

Delegated Report		Analysis sheet		Expiry Date:		07/08/2012	
		N/A		Consultation Expiry Date:		13/07/2012	
Officer				Application Number(s)			
Elaine Quigley				2012/2992/P			
Application Address				Drawing Numbers			
Rear 1st floor 230 Kilburn High Road London NW6 4JP				See draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Retrospective change of use at rear first floor level from shop (Class A1) into a self contained 1-bedroom flat (Class C3).							
Recommendation(s):		Grant planning permission subject to s106 agreement					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	24	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		24 neighbouring occupiers were consulted regarding the application. No representations were received as a result of this consultation process.					
CAAC/Local groups* comments: *Please Specify		None received					

Site Description

The application site lies to the east of Kilburn High Road in close proximity to the junction with Messina Road to the north and Gascony Avenue to the south. The boundary of the London Borough of Brent lies on the western side of Kilburn High Road. The site comprises a four storey building that is occupied by a commercial unit on the ground floor and six bedsits on the upper floors. The building has two access points. The ground floor retail unit is accessed from the front entrance onto Kilburn High Road. There is a gated accessway to the rear of the building that is accessed from Messina Road. This provides access to the residential flats.

Relevant History

Planning permission was granted on 29/10/1993 for retention of rear extension to ground floor shop including new flat roof and alterations to fenestration (9300019).

Planning permission was refused on 17/11/1995 for the change of use of basement ground and first floors from Class A1 (retail) to Class A3 (restaurant/wine bar) use. An appeal was lodged and was dismissed on 10/08/1996.

Planning permission was refused on 07/02/1996 for the change of use of basement ground and first floors from Class A1 (Retail) to Class A3 (Restaurant) with take away service. An appeal was lodged and was allowed on 19/01/1998 (PW9605125).

Relevant policies

LDF Core Strategy and Development Policies

CS1 (Distribution of growth)
CS5 (Managing the impact of growth and development)
CS6 (Providing quality homes)
CS7 (Promoting Camden's centres and shops)
CS11 (Promoting sustainable and sufficient travel)
CS14 (Promoting high quality places and conserving our heritage)
CS19 (Delivering and monitoring the Core Strategy)

DP2 (Making full use of Camden's capacity for housing)
DP5 (Homes of different sizes)
DP6 (Lifetime homes)
DP10 (Helping and promoting small and independent shops)
DP17 (Walking, cycling and public transport)
DP18 (Parking standards and limiting the availability of car parking)
DP19 (Managing the impact of parking)
DP24 (securing high quality design)
DP26 (Managing the impact of development on occupiers and neighbours)

Camden Planning Guidance 2011

CPG2 (Housing)
CPG6 (Amenity)
CPG7 (Transport)

Assessment

Proposal

Retrospective planning permission is sought for change of use at rear first floor level from shop (Class A1) into a self contained 1-bedroom flat (Class C3). The 1 bed residential unit measures 54.51 sq. m and comprises a lounge, kitchen, bedroom and shower room.

The main issues for consideration are:

- principle of development - loss of retail floorspace
- creation of new residential accommodation
- residential development standards
- amenity
- transport

Principle of development - loss of retail floorspace

The proposal would result in the loss of 54.5 sq. m of retail floor space at first floor level. In terms of the loss of the ancillary retail storage area at first floor level it is noted that although the LDF has a general presumption against the loss of A1 retail uses, it gives no protection to such uses at upper floor levels. Furthermore, the ground floor of the building is considered to be suitably sized to allow the existing ground floor retail unit to continue to viably operate without the benefit of using the upper floor as a storage area. In light of this there are no policy issues raised with the loss of 54.5 sq. m of Class A1 floorspace proposed.

The provision of new residential floorspace is a priority of the LDF, therefore the proposed use is in accordance with Policy DP2 which states that the Council will seek to maximise the supply of additional homes in the borough.

Residential development standards

Section 4 (Residential Development Standards) of CPG2 states that new self-contained dwellings should normally satisfy the minimum areas for overall floorspace. The one bedroom unit (2 persons) at 54.5 sq. m exceeds the minimum floorspace of 48 sq. m. However the double bedroom that measures 10.10 sq. m falls short of the minimum floor area for the double bedroom of 11 sq. m. Due to modest short fall in the floor area of the bedroom by 0.9 sq. m this would not sustain a reason and refusal and would be considered acceptable. The rooms within the unit are regular in shape with a separate living room and kitchen. The bedroom, kitchen and the living area all have access to natural light and ventilation. Whilst the unit does not achieve the minimum floorspace for the bedroom its overall floor area and layout of the unit is considered to be acceptable for potential future occupiers.

Due to the location of the flat within the two storey rear extension at the back of the building the bedroom window is approximately 2.2m from the three side elevation of no. 2 Messina Avenue. The rear elevation of the property faces northeast and would receive a restricted level of daylight. When calculating acceptable levels of daylight CPG2 advises that all habitable rooms must have an external window with an area of at least 1/10 of the floor area of the room. The external bedroom window (1.53 sq. m) in relation to the floor area of the room (10.10 sq. m) is 15%. This would exceed the 10% minimum requirement detailed in CPG2 (Housing). The room would therefore be considered to receive an acceptable level of daylight.

The living room is served by a window in the side elevation of the building. The window is positioned 14m from the front elevation of the building and is not restricted by the closet wing or extension of the neighbouring property at no. 228. Adequate daylight would be received to this window and would provide an acceptable level of light to this habitable room.

The outlook from the bedroom window would be restricted by the location and height of the side elevation of the neighbouring property at no. 2 Messina Avenue. Given the location of the new flat in the rear part of the existing building it would be difficult to reconfigure the layout of the flat to ensure that the bedroom would have an improved outlook. Although the outlook would be restricted the room would receive sufficient levels of light and the overall flat would exceed Camden's minimum floor area. Taking this into consideration the outlook from the bedroom would be considered acceptable.

Lifetime Homes

The applicant has provided limited commentary as to whether the scheme can adhere to lifetime homes standards. However, it is acknowledged that the development involves the conversion of an existing building, which would make some of the lifetime homes standards difficult to achieve. Given that the flat has already

been completed and the fact that the existing building has been converted, an informative will be added to any permission granted, encouraging the applicant to adhere to as many of the 16 standards as possible.

Amenity

No external alterations are proposed to the existing building. There is an existing first floor window in the side elevation that serves the lounge of the flat. There would be no direct views of windows into the neighbouring flats at no. 228 and it is considered that there would be no adverse impact on the amenity of the adjoining occupiers.

Transport

Car free development

The site has a PTAL score of 6a, which indicates that it is highly accessible by public transport. The nearest station is Kilburn High Road, located to the south east of the site, which is on the London Overground line between Euston and Watford Junction, whilst Kilburn Park Underground station is located to the south. The nearest bus stops are located on Kilburn High Road opposite the site and to the south. The site is located within Controlled Parking Zone CA-K, which operates between 8.30am and 6.30pm Monday to Friday. No off-street parking is currently provided and none is proposed. The proposed development is suitable for car free housing in accordance with policies CS11, DP18 and DP19. This would be secured via S.106 agreement.

Cycle parking

Camden's Parking Standards for cycles (Appendix 2 of the Camden Development Policies), states that 1 storage or parking space is required per residential unit. The first floor unit does not have direct access to a rear accessway however this area is secure and has the potential to be used as storage and cycle parking space.

CIL

The proposal is retrospective and relates to an existing residential unit. The agent has advised that the works commenced in 10/04/2012 and were completed on 30/05/2012. Given that the works started after CIL was introduced on 01/04/2012 the proposal would be subject to CIL. The residential unit has a floorspace of 54.5 sq. m. A CIL payment of £2725 would be required.

Conclusion

Grant planning permission subject to s106 agreement for car-free development.

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