

Rebuttal Statement

Prepared By: David Mansoor

Appeal Ref: APP/X5210/W/25/3360481

Appeal By: Mr B Baker

Site at: 44-46 Birchington Road, London, NW6 4LJ

Introduction

This rebuttal statement has been prepared to address the comments raised within the Local Planning Authority's (London Borough of Camden) statement in support of their reasons for refusal for the application, submitted at 44-46 Birchington Road, London, NW6 4LJ, Ref: 2024/5188/P, dated 25th Nov 2024.

This statement does not seek to add to the appellant's Appeal Case Statement nor to present any new evidence.

Point 1:

The Council seems intent on allowing no adaptation to this site. The Council comments that the proposed windows would be 'out of sync' with a 'lack of symmetry' and that there would be a loss of 'separation' to the three-storey buildings to the east.

Rebuttal 1:

The appellant believes these concerns do not demonstrate visual harm or poor-quality design, which results in demonstrable harm to the character and appearance of the area. They are subjective points that ignore the sympathetic design that looks to use the character of the existing building.

The site is not within a conservation area and the level of alteration from the existing is not considered drastic. The proposal works with the existing design and character to provide a new dwelling. The proposal has been sensitively designed to reflect the character of both 44 and 46 Birchington Road while providing a coherent and balanced architectural language. Adding new windows delivers a balanced and considered elevation. Rather than causing harm, the design acts as a natural transition between the taller block at Kilburn High Road and the lower terraces to the east.

Point 2:

The LPA acknowledges that replacing the solid screens with permeable railings addresses concerns regarding visual bulk and improves outlook for neighbouring residents.

Rebuttal 2:

The limited and incidental views gained by future occupiers while accessing the new unit would be fleeting and not materially harmful to the privacy of adjacent properties. The Council's concerns in this respect are overstated. Overall, the design effectively balances visual openness and privacy, in line with residential amenity policies.

The Appeal Statement of Case states that the access route is entirely dignified and legible. It utilises an existing route and extends it slightly. It would be used by a single occupant providing a desperately needy home, noting the Council's Housing Delivery Target score of only 53% in 2023.

Point 3:

The Council references a NO2 level of 50 particulates/m3.

Rebuttal 3:

This is stated as being at Kilburn High Road near the junction with Victoria Road and Quex Road, not at the application site, some 30-40m away from Kilburn High Road. Furthermore, the Local Authority do not say where this reading was taken or if it was taken at ground floor level...

The appellant stresses that this proposal is located at first floor level, (adjacent to other existing, lawful residential units to both neighbouring properties), which would provide an improved reading experience compared to the expected ground floor reading referenced.

Furthermore, the location of the application site, some 30-40m away from Kilburn High Road, would be a material consideration in this matter, reducing the NO2 level reading considerably.

Nevertheless, the appellant would be happy to address the requirement of an Air quality Assessment, by way of a Planning Condition, should the Inspectorate be minded to support this appeal.

Conclusion

The appellant considers that this statement rebuts the Council's appeal statement comprehensively in support of the erection of a single-storey first floor extension to allow the creation of a new dwelling above the existing commercial unit.

We trust that this statement clarifies the appellant's position moving forward.