

Delegated Report		Analysis sheet		Expiry Date:		10/11/2009	
		N/A		Consultation Expiry Date:		04/11/2009	
Officer				Application Number(s)			
Eimear Heavey				2009/4739/P			
Application Address				Drawing Numbers			
246 Kilburn High Road London NW6 2BS				Refer to draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Amendment to planning permission granted on 11/05/05 for 'erection of a second floor roof extension and a first floor extension at front part of building, to create additional habitable floorspace for the existing two storey live/work unit' (ref: 2005/1186/P) namely, creation of a green roof at second floor level with associated staircase and safety balustrading for maintenance purposes.							
Recommendation(s):		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	25	No. of responses	01	No. of objections	01
				No. electronic	01		
Summary of consultation responses:		<p>A site notice was displayed from 14/10/2009 until 04/11/2009.</p> <p>Adjoining occupiers/owners <i>One letter of objection was received from the occupant of 254 Kilburn High Road who was concerned about the green roof as it would result in a loss of light to his property.</i></p> <p><u>Response:</u> The proposed introduction of a green roof at this site is not considered to result in a loss of light to neighbouring properties, as all properties would still have an open aspect from their windows. Furthermore, the objector is approximately 20metres from the application site, and as such would not be affected by the introduction of a green roof.</p>					
CAAC/Local groups* comments: *Please Specify		<p>The application site is not located within a Conservation Area.</p> <p>Local Groups No reply to date.</p>					
Site Description							
The site comprises a 2-storey building used as a photographic studio on the ground floor with a self-contained residential unit above – only a very small part of the building [that which fronts onto the narrow vehicular access described below] is not “land-locked”. It is located to the rear of the commercial properties fronting the Camden side of Kilburn High Road between its junctions with Grangeway and Palmerston Road. There is a narrow vehicular access linking the site to Kilburn High Road. The rear boundary of the site is also the common							

boundary with Kilburn Grange Park public open space. The site is not located within a conservation area.

Relevant History

PP **refused** 13th August 2009 for installation of balustrading to roof of second floor level extension and installation of staircase from existing first floor terrace to second floor roof to facilitate use of the roof of the second floor level extension as a terrace.

PP **granted** 11th May 2005 (Ref: 2005/1186/P) for the erection of a second floor roof extension and a first floor extension at front part of building, to create additional habitable floorspace for the existing two storey live/work unit (Not yet implemented and is extant).

PP **granted** 8th April 2002 (Ref: PWX0103456) for the change of use of the existing two storey building at the rear of the site from a recording studio (SG) to an office use (Class B1a), together with the partial demolition of the existing first floor and the remodelling and extension of the upper part of the building to create a total of three floor levels of office accommodation, together with associated elevational alterations.

PP **granted** 18th September 2001 (Ref: PWX0103302) for the demolition of the existing single storey light industrial building and park boundary wall and the erection of a 2-storey building for use as a photographic studio on the ground floor with a self-contained residential unit above.

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against. However, it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

London Borough of Camden adopted Unitary Development Plan 2006

- SD1 Quality of life
- SD6 Amenity for occupiers and neighbours
- B1 General Design Principles
- B3 Alterations and Extensions
- N5 Biodiversity

Camden Planning Guidance 2006

Assessment

Proposal

Planning permission is sought for an amendment to planning permission granted 11/05/05 (for erection of a second floor roof extension and a first floor extension at front part of building, to create additional habitable floorspace for the existing two storey live/work unit) namely, creation of a green roof at second floor level with associated staircase and safety balustrading for maintenance purposes.

Background

The existing 2-storey building comprises a photographic studio and a residential unit. The existing roof is used as a terrace, and is enclosed by a metal balustrade.

In May 2005 planning permission was granted for the following:

- Extension of the first floor element by a further approx. 9m to provide a games room; and
- The erection of a roof extension at second floor level which would extend just over half of the area of the existing roof terrace, and to continue its extension over the new first floor front extension, to provide a living room/study.

Differences between this application and the previous application (2009/2000/P)

The previous application proposed a roof terrace enclosed by railings and a staircase at second floor level however this application was refused as it would have resulted in a loss of privacy and overlooking to neighbouring properties. In this instance the applicant has stated that it is not proposed to use the green roof as a roof terrace but that a green roof will be introduced instead, however the railings and balustrading have remained in this proposal. It is noted that the only difference between this application and the previous application is the introduction of a green roof.

Discussions during application process

During the application process it was conveyed to the applicant that the introduction of a green roof could be de minimus. However in the absence of information detailing the type of green roof proposed it was not clear if the roof would be sedum and therefore on the balance of probability it was considered that the green roof could

result in a material change as additional bulk would be added to the building and planning permission would therefore be required.

With regards to the railings and staircase, the applicant was asked to remove these from the proposal as it was felt they were not absolutely necessary for maintenance purposes because a standard ladder could be used for the same purposes. However this was declined and no drawings were received nor was any justification provided detailing the necessity for the railings and staircase to remain.

Design

The proposed balustrading is considered to be acceptable and does not detract from the original building or from the surrounding area. Furthermore, the additional staircase is also considered to be acceptable as it is set well back from the edge of the roof and it would not be read as additional bulk to the rear of the dwellinghouse, it would therefore not compromise views from Kilburn Grange Park. With regards to the front of the dwellinghouse, the proposed balustrading on top of the already approved first floor extension is not considered to adversely affect the streetscene of Kilburn High Road given that the building is set back almost 9 metres from the street. The proposed design is therefore consistent with the provisions of Policies B1 and B3 of the UDP (2006).

No details of the green roof have been included as part of the proposal and therefore it is difficult to assess how much of an impact the green roof would have on the original building. However it is generally accepted that the introduction of a green roof on a property does not detract from the special character of the original building or from the surrounding area. In light of this and on the balance of probability it is considered that a green roof at this location would be acceptable in design terms provided full details of the roof along with a maintenance regime were submitted.

Amenity Issues

- It is noted that Condition 2 of a previous permission relating to this site PWX0103456 (see history section above) dated 08/04/2002 stated that the second level flat roof should not be used as a roof terrace under any circumstances.

It is considered that this condition was placed on the permission in order to prevent any overlooking to the neighbouring properties and it is accepted that the applicant has stated in their application form that the green roof would not be used as a roof terrace. However, no details of the proposed green roof have been submitted nor has any justification in the form of a maintenance regime been submitted which would explain the requirement for the extensive balustrading and staircase to facilitate the maintenance of the green roof. Therefore, without details of a scheme of maintenance, the frequency of

It is noted that the Council did look in to the possibility of approving the application subject to a condition stating that the roof cannot be used as a roof terrace and that it could be accessed for maintenance purposes only. In respect of this, without details of the green roof and details of a maintenance regime for the roof, this condition would be very difficult to enforce as it is difficult to ascertain what constitutes a reasonable amount of maintenance. Furthermore, it is

The proposed green roof would be at a considerable height above ground level, approximately 11 metres, and if used as a terrace would allow extensive views into the north facing windows at fourth floor level of the flatted development at 240-242 Kilburn Road. These existing windows appear to be windows of habitable rooms and therefore are required to be protected.

Furthermore, the proposed green roof would project outwards over the new extension at the front of the dwellinghouse and would allow views back into the windows of the flats at first and second floor level on the northern elevation of the adjacent flatted development at 244 Kilburn High Road.

It is also considered that views into the existing flats at second and third floor levels of 244 Kilburn High Road which face in an easterly direction would be intensified by the introduction of a roof terrace at second floor level of the proposed extension.

The issue of a privacy screen to protect the neighbouring windows on the northern elevation was considered but was discounted on the grounds that it could result in a loss of outlook to the existing windows and it would not solve the overlooking issues with regards to the east facing windows of 244 Kilburn High Road.

In light of the above it is considered that the proposed green roof with associated railings and ladder could result in a loss of amenity if the roof was used as a terrace. Consequently, a roof terrace at new second floor level of the dwellinghouse would result in overlooking and consequently a loss of privacy of the neighbouring properties at 240-242 Kilburn High Road and 244 Kilburn High Road. Therefore the proposal does not accord with the provisions of Policy SD6 of the UDP 2006. The windows most affected by the proposed roof terrace would be the north facing windows at fourth floor level of the flatted development at 240-242 Kilburn High Road and the north facing windows at first and second floor level of the adjacent flats at 244 Kilburn High Road. It is also considered that the east facing windows at second and third floor level of 244 Kilburn High Road would suffer from a loss of privacy as a result of the proposed roof terrace.

Conclusion

The proposed balustrading and staircase and green roof are considered to be acceptable in design terms and are in accordance with the provisions of Policies B1 and B3 of the UDP. However the proposed railings and staircase could facilitate use of the green roof as a terrace and this is considered to be unacceptable as it would result in overlooking and a loss of privacy to the existing flatted developments at 240-242 Kilburn High Road and 244 Kilburn High Road.

Recommendation: Refuse planning permission.

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