

Address:	Linburn House 340 – 354 Kilburn High Road London NW6 2QJ	
Application Number:	2009/3810/P	Officer: Jenny Fisher
Ward:	West Hampstead	
Date Received:	07/08/2009	
Proposal: Erection of a fourth floor mansard roof extension to provide 5 new residential units (Class C3).		
Drawing Numbers: 09008/S.00: EX.00: EX.01: EX.02: GA.00: GA.01: GE.00		
RECOMMENDATION SUMMARY: Grant planning permission with conditions and a S.106 Agreement		
Applicant:	Agent:	
Globeplan Ltd. Central House 1 Ballards Lane Finchley London N31 LQ	Claridge Architects 2a Wrentham Ave The Tay Building London NW10 3HA	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floor space
Existing	C3	<i>Dwelling House</i>	1012m ²
Proposed	C3	<i>Dwelling House</i>	1352m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>		6	6	2					
Proposed	<i>Flat/Maisonette</i>	2	9	6	2					

OFFICERS' REPORT

Reason for Referral to Committee: Minor development entailing the provision of 5 new residential flats and planning obligations under Section 106 [Clause 3(vi)].

Members are asked to note that this application was withdrawn from the agenda for the meeting of the Committee on 4th February 2010, when it was discovered that the address on the application form [340 Kilburn High Road] was incorrect. This was the address that had been used on the consultation letters, and officers were concerned that identifying the site address as a single street property [when in fact it encompasses a number of properties and addresses] had the potential to fundamentally mislead residents about the scale and nature of the scheme. It was therefore decided to reconsult all the people who had previously received a notification letter on the basis of the correct address, as set out above. This consultation expires on 24th February 2010 – any responses that raise new issues will be reported either on the Supplementary Agenda or verbally at the meeting.

1. SITE

- 1.1 The application site is a terrace of buildings that are approximately 100 years old comprising 4-storeys with basement. The buildings include ground to 2nd floor half width extensions to the rear. The terrace is located on the eastern side of Kilburn High Road, just to the north of Iverson Road and close to the northern end of the major shopping and service centre. It is not within the core frontage area of the shopping centre, although commercial units occupy the ground floor of the building.
- 1.2 Loveridge Mews comprises 3-storey properties immediately to the rear of, and parallel to, the application site. No. 1 is in use as a complementary health centre, no. 2 is in commercial use, no. 3 is in commercial use at ground floor level with residential above, nos. 4 and 5 are in commercial use and no. 6 is in residential use. Loveridge Road meets Kilburn High Road immediately to the north of the site and Iverson Road is immediately to the south.
- 1.3 The 1st, 2nd, and 3rd floors of the building were formerly in office use, but are now in residential use comprising 6 x 2-bedroom, 6 x 3-bedroom and 2 x 4-bedroom units. They are accessed via two doors at the front of the building leading to internal communal stairs. The approval that was granted for the change of use from office to residential included a change to the layout of the two ground floor access/reception units (nos. 342 and 350), to retain office space with a shared entrance to the flats in no. 350 and to form a new retail unit in no. 342 with separate access to the flats above. The remainder of ground floor and basements have not been altered and are occupied for a variety of commercial uses.
- 1.4 There is no vehicular access to the site and none is proposed. The site has a Public Transport Accessibility Level (PTAL) of 5 (excellent).

2. THE PROPOSAL

- 2.1 Demolition of the existing roof and the erection of a fourth floor mansard roof extension. The existing 1.5m.high parapet wall to the front would be retained, a new parapet wall, the height of which would match that of the parapet at the front, would be built to the rear. The front and rear elevation of the roof of the new mansard roof extension would slope back at a 45° angle; it would be finished with artificial slate. The front elevation would be set back 1m behind the parapet wall; with a set back of 0.5m to the rear. Dormer windows would be installed in the front and rear elevations; one would be installed to the side. Four roof lights would be installed within the rear elevation and four roof lights serving corridors below would be installed on the flat roof top. The new windows to the rear, side and front would align with existing windows below.
- 2.2 The creation of 5 self-contained flats comprising 3 x 2-bedroom, 1x 1-bedroom and 1 bedsit. The ceiling of 3rd floor apartments would be lowered to a minimum of 2.3m to allow sufficient headroom without the need to construct what would otherwise be an unacceptably high roof extension.
- 2.3 A 1m wide terrace would be created behind the front parapet wall. Three 1.8m high frameless glass screens would be installed at intervals along the terrace dividing up a small area of private amenity space for each of the proposed units, with the exception of the bedsit. The 2-bedroom units at each end would have French doors opening onto terraces; the remaining two units would have sliding patio doors.
- 2.4 Windows and patio doors would be installed in powder coated aluminium frames with a slate grey finish. Roof lights within the rear elevation would be timber framed. Bricks to match existing would be used to re-build the rear parapet wall. Dormer windows would have a curved lead roof and fascia and white rendered cheeks.
- 2.5 Access would be via the existing ground floor entrances. The existing internal stairwell would be extended to the new 4th floor. A new bicycle store would be provided on a raised platform over the ground floor rear yard.
- 2.6 One of the issues that was raised in the responses to the consultation exercise was the accuracy of the drawings. In the light of this objection, the agent was asked to verify the accuracy of the drawings. The agent has confirmed that “we have revisited the site and checked all the levels from the front pavement to the building and found that our levels (from the existing survey drawing) are correct”. They therefore confirm, for the avoidance of doubt, that all dimensions have been checked, the heights on the existing rear elevation/section are correct and therefore that the proposed rear elevation/section is an accurate representation of the changes that are proposed to the built form, especially as regards the increase in the height of the building.

3. RELEVANT HISTORY

- 3.1 29/11/2002 – (PWX0103417) planning permission for the change of use of the upper floors from office (Class B1) to 14 residential flats (Class C3), including changes to the ground floor access arrangement in nos. 342 and 350 together with 3-storey rear extensions and roof terraces. The permission was subject to conditions and a ‘car-free’ Planning Obligation.

- 3.2 6/8/2009 - (2003/0977/P) Alterations to a previously approved scheme (ref. No. PWX0103417, dated 29/11/2002) for the change of use from offices (Class B1) to residential (Class C3) on the 1st – 3rd floors, entailing the reconfiguration of the floor plans to provide the same number of self-contained flats (14), and the omission of the rear extensions and terraces, together with elevational alterations to the ground floor shop front for no. 342 incorporating a separate retail unit (Class A1) and access to the residential units above. Granted subject to a S106 Agreement.
- 3.3 2007/2219/P Application withdrawn for the erection of an additional storey at roof level (creating a 4th floor) to provide 5 self-contained flats (3 x 2-bedroom, 1 x 1-bedroom, and 1 studio) with terrace to front elevation behind parapet wall. The application was withdrawn by the applicant because it was to be recommended for refusal. The height, bulk and mass of the proposed extension was considered unacceptable.
- 3.4 2008/2667/P Application withdrawn for the erection of a roof extension to provide additional residential floorspace comprising 2 x 1-bedroom and 3x 2-edroom self-contained flats.

4. CONSULTATIONS

Statutory Consultees

- 4.1 L.B. Brent raises no objection to the proposal subject to a S.106 car-free agreement.

4.2 Adjoining Occupiers

	Original
<i>Number of letters sent</i>	127
<i>Total number of responses received</i>	07
<i>Number of electronic responses</i>	0
<i>Number in support</i>	1 + 1 no comment
<i>Number of objections</i>	5

Residential premises:

Flat 3 Spring Court, 1B Iverson Road – no comments

Flat 14 Spring Court, 1B Iverson Road – support, there is a need for good quality accommodation in the area.

7 Iverson Road – no adequate waste disposal for the building, adding more flats will make the current situation worse; existing rear elevation incorrect; raising height of building would block light and allow overlooking in neighbours gardens. Current roof is not one section, allows light between roof pitches.

6 Loveridge Mews (photos provided) - plans do not seem accurate, lowering of ceiling impossible if existing roof height is maintained. New rooms would overlook bedrooms on the second floor of Loveridge Mews. If roof of Linburn House brought out nearer to the back of their house, it would be gloomier. Existing residents put refuse on streets. Another 5 flats would contribute to noise nuisance. No fire

escape. A bicycle store would mean users would be given keys to what is currently a locked area. Any dark area would be used as a toilet if unlocked.

Commercial premises:

342 and 344 Kilburn High Road, concerned about impact of works i.e. erection of scaffolding, on businesses.

1 Loveridge Mews a complimentary health centre. Relaxation is a major part of therapy offered. The noise created by building works would drive away clients; seek compensation for 6 therapist's loss of earnings.

5. POLICIES

Replacement Unitary Development Plan 2006

- 5.1 SD2 Planning Obligations
- SD6 Amenity for Occupiers and Neighbours
- SD8 Disturbance from construction
- H1 New Housing
- H2 Affordable Housing
- H7 Lifetime Homes and Wheelchair Housing
- H8 Mix of Units
- B1 General Design Principles
- B3 Alterations and Extension
- B9 Views
- N4 Providing Public Open Space
- N5 Biodiversity
- T3 Pedestrian and Cycling
- T7 Off Street Parking
- T8 Car-free Housing
- T9 Impact of Parking
- T12 Works Affecting the Highway
- Appendix 6 Parking Standards

Supplementary Planning Guidance – Camden Planning Guidance 2006

- 5.2 Access; biodiversity; car-free/car-capped housing; cycle access; daylight; safe environs; extensions; lifetime homes; overlooking; residential development standards; roofs; waste.

6. ASSESSMENT

- 6.1 The principal considerations material to the determination of this application are summarised as follows:
 - New housing;
 - Mix of unit sizes/residential standards/lifetime homes
 - Design
 - Local amenity and environmental impact
 - Sustainability
 - Vehicle generation and parking

New housing

- 6.2 Policy H1 (new housing) looks favourably on schemes for new residential development. Further Alterations to the Mayor's London Plan were published on 19 February 2008, when they became part of Camden's Development Plan. London Plan Policy 3A.11 expects affordable housing to be provided on sites of 10 or more homes. UDP policy H2 (affordable housing) has been partly superseded by the 10 homes threshold in London Plan policy 3A.11, but supporting text in UDP paragraph 2.23 indicates that 1,500 m² is capable of supporting 15 larger dwellings. Logically, developments with a floor area in excess of 1,000 m² are capable of providing 10 or more units.
- 6.3 The current application does not in itself exceed the housing thresholds referred to above. It should be noted that it would if combined with the conversion of 1st – 3rd floors of the building to residential use. However, the permission for the conversion of the 1st – 3rd floors did not include in the Heads of Term of the associated S.106 legal agreement a requirement for an affordable housing contribution should further units come forward on the site. In addition, the site is not subject to any wider designation within the UDP Schedule of Land Use Proposals that would support a requirement for an affordable housing contribution. In the light of this, it is considered that in this case it would be difficult to justify seeking such a contribution. Nevertheless, should planning permission be granted, it is recommended that the Heads of Terms of a S106 agreement should include a requirement for affordable housing should any future applications for additional residential units on the site be submitted.
- 6.4 There is a requirement in Supplementary Planning Guidance (SPG) for the provision of education contributions. Based on the unit numbers and mix the Council would seek a total contribution of £9444. This is based on the number of two-bedroom units provided. Contributions are not sought for single bed units as it is assumed that this type of accommodation is unlikely to house children. This requirement would be secured by a S106 agreement.
- 6.5 UDP Policy N4 (providing public open space) requires the provision of 9m² of public open space per person. The proposal includes 2 x 1-bedroom units and 3 x 2-bedroom units, which gives a total of 8 bed spaces. The development should therefore contribute 72m² (8 x 9m²) of open space. The development does not include the provision of public open space but there are several amenity spaces within 400m of the site, notably Kilburn Grange Park. If approved a contribution of £3960 (72m² x £55) would be required to improve one of the local public open spaces and an additional £2052 for maintenance (72m² x £5.70 x 5yrs). This would also be secured by a S106 agreement.

Mix of units sizes/residential standards/Lifetime homes

- 6.6 Policy H8 (mix of units) states that the Council will only grant permission for residential development that provides an appropriate mix of unit sizes, including large and small units. The current proposal includes 2 x 1-bedroom units and 3 x 2-bedroom units. Whilst the Council would generally seek to secure family sized accommodation, given the relatively small number of units proposed, the generous size of each unit, the location of the new development at roof level with no lift

access and known existing demand for 2-bedroom units in the private market sector, the proposed mix is considered acceptable.

- 6.7 The scheme complies with SPG in respect of unit sizes, room sizes and internal layout, and is therefore considered to be acceptable.
- 6.8 UDP Policy H7 (Lifetime Homes) requires all new residential developments to meet Lifetime Homes standards. The applicant has submitted a Lifetime Homes assessment that addresses the 16 criteria and satisfies them where possible; this is considered acceptable. Whilst it is noted that there is lift access to the new roof, this cannot be achieved unless an external lift tower is erected, as the lower floors, which are already laid out and occupied as residential flats, only have staircase access. Such a feature could not be located in a way that would not adversely impact on the windows of these existing units in terms of access of daylight and outlook. All new dwellings need to meet Part M of Building Regulations. For properties comprising 2- bedrooms or below, a fully accessible toilet is not required. Details of communal stairs and doorway width will be required under the Building Regulations. It is recommended that, should planning permission be granted, the applicant is reminded of this by means of an informative.

6.10 Refuse

Proposed is the storage of refuse for each unit within two cupboards. There would be a three compartment recycling storage area in one, and a large bin for non-recyclable rubbish in the other. Residents would take their rubbish down once a week for collection. It is noted that the previous approval (2003/0977/P) was granted without the provision of a wheelie bin storage area; an informative reminded the applicant that refuse sacks should not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. In view of comments received from consultees, summarised in para. 4.2 above, and the Council's Street Environment Service commenting on the need for 5 x wheelie bins and 6 kerbside green boxes, it is recommended that should planning permission be granted, conditions should include a requirement for details of rubbish storage to be submitted prior to the occupation of the additional residential units proposed. Additional residential units are likely to exacerbate what appears to be an existing problem caused by rubbish deposited external to the building, and there would seem to be some scope to incorporate refuse storage facilities at the rear of the building, in a similar form to that proposed for the cycle storage.

Design

- 6.11 The existing front parapet is 1.5m high. To the rear the roof forms a valley shape, which cannot be seen from Kilburn High Road, Iverson Road or Loveridge Road either side of the site or Loveridge Mews immediately to the rear. In fact it cannot be seen from any viewpoint in the public realm other than a glimpse from a train travelling along the railway viaduct.
- 6.12 Since the existing parapet is tall and the front and rear façades would be set back from the parapet, the proposed extension would not be highly visible from the public realm. It is considered that the scale of the proposed development would be

appropriate as an extension to the existing building. The detailed design is considered acceptable and fenestration proposed would align with that on the floor below. As such the application is in line with policies B1 (general design principles), B3 (extensions) and supporting SPG.

Local amenity and environmental impact

- 6.13 Overlooking: The external amenity space (patio) proposed would be behind the 1.5m high parapet wall to the front. Frosted glass screens would provide privacy for occupants within the development and there would be no opportunity to look into the windows of neighbouring premises outside the development. There would not be a terrace to the rear. Windows to the rear would either be dormer windows set back 1m from the outer edge of the parapet and with only 0.4m visible above the parapet (if direct views were possible), or velux roof lights within the slope of the mansard. Views into neighbouring properties opposite would not be possible; therefore the development is in line with policy SD6 (amenity).
- 6.14 Access of light: The building is taller than those immediately to the rear in Loveridge Mews. The half width extensions are 5m deep and there is a 1.5m gap between the rear elevations of the extensions and the Mews properties. At the lowest point i.e. the valley of the roof, the building would be an additional 2.8m in height; it would be an additional 1m in height above the peak of the existing valley roof. It is considered that, given the distance between the building and the Loveridge Mews properties and the difference in height, the modest increase in height proposed would not result in loss of natural light to adjoining occupiers. As a consequence, the proposed development complies with policy SD6 (amenity).
- 6.15 Policy N5 (bio-diversity) states that the Council will encourage the greening of the environment. This could be achieved by the provision of window boxes, hanging baskets and nest spaces e.g. bird boxes. The applicant's Sustainability Statement declares that the development will gain ecological value by incorporating the design advice of an experienced and qualified ecologist. If planning permission is granted an informative is recommended advising applicant to seek the advice of the Council's biodiversity officer to determine the most appropriate features to provide habitat on this building, in this location.

Sustainability

- 6.16 The applicant has submitted a Code for Sustainable Homes statement. The predicted rating is Code Level 3 or 58.12%. The predicted percentage of energy credits falls just below the 50% required to satisfy the Council's requirement. However, this is a preliminary sustainable homes report and it is expected that at the detailed design stage the 50% rate would be achieved. If the application is approved, an EcoHomes post-construction review will be required to ensure that the development has met criteria as part of the estimate and design stage assessment.

Vehicle Generation and Parking

- 6.17 The proposals are acceptable in transport terms subject to:
- A S.106 agreement securing the development as car free.

- A S.106 agreement for a Construction Management Plan. The S.106 agreement shall state that the Construction Management Plan shall be approved prior to any works starting on site and the approved plan shall be followed, unless otherwise agreed with the Highway Authority concerned.
- A financial contribution required to repave the footway adjacent to the site between Kilburn High Road and Loveridge Mews on the south side of Loveridge Road only. This will need to be secured through a S.106 Agreement with the Council.

6.18 Cycle Parking

Policy T3 (pedestrians and cycling) requires development to provide for the needs of cyclists. Policy T7 (off-street parking) states that development must comply with L.B. Camden parking standards. The standard for cycle parking requires 1 storage or parking space per residential unit. Five new residential units are proposed; therefore five cycle storage/parking spaces are required. The applicant's design includes eight storage spaces on a new platform over a rear yard accessed via a stairway; the details of this do not meet the Council's design specifications. However, no alterations are proposed to the ground floor and the only access to the units is via the existing stairs. As a consequence, it would be inappropriate and overly onerous to insist that cycle parking be included on the ground floor. Although the cycle parking that would be provided would not accord with Camden's design specifications, it would still be beneficial to the development and the Council's Transport Planners consider that in this case the requirement that cycle parking should be designed to Camden's design specifications cannot be insisted on.

7. CONCLUSION

- 7.1 The application is for a roof extension that would have very little visual impact on the existing building and would not cause harm to amenities of adjoining occupiers. The inconvenience of construction to neighbours in terms of noise, dirt and other matters of this kind is not, within the context of a development such as this, a material planning consideration. However, should planning permission be granted, the Construction Management Plan and the requirements of the Control of Pollution Act should resolve any problems that may ensue.

LEGAL COMMENTS

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

9. RECOMMENDATION

Planning Permission is recommended subject to a S.106 Legal Agreement covering the following Heads of Terms:-

- Construction Management Plan
- Code for Sustainable Homes - post construction review
- Car free

- A financial contribution of £19,000 to repave the footway adjacent to the site between Kilburn High Road and Loveridge Mews on the south side of Loveridge Road
- A requirement for affordable housing should a subsequent application for additional residential units be submitted
- An education contribution of £9444
- Open space contribution of £3960

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