

Application ref: 2020/5470/P  
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Date: 21 June 2023

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)

[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Grays Surveying Services Ltd  
27 Upper Weybourne Lane  
Farnham  
GU9 9DG

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:

**224 Kilburn High Road  
London  
NW6 4JP**

Proposal:

Change of use of part of the rear ground floor to create a mixed used development consisting of retail (Class E1) and residential (Class C3).

Drawing Nos: 001; 002; 003 REVB; 004 REVC; 005 REVC; 006 REVB; 007;

Daylight/Sunlight report commissioned by Right of Light Consulting dated February 2022; Covering letter commissioned by Grays Surveying Services LTD dated 07/2022 and Sheffield Bike Stand Detail.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans- 001; 002; 003 REVB; 004 REVC; 005 REVC; 006

REVB; 007; Daylight/Sunlight report commissioned by Right of Light Consulting dated February 2022; Covering letter commissioned by Grays Surveying Services LTD dated 07/2022 and Sheffield Bike Stand Detail.

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

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 4 All new rear/side facing windows shall be obscurely glazed to the lower panel and shall be restricted to a maximum opening to 100mm for all windows below 1700mm from floor level. The proposed windows shall be maintained and permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 5 The details of secure and covered cycle storage for 1 cycle as shown on drawing number 005 REVC shall be provided in their entirety prior to the first occupation of the studio flat, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

- 1 Reasons for granting permission:

The principle of the change of use of the rear part of the existing commercial unit (Class E) to residential use (Class C3) is covered in Policy E2 of the Camden Local Plan. The policy advises that development involving the loss of business floorspace for non-business uses will be resisted unless it can be demonstrated that the site or building is unviable as a commercial premises. Balanced against this, housing is identified as the priority land use in the Local Plan and new residential floorspace is welcomed by policy H1. Meanwhile policy TC2 states that the Council supports the development of housing within centres and Central London including above and below shops where this does not prejudice the town centre function and particularly the ability of the ground floor to be used for town centre uses.

The supporting marketing statement commissioned by Homeview Estate

Agency supports the viability of letting the reduced size commercial floor area and provides comparables of shop units being successfully let in Kilburn Town Centre which are of 45sqm or below. The application includes a letter from the existing occupier of the ground floor unit setting out the reasons why the premises is no longer suitable for their business. The property is oversized and not economically viable for the business, which has been exacerbated by the current economic downturn. The tenant has previously made requests for a reduction in rent and has therefore welcomed these proposals as it will allow the business to continue trading at the property. Therefore on balance, the principle of losing a small amount of Class E space is considered acceptable in this instance in order to achieve a new flat while still retaining a smaller but still viable retail unit to the ground floor frontage.

The application premises would be appropriate for residential use. The proposed residential dwelling would meet the National Described Space Standard for a 1Bed 1P unit with a floor area of 40sqm (GIA). The application was submitted with a daylight/sunlight assessment and the numerical results demonstrate that the proposed development design achieves minimum compliance with the BRE recommendations. We consider the proposed development to be consistent with the NPPF, which requires developments to provide acceptable living standards whilst making efficient use of land.

The property also benefits from regular sized and shaped rooms and given the proposals involve a conversion of an existing building, the limited amount of external private amenity space is acceptable. Likewise, it is acknowledged that the development would provide step free access to future occupants. Overall, the development would provide a good standard of occupation for future residents.

The installation of the metal gate to restrict access to the communal alley way is considered acceptable to improve security to the site for residential use, and sensor lighting will be fitted to the external walls at the rear of the property. The rear yard will be maintained as a communal thoroughfare allowing access to the flats above.

The additional window openings, including a skylight, will provide natural light and ventilation to the hallway, living room, kitchen, and bathroom. The windows serving the bedroom are to be fitted with frosted glass to improve privacy. The new windows being proposed would be conditioned to be obscured glazed and only openable to 100mm this would prevent the loss of privacy and into any sensitive residential amenity space. Thus, the new windows proposed to the rear would not harm the amenity of adjoining neighbours in terms of overlooking, loss of privacy or outlook

The proposed use would not result in any loss of amenity for the occupiers of the existing flats by way of loss of light, privacy, outlook or noise or disturbance.

- 2 The new dwelling would not exceed the threshold (i.e. 100 sq m) above which the provision of affordable housing is required under policy H4.

All residential redevelopments, including change of uses, are required to be

car-free in accordance with Policy T2 (Parking and car-free development) of the Local Plan. This will be secured by Section 106 legal agreement to ensure that future occupiers are prevented from obtaining on-street parking permits.

Furthermore, to comply with the Council's policies for sustainable transport and mitigating against climate change the proposal is required to provide 1 long-stay cycle parking spaces. Cycle storage would be accommodated on site via a Sheffield stand which would meet policy T1 of the Local Plan 2017.

Household waste and recyclables could be stored within the externally with 23 litre food waste, 240 litre recycled bin and 240 litre waste bin stores and the details are considered acceptable.

No objections were received prior to making this decision. The application site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies H1, A1, C1, C2, CC3, D1, TC2, T1 and T2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 5 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 6 Under Section 25 of the GLC (General Powers) Act 1983, the residential accommodation approved is not permitted for use as holiday lettings or any other form of temporary sleeping accommodation defined as being occupied by the same person(s) for a consecutive period of 90 nights or less. If any such use is intended, then a new planning application will be required which may not be approved.
- 7 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 8 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light blue rectangular background.

Daniel Pope  
Chief Planning Officer