

44 & 46 BIRCHINGTON ROAD, LONDON NW6 4LJ
DESIGN AND ACCESS STATEMENT

44BR

November 2024

1. The site

44 & 46 Birchington Road, London NW6 4LJ.

2. The Process and Site context

44 & 46 Birchington Road are buildings located close to the junction of Birchington Road and Kilburn High Road. The property is located within an area characterised by mixed residential and commercial uses. Buildings are of varying ages and designs. The property is not within a conservation area, nor does it comprise a listed building.

No.44 is currently a single-storey building with commercial use (Class E) at Ground Floor. It has a flat roof behind a tall front parapet.

No.46 is a two-storey building with commercial use (Class E) at Ground Floor and two self-contained flats above at First Floor level. The upper floor residential units benefit from a separate side access through the side passageway.



Image 01: Areas where relevant works are proposed (Aerial photo from Google Maps)

The site is well serviced by local amenities and public transport links, with a PTAL rating of 6a, making it a highly desirable location for residential use.

3. Design Proposal / Amount

The proposal is for a first floor / roof extension above No.44 to provide a new 1-bedroom 1-person self-contained Studio unit.

The access is proposed to be from the rear of the site, using the existing residential access to Quex Mews to avoid affecting the existing flats at 46A & B or the Commercial units at Ground Floor level.

4. Use

The proposed use of the site will remain as existing, Commercial (Class E) at Ground Floor and Residential (Class C3) at 1st Floor level.

5. Relevant planning history to the application site

Details of the site application history can be found below:

1st Floor 44 Birchington Road Kilburn London NW6 4LJ (2012/3730/P)

Granted Subject to a Section 106 Legal Agreement (Jul 17 2013) - Full Planning Permission
Installation of platform with balustrading above flat roof of ground floor shop at rear to create access, replacement of windows and insertion of lobby entrance on first floor south-west elevation and replacement of windows on first floor north-east elevation all in connection with change of use of first floor from storage (ancillary to shop (Class A1)) to 2 x 1-bedroom self-contained flats (Class C3).

46 Birchington Road London NW6 4LJ (2010/1374/P)

Granted Subject to a Section 106 Legal Agreement (Nov 10 2010) - Full Planning Permission
Change of use of ancillary retail storage (Class A1) at first floor level to two self contained one bedroom flats (Class C3) and associated external alterations including steps to provide independent access from an existing side passage and the installation of first floor windows to the front and within each side wall.

46 Birchington Road London NW6 4LJ (2013/1491/P)

Appeal Decided (Mar 25 2014)- Full Planning Permission
Change of use of ground floor and basement from shop (Class A1) to restaurant (Class A3) including extract ducts to roof at rear.

46 Birchington Road LONDON NW6 4LJ (2017/3702/P)

Refused (Jan 18 2018) - Full Planning Permission

Erection of raised terrace in front forecourt bounded with brick walls/piers, metal railings and associated platform lift to restaurant (Class C3)

46 Birchington Road London NW6 4LJ (2018/2505/P)

Refused (Oct 26 2018) - Full Planning Permission

Creation of an elevated dining terrace area within existing street level forecourt including planters, new boundary walls with piers and glass balustrade and a disabled lift for the ancillary use of the restaurant (Class A3).

Ground and basement floors 46 Birchington Road London NW6 4LJ (2014/5696/P)

Granted (Dec 23 2014) - Full Planning Permission

Change of use of ground floor and basement from shop (Class A1) to restaurant (Class A3) including extract duct to roof at rear.

Shop And Premises At Basement And Ground Floor 46 Birchington Road London NW6 4LJ (2016/0652/P)

Withdrawn (Oct 20 2016)- Full Planning Permission

Erection of timber enclosure and decking to forecourt to restaurant (Class A3). [Retrospective]

Shop And Premises At Basement And Ground Floor 46 Birchington Road London NW6 4LJ (2016/0653/A)

Granted (Mar 21 2017) - Advertisement Consent

Display of internally illuminated fascia sign.

Shop And Premises At Basement And Ground Floor 46 Birchington Road London NW6 4LJ (2016/0654/P)

Granted (Jan 10 2017) - Approval of Details

Details of waste storage and removal required by condition 8 of planning permission granted on 23/12/2014 (reference: 2014/5696/P for the change of use of ground floor and basement from shop (Class A1) to restaurant (Class A3) including extract duct to roof at rear.)

Shop and Premises at Basement and Ground Floor 46 Birchington Road London NW6 4LJ (2016/5627/P)

Appeal Decided (May 19 2017)- Full Planning Permission

Erection of timber enclosure and decking to forecourt of restaurant (Class A3) [retrospective].

6. Layout

The design seeks to create a new residential unit by adding a first floor and roof extension towards the front of the property with windows facing the road, enhancing the living standards of future occupants. The proposed design also aims to unify the façades of Nos. 44 and 46, creating a harmonious and coherent front elevation. The new windows at No.44 will be designed to match the existing 1st floor windows at No.46 in design, proportions and separation. Additionally, the pitched roof will be extended and mirrored, resulting in a more balanced and visually appealing street frontage that enhances the public realm.

The proposed unit will be dual aspect and will also benefit from a rooflight to ensure good levels of ventilation and natural light throughout the day, while fully complying with Minimum Nationally Described Space Standards, Local Plan and London Plan, meeting or exceeding the requirements for overall floor areas, room sizes, and ceiling heights.

7. Scale and Massing

The proposed extension has been carefully designed to ensure it is in keeping with the scale and character of the host building and surrounding properties. The extension will respect the existing eaves height of the adjacent property at No.46, maintaining a consistent appearance, while remaining well below the height of the 4-storey neighbouring buildings at No.42 and the nearby corner building, ensuring it integrates seamlessly into the streetscape.

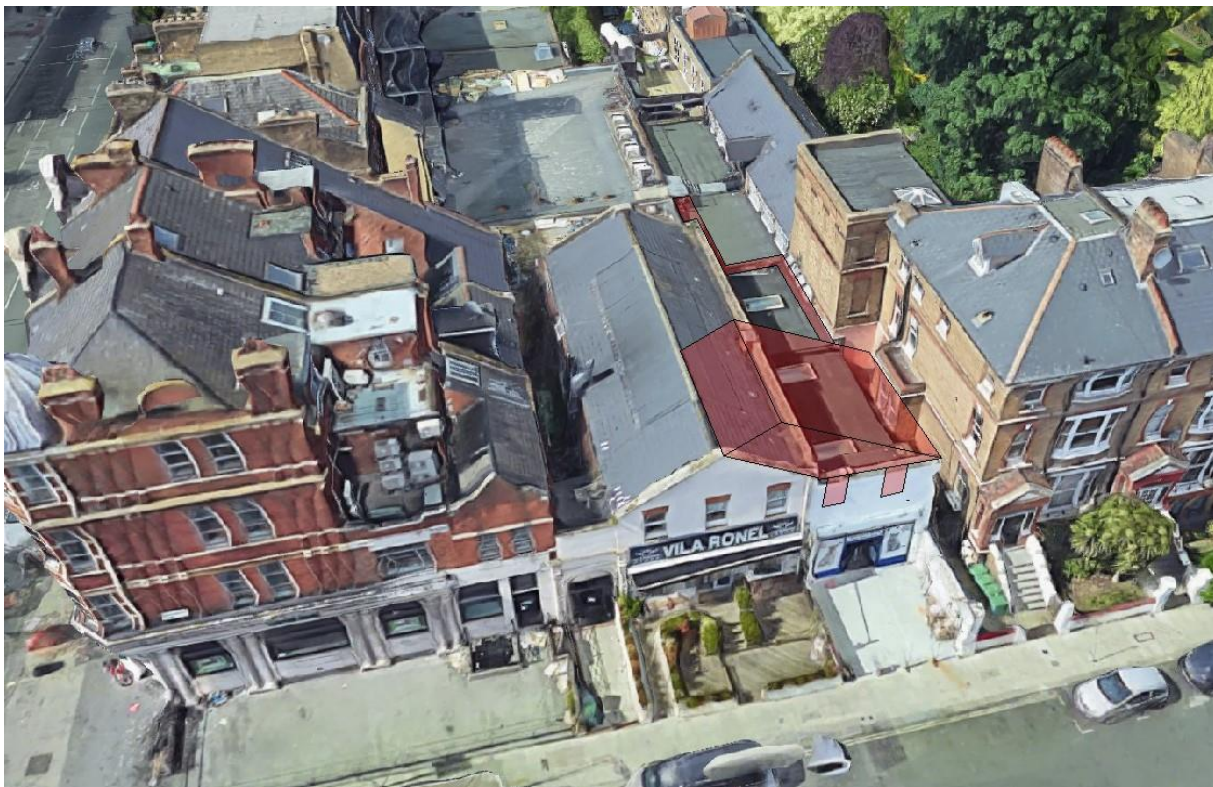


Image 02: Proposed extension shown in red (Aerial photo from Google Maps)

8. Materials and Appearance

The materials selected for the extension will match those of the existing building to ensure visual continuity. The extended walls will be finished in smooth white render to complement the existing façade. The roof will respect the existing pitch angle and will feature tiles matching the existing roof at No.46. The proposed new windows will be designed to match the materials, style and proportions of the existing openings at No.46, including the separation between them.

9. Daylight and Sunlight

The proposed extension has been designed to minimise any potential impact on neighboring properties. The placement of main windows only at the front, combined with the overall height and roof pitch of the extension, were carefully considered to prevent overlooking and overshadowing of adjoining properties.

A daylight and sunlight assessment has been conducted and submitted as part of this application, to ensure compliance with planning guidelines.

Regarding the daylight performance for the proposed unit, the daylight factors achieved are all significantly above the minimum recommended by the BRE guide. The sunlight hours received on the proposed habitable windows, where the hours of sunlight received on the test date of March 21st are tested, far surpass the minimum requirements by the BRE guidance.

As such, it is considered that the proposed new unit will have adequate levels of daylight and sunlight and will not have a negative impact on the nearby existing windows.

The report concludes the following:

"It was found that the habitable space of the proposed studio (i.e. the combined kitchen-living-dining-sleeping room), received more than the required minimum recommend daylight factor levels indoors. In fact, the daylight factor levels far exceeded the minimum. As far as sunlight on the 21st of March, the proposed studio surpasses the required minimum of 2 hours.

In terms of daylight and sunlight impact to existing windows on the site (existing windows of No42, No46, No47 Birchington Road buildings), it was found that all windows were within allowed reduction limits in VSC and APSH when the proposed development was taken into account. In terms of the NSL calculations, all relevant rooms tested were found to be at least 80% (or at least 0.8 times) the original NSL area and hence within allowed limits of reduction."

10. Access

The main entrance to the proposed studio flat at first floor will be at the rear, through an open walkway accessed from the existing entrance to 28 & 29 Quex Mews, sharing the communal side staircase and communal area currently providing access to the existing flats at Quex Mews.

The walkway has been designed to remain out of sight from the public highway, with its layout carefully planned to maintain the greatest possible distance from existing windows. Additionally, it will feature 1.7m high obscure screens to prevent overlooking and ensure the privacy of existing residents.

11. Refuse

Residential waste collection will remain as existing. Due to its access from the rear, the residents of the new flat will use the large existing enclosed refuse store serving all the existing residential units of Quex Mews, where there is plenty of extra capacity to accommodate the requirements for a 1-person dwelling.

12. Transport / Parking

There is no car parking provision on-site. The development is proposed as a car-free development.

The development site is located in an area with excellent public transport accessibility, with a PTAL rating of 6a. This rating is considered very good on a scale where 0 is the worst and 6b is the best. The proposed unit is a small Studio Flat for only one resident. Given this, it is unlikely that the proposed unit will increase the demand for on-street parking compared to the current situation. Considering this, we believe there is a compelling case for a car-free development that we would like to encourage.

In terms of car parking the revised NPPF in matters of sustainable development, transport and car parking advises at Paragraph 105 that:

“105. If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;*
- b) the type, mix and use of development;*
- c) the availability of and opportunities for public transport;*
- d) local car ownership levels; and*
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultralow emission vehicles.”*

Importantly, Paragraph 109 of the Framework advises that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”

In terms of the use of parking standards, paragraph 106 of the revised NPPF states:

“106. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework).”

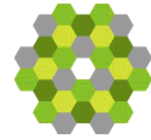
Considering the size of the proposed unit (intended for 1-person occupancy), the site's convenient access to local services, and its proximity to public transportation, it is considered that the proposed arrangement aligns with the guidelines outlined in the London Plan 2021 and the NPPF 2021.

To improve the sustainability of the proposed development and to encourage residents to rely on public transportation, cycling, or walking, a cycle space is provided inside the unit, as indicated on the submitted plans.

13. Ownership

It's important to highlight that the applicant fully and exclusively owns both application sites, as shown in the below official HM Land Registry Title Plan.

All proposed works are therefore fully within his property, and no notices to third parties are required to be served in this occasion.



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14. Conclusion

The proposed first-floor and roof extension will provide essential housing provision in the form of a studio flat. The design carefully respects the character and appearance of the surrounding area, ensuring minimal impact on neighbouring properties and improving the façade of the buildings towards the public highways contributing positively to the street scene.

The design ensures that all habitable rooms meet or exceed the minimum Sunlight and Daylight Illuminance targets, and the roof extension has been carefully designed to avoid any impact on the current levels of sunlight enjoyed by neighbouring properties.

We trust that the Planning Team will recognise the benefits of this proposal and hope to receive your support for this application.