

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b> 20/01/2025	
		N/A		<b>Consultation Expiry Date:</b> 23/12/2024	
<b>Officer</b>			<b>Application Number(s)</b>		
Matthew Kitchener			2024/5188/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
44 – 46 Birchington Road London NW6 4LJ			See decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Erection of single-storey first floor extension; creation of a new dwelling above existing commercial unit.					
<b>Recommendation(s):</b>		Refuse Planning Permission			
<b>Application Type:</b>		Full Planning Permission			
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice			
<b>Informatives:</b>					
<b>Consultations</b>					
		No. of responses	<b>00</b>	No. of objections	<b>00</b>
<b>Neighbour Consultation</b>		Site Notice: posted 29/11/2024, expired 23/12/2024  <i>No responses were received from neighbours.</i>  <i>Kilburn Neighbourhood Forum were consulted but did not comment.</i>			
<b>Site Description</b>					
44 & 46 Birchington Road are a pair of attached 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.  No.44 is a single-storey building with commercial use (Class E) at Ground Floor. It has a flat roof behind a 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.					

## Relevant History

**2014/5696/P - Ground and basement floors 46 Birchington Road** - Change of use of ground floor and basement from shop (Class A1) to restaurant (Class A3) including extract duct to roof at rear - Granted (Dec 23 2014)

**2013/1491/P - 46 Birchington Road** - Change of use of ground floor and basement from shop (Class A1) to restaurant (Class A3) including extract ducts to roof at rear - Appeal Decided (Mar 25 2014)

**2012/3730/P - 1st Floor 44 Birchington Road** - 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) -Granted Subject to a Section 106 Legal Agreement (Jul 17 2013)

**2010/1374/P - 46 Birchington Road** - 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 - Granted Subject to a Section 106 Legal Agreement (Nov 10 2010)

## Relevant Policies

### National Planning Policy Framework 2024

### The London Plan 2021

#### Camden Local Plan 2017

Policy G1 Delivery and Location of Growth  
Policy H1 Maximising Housing Supply  
Policy H4 Maximising the Supply of Affordable Housing  
Policy H6 Housing Choice and Mix  
Policy H7 Large and Small Homes  
Policy A1 Managing the impact of development  
Policy D1 Design  
Policy T1 Prioritising Walking, Cycling, and Public Transport  
Policy T2 Parking and Car-Free Development  
Policy CC4 Air Quality  
Policy DM1 Delivery and Monitoring

#### Draft Camden Local Plan

The council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

#### Camden Planning Guidance (CPG)

CPG Air Quality  
CPG Amenity  
CPG Design  
CPG Housing  
CPG Transport

#### London Plan 2012

Policy D6 Housing Quality and Standards

### 1. Proposal

1.1. It is proposed to create a new dwelling unit above the existing single storey commercial unit below by means of erecting a single-storey extension over the front part of the flat roof. The attached property No. 46 is a two storey pitched roof property with a gable end façade to the front elevation. It is proposed to alter the parapet façade in order to combine the two front facades of both properties to form a single gable end across the two buildings. The new dwelling unit would be accessed via a rooftop walkway accessed from steps at the end of Quex Mews which is located to the north of the property.

### 2. Planning Considerations

2.1. The material considerations in the determination of this application are as follows:

- Design
- Amenity and Access
- Housing Considerations
- Transport
- Air Quality
- Planning Balance

### 3. Design

3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, and the character and proportions of the existing building.

3.2. No. 44 Birchington Road is a single-storey flat roof building with a tall parapet to the front elevation. The attached property No. 46 is a two storey pitched roof property with a gable end façade to the front elevation. In order to erect a dwelling unit on the front part of the flat roof of No. 44 it is proposed to alter the existing parapet façade and combine the two front facades of both properties to form a single gable end across the two buildings. An enlarged mono pitch roof would then enclose the new dwelling unit and join up with the existing pitched roof on No. 46. The maximum height of the gable end would be 11.0m, 1.3m higher than the existing roofline.

3.3. The streetscape in Birchington Road comprises three-storey terraced dwellings and a four storey corner block fronting Kilburn High Road comprising a mixture of commercial at ground floor with residential on the upper levels. 44-46 currently appear as two distinct albeit attached buildings due to the pitched gable end on 46 and the flat roof and parapet on 44. The current gable end to 46 has three windows inserted at first floor and by extending the gable end to the full width of the properties an additional two windows will be inserted to serve the flat at first floor on 46. The proposed front windows would be out of sync with the existing windows in relation to their overall position in the gable end and would appear offset. This leads to a lack of symmetry at first floor and detracts from the overall appearance of the building.

3.4. The combining of the two buildings would result in a loss of character and appearance in this part of Birchington Road. The two properties currently feature distinct rooflines and facades, which helps distinguish the buildings from each other and retains their original separate character. The buildings also act as a visual transition between the taller corner properties and the lower residential terraced dwellings to the east. By combining the two buildings into one increased façade, this separation and identity is lost and a large gable wall is introduced into this part of the streetscene. As it stands the relative height of the two buildings helps form a characteristic barrier between the taller buildings fronting Kilburn High Road and the three-storey terraced dwellings to the east. This sense of separation would be lost as a result of the

proposals, to the detriment of the appearance of the host buildings and the character and appearance of the surrounding street scene.

3.5. As such, the proposal would harm the character and appearance of the host buildings, and the setting, form and scale of the wider streetscene, and contrary to Policy D1 (Design) of the Camden Local Plan 2017.

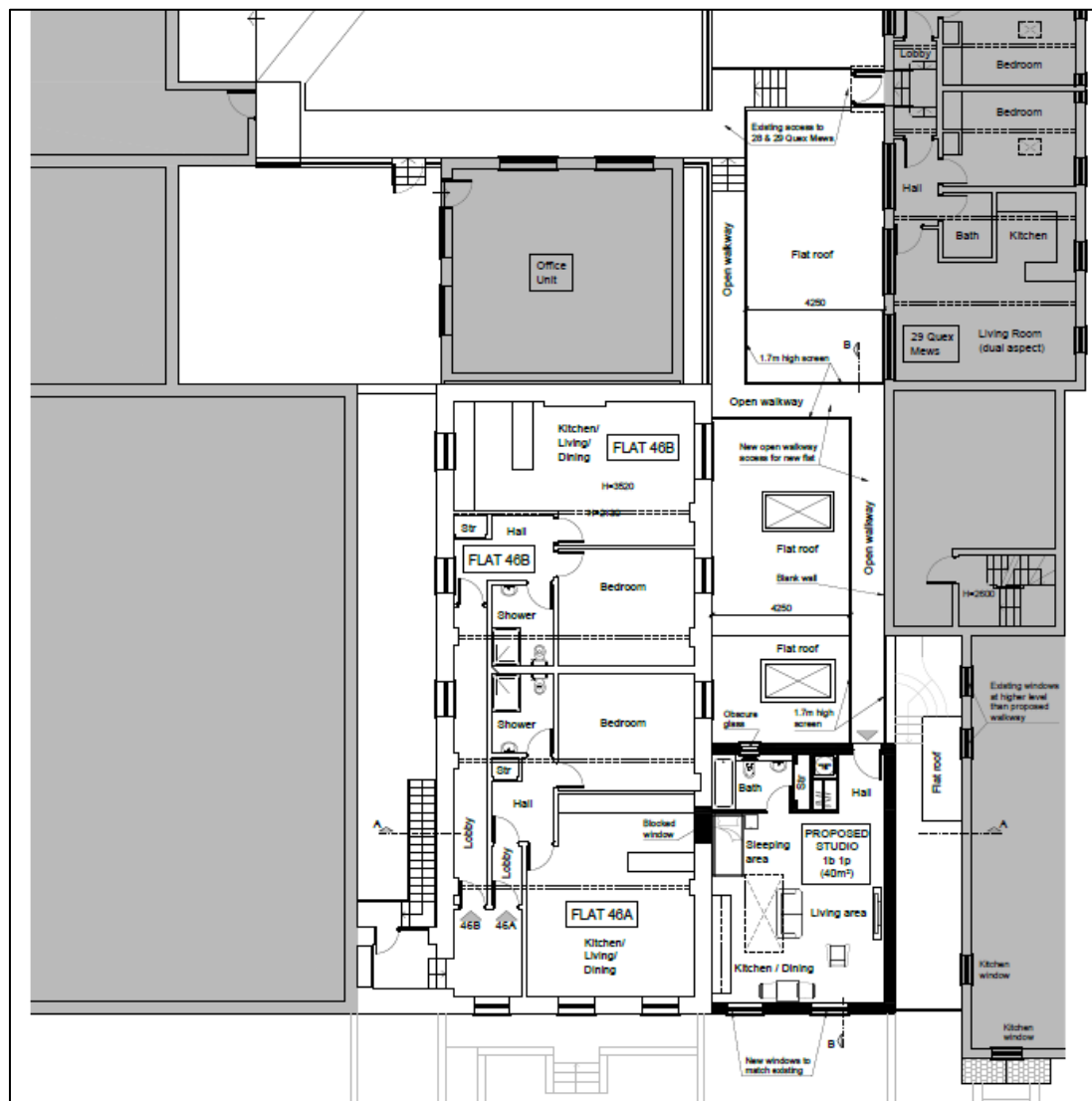
#### **4. Amenity and Access**

4.1. Policy A1 (Managing the impact of development), supported by Camden Planning Guidance (Amenity), seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and by only granting permission for development that would not harm the amenity of communities, occupiers, and neighbouring residents.

4.2. Policy C6 (Access for all) states that all buildings and places should meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all and that spaces, routes and facilities between buildings to be designed to be fully accessible.

4.3. Policy D6 (Housing quality and standards) of the London Plan 2021 states that development should provide clear and convenient routes with a feeling of safety and that the experience of arrival, via footpaths, entrances and shared circulation spaces is comfortable, accessible and fit for purpose.

4.4. Access to the proposed flat will be via Quex Mews, located to the north-west. At the end of Quex Mews an existing set of steps leads onto a series of flat roofs, and a pedestrian route leading across the roof tops to the flat entrance. This roof top pedestrian route already provides accesses several existing dwellings (28 & 29 Quex Mews and 108/110/112 & 114 Kilburn High Road). The route will be extended by an additional 24m in order to access the new dwelling, and will be demarked by the siting of a 1.7m privacy screen either side of the access route in order to direct and screen occupiers and visitors to the dwelling. The privacy screen would be located approximately 4m away from the windows of the existing dwellings at 28 & 29 Quex Mews. Although the privacy screen would help reduce privacy impacts to occupiers of 28 & 29 Quex Mews by those using the extended pedestrian route to the new dwelling, it would also result in a negative impact on the outlook of those same occupiers. It is also considered to have a negative impact on the outlook of the future occupiers of the new dwelling by virtue of its siting, height and design creating a detrimental enclosed tunnel effect to those gaining access to the flat. The proposal is therefore contrary to Policy A1 of the Camden Local Plan and D6 of the London Plan.



*Proposed first floor plan.*

4.5. Policy C6 states that all buildings and places should meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all and that spaces, routes, and facilities between buildings should be designed to be fully accessible. It is considered that the extensive and unnecessarily convoluted access route from Quex Mews to the new flat does not meet the highest practicable standards of accessible and inclusive design. The total length of the access route from street level at the end of Quex Mews to the front door of the new dwelling would be approximately 46m via two sets of steps. The proposal is therefore contrary to Policy C6 of the Camden Local Plan and D6 of the London Plan.

4.6. The flat would have two windows to the front serving the main room and an obscure glazed window to the bathroom at the rear. No windows are proposed on the side elevation which faces onto 42 Birchington Road; a rooflight is proposed to the north-east facing roofslope. The side elevation is set back approximately 2.0m from the side wall of No. 42, which has windows to the side elevation at ground, first and second floors which would look out onto the roof extension. It is considered that the lack of side windows in the new unit and the separation between buildings is unlikely to the amenity of neighbouring occupiers with regards to loss of privacy. A daylight/sunlight assessment has been submitted demonstrating that future occupiers of the unit would benefit from adequate daylight. A window in the existing flat at 46A Birchington Road would have a window blocked up to enable the new dwelling. The window serves a kitchen/living/dining room that would retain two existing windows to the front. The proposed new dwelling would also be located close to the neighbour at 42 Birchington Road. A daylight/sunlight assessment has been submitted demonstrating an acceptable impact on the neighbouring properties.

## **5. Housing Consideration**

- 5.1. The proposed residential unit would be a one bed one person studio unit with a separate bathroom, providing 40sqm of living space. The proposed unit would meet the minimum Nationally Described Space Standards for a 1-bed, 1-person unit at 37sqm.
- 5.2. In terms of daylight, the unit would have two windows at the front of the property serving the studio itself and a window at the rear serving the bathroom. The new unit is therefore considered to feature sufficient daylight/sunlight, outlook, ventilation, and privacy, in line with Policies D1 and H6.

### *Affordable Housing*

- 5.3. Policy H4 expects 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. As the residential uplift is less than 100sqm, the application is not required to make a contribution.

## **6. Transport**

- 6.1. In line with Policy T1, cycle parking at developments should be provided in accordance with the London Plan standards. For 1 bedroom and studio units, the requirement is for 1 space per unit. The submitted details indicate that there is an internal space provided in the unit for cycle storage.
- 6.2. In accordance with Policy T2, the new residential unit will be secured as Residents parking permit (car) free by means of a 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. No off-street parking is currently provided, and none is proposed. In the absence of a S.106 Agreement, this would be a reason for refusal.
- 6.3. As the proposal involves rebuilding the roof across both 44 and 46 Birchington Road, the application would be subject to a Construction Management Plan and associated Implementation Support Contribution of £4,194 and Impact Bond of £8,000 to be secured by means of the S.106 Agreement. This will help ensure that the proposed development is carried out without unduly impacting neighbouring amenity, or the safe and efficient operation of the local highway network, in line with Policy A1 of the Camden Local Plan. In the absence of a S.106 Agreement, this would be a reason for refusal.

## **7. Air Quality**

- 7.1. The application site is in an area of poor air quality. Local Plan Policy CC4 and CPG Air Quality are relevant with regards to air quality and require the submission of an Air Quality Assessment for new developments proposing new residential units within areas of poor air quality. This is to ensure that mitigation measures are put in place to minimise the impact of poor air quality on future occupiers. The lack of an Air Quality Assessment is contrary to Policy CC4, and thus forms a reason for refusal.

## **8. Planning Balance**

8.1. Significant weight has been given to the additional housing, albeit there is only one additional unit. Significant weight has also been given to the negative impact on the design and appearance of the host buildings, the amenity of future occupiers and adjoining residents. Although the proposed scheme would provide public benefits, including one additional new home, it is not sufficient to outweigh the concerns outlined above. Thus, the application is recommended for refusal on this basis.

## **9. Biodiversity Net Gain (BNG)**

9.1. Based on the information available this proposal would not require the approval of a BNG Plan before development is begun because the planning permission is a minor application within exemption threshold.

## **10. Conclusion & Recommendation**

### **Refuse planning permission on the following grounds:**

- 10.1. The proposed roof extension to create a new dwelling by virtue of its means of access, height, bulk and detailed design would compromise the form, character and appearance of the host buildings and the wider street scene, contrary to Policy D1 (Design) of the Camden Local Plan 2017.
- 10.2. The proposed development would fail to provide a legible, direct and accessible route to and from the residential units contrary to Policies D1 (Design) and C6 (Access for all) of the Camden Local Plan 2017 and Policy D6 (Housing Quality and Standards) of the London Plan 2021.
- 10.3. The installation of a 1.7m tall screened pedestrian access route would result in a negative impact on the amenity of the occupiers of 29 Quex Mews and future occupiers, contrary to Policy A1 (Managing the impact of development) of the Camden Local Plan 2017.
- 10.4. The proposed development, in the absence of an Air Quality Assessment, has failed to demonstrate that future occupants would not be exposed to unacceptable levels of air pollution and subsequently that the site is suitable for residential use, contrary to Policy CC4 (Air quality) of the Camden Local Plan 2017.
- 10.5. The proposed development, in the absence of a legal agreement securing car-free housing would contribute to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to Policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.
- 10.6. The proposed development, in the absence of a legal agreement securing a Construction Management Plan, CMP implementation support contribution and Construction Impact Bond, would be likely to contribute unacceptably to traffic disruption, air pollution and be detrimental to general highway and pedestrian safety, contrary to Policies A1 (Managing the impact of development), CC4 (Air Quality) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.

