms at basement level are likely to receive adequate levels of natural daylight and outlook. The new first floor rear window would be restricted in terms of outlook and natural light. However, as this window would serve a kitchen which is not large enough to incorporate a dining area, this room would be classified as a non-habitable. For this reason it is considered the flat would offer an acceptable standard of accommodation.

2.2 The ground floor family flat would provide 104sqm of outdoor amenity space, far exceeding the requirement of 50sqm as outlined in DMP 19 Residential Amenity Space. None of the other flats would provide any outdoor space. Although DMP 19 seeks outdoor amenity space for all residential units, the guidance does state that in certain circumstances site constraints make it impossible to provide private open space for all new dwellings. Due to the limitations of existing Victorian properties a more flexible approach can be taken with flat conversions as realistically it would not be possible to provide amenity space without creating balconies which would detract from the character and appearance of the building.

2.3 Given the existing constraints of the property, the existing situation and the proposed family sized unit would provide ample outdoor amenity space, on balance, the overall standard of accommodation is considered acceptable.

2.4 To ensure the proposed 3 bed unit is used as a family sized dwelling and having regard to the size of the other units, it is recommended that that a condition be attached to any permission removing permitted development rights to convert the property from C3 residential to C4 HMO use.

3. Parking and access

3.1 The parking impact of the proposal would be acceptable, subject to a "permit free" condition. Currently the site includes a car garage which would be demolished. The site has very good access to public transport with a PTAL of 5 and is located within a Community Parking Zone (CPZ) and town centre. Where the full residential parking standard cannot be met within the site, Policy DMP 12 requires the impact on on-street parking to be considered, with on-street parking permitted to be counted towards meeting demand in certain circumstances. However, Villiers Road is a local access road that is already heavily parked, so would not be able to safely accommodate overspill parking demand from these proposed self-contained flats. To mitigate impact, Policy DMP 12 does encourage 'car-free' developments where the site is located within a CPZ and has good access to public transport services, as is the case here. This would need to be secured through a condition that would apply to the four self-contained flats, with the right of future residents of the flats to on-street parking permits being withdrawn.

3.2 A new bin store has been provided at the front of the property at ground level within the front forecourt. Policy 6.13 of the London Plan requires at least one secure bicycle parking space per 1-2 bed flat and two per 3 bed flat, where possible. The proposal has included two bicycle storage sheds at ground level that is accessible by all units, thus providing an adequate number of spaces in a secure and sheltered manner.

3.3 With no vehicular access to the site required for the new development, the existing crossover would become redundant. This must be reinstated to footway with full height kerbs at the developer's expense prior to occupation of the development, and would be secured by condition.

4. Impact on character and design

4.1 On balance, the visual impact of the proposal would be acceptable. London Plan policies 7.4 – Local Character and 7.6 Architecture and DMP 1 of Development Management General Policy promotes high quality design. SPG 5 - Altering and extending your home provides more detailed guidelines regarding

acceptable design for residential properties. Any alterations or extension to a property should respect the architectural character of the original building and its setting.

4.2 Only the front skylights would be noticeable from the front elevation. Given the skylights' modest scale and low profile design, the impact upon the street scene is expected to be minor. The proposal includes the part demolition and part conversion of the side garage, however as the existing garage doors would be retained, this development would not be noticeable from the front.

4.3 Roof Extensions should be designed to compliment the existing design of the house, streetscape and be of a scale that is proportionate to the existing roof. The design of the proposed rear dormer windows complies with the guidelines set out in SPG 5. They would be well set into the roof slope and would not dominate the roof.

4.4 The scale and form of the rear extensions would broadly comply with the guidelines set out in SPG 5. The basement and its rear lightwell would not materially affect the appearance of the property. The ground floor rear extension would be subservient to the existing property. The flat roof of the first floor extension is not normally considered acceptable however the views to this will be limited and the contemporary materials proposed would suit such a flat roof extension. The existing rear extensions (garage and extension behind outrigger) are considered to be of low aesthetic appearance. The demolition of these structures and proposed extensions are expected to improve the appearance to the rear of this property.

4.5 Turning to materials, zinc Cladding is proposed for the external surfaces of the extensions at basement, ground floor levels and dormers windows. White render is proposed at first floor level. The exposed brickwork to the rear of the building has been painted white to the rear and different materials and shades exist on both on adjoining properties. Given the lack of continuity to the rear of the terrace, in terms of materials and colour, the proposed external materials are not expected to appear out of keeping on the terrace or surrounding area.

4.6 Part of the rear garden nearest the house, would be excavated to basement level, at total area of 17sq m. As this area is considered to be modest in size and the large majority of the rear garden would be retained, it is not considered to significantly alter the appearance of the garden.

4.7 As no details of landscaping has been included a condition would be included requiring a landscape scheme be submitted and approved by the local planning authority in respect of the front garden only.

5. Impact on neighbouring amenity

5.1 The development would not materially harm the living conditions of neighbouring occupants. All development must have an acceptable impact upon residential amenity. DMP 1 states that design should provide high levels of internal and external amenity. The potential impacts of the extension on the amenity of neighbouring properties relate to daylight/sunlight, outlook (including bulk and dominance issues) privacy matters and noise disturbance.

5.2 It is considered that only the adjoining properties no.8 and no.12 could feasibly be affected in terms of residential amenity. The spatial relationship to all other properties is such that the proposed development is unlikely to impact upon their amenity. Property no. 8 has an existing two storey ground floor rear extension. As the rear/side extension would not project past this existing structure, which has no side facing windows, the proposed extensions are not expected to cause any loss of natural light or outlook.

5.3 The proposed rear extension abutting the existing outrigger would extend along the boundary of no.12 by three metres and have a height of 3 metres; this is in line with the usually acceptable depth and height set out in SPG5 and there are no reasons to suggest this would not be acceptable here. The proposed extension would only be marginally larger than the existing extension and the impact in terms of loss of natural light upon the occupiers is expected to be minor.

5.4 Although additional openings would be introduced at roof level and large patio doors are proposed at ground floor level, windows already overlook onto the rear garden of no.8 and no .12. Therefore no significant

further loss of privacy is expected to arise over the existing situation.

5.5 The creation of basements are subject to additional concerns, particularly relating to structural concerns. Objections regarding potential subsidence and possible damage to nearby properties have been raised. The structural stability of the works would be controlled via the Building Regulations process however, in the interests of encouraging the applicant to limit potential problems for neighbours and in accordance with Brent's Basement Practice Guidance, a condition is proposed to require a Construction Statement, Build Methodology and more detailed site survey be submitted and approved by the local planning authority.

5.6 Concerns have been raised that the creation of two additional flats would cause noise disturbance for nearby neighbours. As these units would be used for residential purposes, no significant increase in noise is expected over the existing situation.

6. Conclusion

6.1 The Development Management Policies set out Brent Council's positive attitude towards development and the potential benefits it can provide to residents, business and visitors. Brent also seeks to support the presumption in favour of sustainable development within the NPPF. In this case your officers have given considerable weight to the creation of additional homes in a sustainable urban location and improvements to the visual amenities of the area and therefore recommend approval subject to suitable conditions.

CIL DETAILS

This application is liable to pay **£25,982.44*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible** floorspace which on completion is to be demolished (E): 21.46 sq. m.

Total amount of floorspace on completion (G): 310 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	310	202	86.54	£200.00	£35.15	£22,098.61	£3,883.83

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	286	
Total chargeable amount	£22,098.61	£3,883.83

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

****Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 16/4003

To: Mr Damon Peddar
22 Redfern Road
London
NW10 9LB

I refer to your application dated 05/09/2016 proposing the following:

Erection of a rear dormer window and three front roof lights, conversion of garage, erection of a single storey rear extension, creation of a basement level, erection of rear extension at first floor level and sub-division to provide an additional 2 flats to existing flats (totalling 1x 3bed, 1x 2bed, 1x 1bed and 1x studio) with associated bin and cycle stores.

and accompanied by plans or documents listed here:

See condition 2
at 10 Villiers Road, London, NW2 5PH

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 03/02/2017

Signature:

Alice Lester

Head of Planning, Transport and Licensing

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-

Brent Development Management Plan (2016)
Core Strategy (2010)

Relevant policies in the Adopted Development Management Plan are those in the following chapters:-

Chapter 1 General Development management Policy
Chapter 4 Built Environment
Chapter 6 Environmental Protection
Chapter 7 Sustainability
Chapter 8 Transport
Chapter 9 Housing

- 1 Landscape proposals for the treatment of the areas so designated within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. The landscape works shall be completed in accordance with the approved details in accordance with a programme agreed in writing with the Local Planning Authority.

Any planting that is part of the approved scheme that within a period of *five* years after completion is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and to ensure that it enhances the visual amenity of the area.

- 2 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):
160801/01; 160801/02; 160801/03; 160801/04; 160801/05; 160801/06; 160801/10A;
160801/11B; 160801/12A; 160801/13B; 160801/14A; 160801/16A; 160801/17 B; 160801/18;
160801/19; 160801/23A B; 160801/23B

Reason: For the avoidance of doubt and in the interests of proper planning.

- 4 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted levels of outlook and access to natural light of the bedrooms adjacent to the outrigger.

- 5 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within any existing or future Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 6 Notwithstanding the plans hereby approved, the development shall not be occupied until further details of cycle storage are submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved plans. Such facilities shall be retained for the lifetime of the development.

Reason;- To ensure an adequate amount of cycle spaces are available for future occupants.

- 7 The existing crossover must be reinstated to a footway with full height kerbs prior to the occupation of the development.

Reason: To ensure a satisfactory appearance and setting for the proposed development and to ensure that it enhances the visual amenity of the area.

- 8 No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

(a) Dust mitigation measures.

(a) The location and operation of plant and wheel washing facilities

(a) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process

(a) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

(i) Rationalise travel and traffic routes to and from the site.

(ii) Provide full details of the number and time of construction vehicle trips to the site

with the intention and aim of reducing the impact of construction relates activity.
(iii) Measures to deal with safe pedestrian movement.

(e) Security Management (to minimise risks to unauthorised personnel).

(e) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties.

- 9 Details of materials for all external work, including manufacturer's literature and samples to be provided for inspection on site, shall be submitted and approved by the Local Planning Authority before any work commences. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 2 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 3 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall contact Mark O'Brien (Public Realm Monitoring Manager) at Mark.O'Brien@brent.gov.uk, and include photographs showing the condition of highway along the site boundaries.

Any person wishing to inspect the above papers should contact James Carleton, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1004