

Application ref: 2022/4625/P  
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Date: 11 December 2024

**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)

Pegasus Group  
1 Newhall Street  
5th Floor  
Birmingham  
B3 3NH  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

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

Address:

**70-72  
Kilburn High Road  
London  
Camden  
NW6 4HS**

Proposal:

Erection of a two-storey rear extension with balconies at first second and third floor levels and mansard roof extension in association with provision of 4 self-contained flats.

Drawing Nos: 22/017/A/20 Rev A, 22/017/A/21 Rev A, 22/017/A/22 Rev A, 22/017/A/23 Rev A, 22/017/A/24, 22/017/A/25 Rev D, 22/017/A/26 Rev C, 22/017/A/27 Rev D, 22/017/A/28 Rev B, 22/017/A/29 Rev B, 22/017/A/30, 22/017/A/31, 22/017/A/35 Rev A, 22/017/A/37, 22/017/A/38, 22/017/A/39, 22/017/A/40, and Planning Statement

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:

22/017/A/20 Rev A, 22/017/A/21 Rev A, 22/017/A/22 Rev A, 22/017/A/23 Rev A, 22/017/A/24, 22/017/A/25 Rev D, 22/017/A/26 Rev C, 22/017/A/27 Rev D, 22/017/A/28 Rev B, 22/017/A/29 Rev B, 22/017/A/30, 22/017/A/31, 22/017/A/35 Rev A, 22/017/A/37, 22/017/A/38, 22/017/A/39, 22/017/A/40, and Planning Statement

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 Before the development commences, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of Policies CC5, A1, and A4 of the London Borough of Camden Local Plan 2017.

- 5 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwellings 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, and CC3 of the London Borough of Camden Local Plan 2017.

- 6 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include:

1. a detailed scheme of maintenance;
2. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used; and
3. full details of planting species and density.

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with Policies G1, CC1, CC2, CC3, D1, and A3 of the London Borough of Camden Local Plan 2017.

- 7 A 1.8 metre high privacy screen shall be erected on the west side of the balcony at Flat C, prior to commencement of use of the balcony and shall be permanently retained.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and Policies A1 and D1 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

- 1 Reasons for granting permission.

The proposal is considered acceptable in land use terms, as self-contained housing is regarded as the priority land use of the Camden Local Plan. The Council supports the development of housing within town centres, including above shops where it does not affect the Town Centre's function and viability.

The proposed 2x one-bedroom units and 2x two-bedroom units all meet national space standards, are dual aspect, and provide a good outlook and daylight. The units would be accessed through the existing residential entrance along the north side of the building via West End Lane. Flats A and C would feature private outdoor amenity area in the form of balconies. Flats B and D do not have private outdoor amenity area but will have access to a 25sqm communal roof terrace on the third floor.

Policy H4 requires a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. In this case, the additional floorspace for new housing, comprising both the mansard and rear extensions, is 164sqm and so a contribution to affordable housing is required. For developments with a capacity of fewer than 25 units, the affordable housing contribution is based on a sliding scale with the target starting at 2% for an additional home. The policy indicates that 100sqm equates to one dwelling and so based on the floorspace uplift (rounded to the nearest 100sqm), the affordable housing contribution would be 4%. The affordable housing target, i.e. 4% is then applied to the total floor area (i.e. 164sqm) and a multiplier of £5,000 per sqm used to provide the final payment in lieu for affordable housing, which in this case, comes to £32,800. This will be secured by a S.106 clause.

The proposal is acceptable in design terms, incorporating a traditionally designed mansard roof with dormer windows at main roof level and also above the side return fronting West End Lane. The fenestration would complement that of the lower floors. Overall, the mansard roof and two-storey rear extension have a suitable profile, setback, form, design, and materials and will relate to both the application site and neighbouring buildings. The proposed green roof

on the rear extension is welcomed and will provide visual amenity and biodiversity. The details of design, species, and maintenance will be secured through condition.

- 2 In line with Policy T1 of the Local Plan, it is expected cycle parking be provided in accordance with the standards set out in the London Plan. This would give a requirement for seven cycle parking spaces. However, none are shown on the submitted plans. The only available space at ground floor level, in the rear courtyard, is taken up with bin storage. There is thus limited scope to provide cycle parking on site. Therefore, a S.106 contribution of £4,320 towards the provision of a six-space on-street cycle hanger in the vicinity of the site will be required.

In accordance with Policy T2 of Local Plan, all four flats will be secured as on-street Residents parking permit (car) free by means of the S.106 Agreement. This will prevent the future occupants from adding to existing on-street parking pressures, traffic congestion and air pollution, whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport.

There are zig-zag line markings on Kilburn High Road outside the site which prevent loading taking place at any time and due to the narrow nature of West End Lane there are no loading at any time restrictions on both sides of the carriageway. Construction access to the site is thus hindered. There is also a children's nursery located to the rear of the site on W End Lane. As such it is recommended that a Construction Management Plan (CMP) and associated Implementation Support Contribution of £3,920 and Impact Bond of £7,500 be secured by means of the S.106 Agreement.

Given the location of the mansard roof, two-storey rear extension, and roof terrace, and the distance between the application site and neighbouring properties, it is not considered that there would be any negative impact on the residential amenity currently enjoyed by neighbouring residents in terms of loss of light, outlook or privacy. It is acknowledged that the balcony at second floor level would be in close proximity to the bedroom windows of Flat B. As such, a condition is recommended to require installation of a 1.8m tall privacy screen along the west side of the balcony.

No objections were received following statutory consultation. The 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 A1, H1, H4, H6, T1, T2, and D1 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 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 5 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.

- 6 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.
- 7 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the information given on the plans, the Mayor's CIL Charging Schedule and the Camden Charging Schedule, the charge is likely to be £8,200 (164sqm x £50) for the Mayor's CIL and £84,000 (164sqm x £500) for the Camden CIL.

This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

- 8 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

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 grey rectangular background.

Daniel Pope  
Chief Planning Officer