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| Delegated Report (Members Briefing) | | Analysis sheet | | Expiry Date: | 18/01/2007 |
| | | N/A / attached | | Consultation Expiry Date: | 22/12/2006 |
| Officer | | | Application Number(s) | | |
| Cassie Plumridge | | | 2006/5354/P | | |
| Application Address | | | Drawing Numbers | | |
| 212 Kilburn High Road London NW6 4JH | | | See decision notice | | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | | Date: |
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| Proposal(s) | | | | | |
| Change of use of the 1 st , 2 nd and 3 rd floors from offices (Class B1) to residential (Class C3) and the erection of a rear 2 nd floor extension to facilitate a conversion to 3 self-contained flats [2 x 2-bedrooms and 1 x 1-bedroom]; and change of use of the rear basement and ground floor levels from storage ancillary to a professional services office (Class A2) to office (Class B1), together with the erection of a rear extension at these levels. | | | | | |
| Recommendation(s): | | Grant subject to a Section 106 Agreement | | | |
| Application Type: | | Full Planning Permission | | | |

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| Conditions: | Refer to Draft Decision Notice |
| Informatives: | |

Consultations

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| Adjoining Occupiers: | No. notified | 11 | No. of responses | 02 | No. of objections | 02 |
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| <p>Summary of consultation responses:</p> | <p>An objection was received from 214 Kilburn High Road and 216 Kilburn High Road, who in summary raised the following concerns:</p> <ul style="list-style-type: none"> <p><i>Encroachment on the common use of the rear alley way.</i> <u>Response:</u> The applicant has included the rear alleyway within the 'red line' on the site plan, and has confirmed that they own the alleyway. This is a private issue that will need to be resolved between the interested parties, and is not a material planning consideration.</p> <p><i>Loss of natural light to the adjoining property.</i> <u>Response:</u> The rear extension does not compromise the access of natural light to the properties to the adjoining property at no. 214. See assessment section of the report for further comments regarding the amenity of the other surrounding properties.</p> <p><i>Impact on privacy of nos. 214 and 216.</i> <u>Response:</u> The rear extension would result in views into the habitable windows of the adjoining properties. The increased use of the alleyway is not considered to adversely impact on the amenity of the residential properties at the upper levels. See assessment section of the report for further comments regarding the amenity of the other surrounding properties.</p> |
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| Local groups comments: | The London Borough of Brent raised no objection to the scheme. |
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Site Description

The subject site falls within the Kilburn Town Centre, and does not fall within a Conservation Area. The building is not listed.

The subject site is situated on the northeast side of Kilburn High Road, and is occupied by a 4-storey plus basement, mid-terrace building, with a part 2-storey and part single storey rear extension. The ground and basement level of the main portion of the building and the single storey rear extension was occupied by a Solicitors (A2 - Financial and Professional Service). The first, second and third floors were last used as office space (Class B1) with a separate access from Kilburn High Road. The whole building is now vacant.

The adjoining properties to the north [nos. 214, 216 and 218] have all been extended at the rear at first and second floor levels - see below for further details. These properties have commercial uses at ground floor level and residential above. These properties, including the subject site, have access to the alleyway to Gascony Avenue.

The adjoining property to the south [no. 210] has a full width, full length rear extension as on the subject site, and above a full width rear extension of a modest depth of 2.5 metres. This building accommodates a residential at the upper levels, and commercial on the ground floor.

To the east are residential properties on Gascony Avenue.

Relevant History

A recent application on the subject site (2006/1619/P) for planning permission was withdrawn on 25/07/2006. The application sought permission for *Change of use of the 1st, 2nd and 3rd floor from offices [Class B1] to residential, together with the erection of a rear extension at 1st-3rd floor levels [incorporating a roof terrace at 2nd floor level] to provide 3 x 2-bedroom self-contained flats, and the change of use of the rear part of the ground*

floor from storage ancillary to an office [Class A2] to residential together with the erection of a 1st floor above to provide 1 x 2-bedroom dwelling unit with access from Gascony Avenue. This application included a more substantial rear extension, which was considered to be excessive by Officers.

Properties to the north of the subject site, [nos. 214, 216 and 218 Kilburn High Road] have all been extended to the rear:

- Planning permission PWX0302282/P granted on 30/09/2003 for works to **214 Kilburn High Road** for the *installation of new shop front and enlarged 1st floor front windows, erection of rear extensions on 1st and 2nd floors, and conversion of 1st-3rd floor maisonette into 3 x self-contained flats.*
- Planning permission PWX0302283/P granted on 30/09/2003 for works to **216 Kilburn High Road** for the *installation of new shop front and enlarged 1st floor front windows, erection of rear extensions on 1st and 2nd floors, and conversion of 1st floor storage and 2nd/3rd floor maisonette into 3 x self-contained flats.*
- Planning permission 2004/1818/P granted on 22/07/2004 for works to **218 Kilburn High Road** for the *change of use of 1st, 2nd and 3rd floors from a 4-bedroom maisonette to 2 x self-contained 3-bed flats and 1 x self-contained 1-bed flat, including the erection of a 2-storey rear extension at 1st and 2nd floor levels, and the removal of an existing advertisement hoarding on the flank elevation and the installation of three new windows.*

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. 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.

Replacement UDP 2006

- S1 & S2 – Strategic Policy on Sustainable Development
- SD1 – Quality of Life
- SD6 – Amenity for Occupiers & Neighbours
- E2 – Retention of existing business uses
- H1 – New Housing
- H8 – Mix of Units
- B1 – General Design Principles
- B3 – Alterations and Additions
- T3 – Pedestrians and Cycling
- T4 – Public Transport
- T8 – Car Free Housing and Car Capped Housing
- T9 – Impact of Parking

Camden Planning Guidance

Assessment

PROPOSAL:

The subject application seeks planning permission for change of use of the 1st, 2nd and 3rd floors from offices (Class B1) and a rear 2nd floor extension to facilitate a conversion to 3 new residential flats [2 x 2-bedrooms and 1 x 1-bedroom]; and a conversion and rear extension at rear basement and ground levels from storage ancillary to an professional services Office (Class A2) to Office (Class B1).

It is noted that the applicant submitted amended plans showing the addition of a window on the rear elevation and skylights to the first floor living and kitchen room to improve the daylight to this room.

ASSESSMENT:

The principal considerations material to the determination of this scheme are summarised as follows:

- Change of use.
- Traffic and car parking.
- Internal amenity for residents.
- Design, bulk, and height.
- Impact on the amenity of the surrounding properties.

Appropriateness of the Change of Use:

- The proposed change of use, in terms of land use issues, is acceptable and accords with the relevant policies. The main land use considerations to take into account with regards to this proposal include the change of use from offices to residential, and the change of use from A2 ancillary space to B1 office. The mix of units on the site should also be considered.
- **Offices (B1) to Residential (C3):** Policy E2 seeks that where it is considered that the site does not have the potential for the continuation of an existing business use other than B1(a) offices, the Council will seek a change to permanent residential or community uses.

Policy E2 (Retention of existing business uses) lists a number of criteria which should be considered when a development involves the loss of a business use on a site where there is potential for that use to continue, which are discussed below;

- The site is not in or adjacent to the Industry Area.
- The site is not conveniently located to potentially provide for servicing by large vehicles.
- The three floors dedicated to office space are larger than the designated floorspace for small firms, and thus would not result in a loss of small firm accommodation [although they are clearly capable of subdivision for this purpose].
- Whilst the site has good access by public transport, it is not easily serviced by vehicles given no on-site parking is provided and there is only restricted parking in the surrounding area.
- The site is surrounded by residential, office and other commercial uses (i.e. A1 and A2), which limits the flexibility of the site. It is considered that the site does not allow for the flexibility to have the potential for the continuation of a business use other than B1(a) offices.

The proposed development entails the loss of 3 floors (1st, 2nd and 3rd) of B1 floorspace to residential floorspace. It is considered that the site is only suitable for B1(a) offices and could not be used for other employment generating uses such as B1(c) [light industry] or B8 [storage and distribution]. It is considered that the upper floors of this building are only suitable for B1(a) offices, and it is considered that the change of use to residential is acceptable in this instance.

- **Ancillary space to Financial Services (A2) to Office (B1):** The proposed development involves the loss of some A2 floorspace at the rear of the site. This space is currently used as storage space ancillary to the existing A2 use. Given that the new B1 floorspace would not impact upon the street frontage, it is considered that the small loss of A2 floor space to B1 would not cause harm to the vitality of the town centre street scene. With regard to the suitability of the B1 floorspace in this location, given that it has its own separate access and that B1 uses are by definition compatible with residential uses, it is considered that B1 floorspace in this area would not raise any planning concerns such as harm to residential amenity.

The new office space would be provided with a good level of internal amenity, with outlook and access to daylight from the rear alleyway, and light sun-pipes and roof lights as well. The new office is a good sized unit, 32m² at lower ground floor, and 31m² at the upper ground floor, providing good accommodation for a small firm.

- **Mix of Units:** Although a larger unit would be welcome on the site in accordance with Policy H8, it is considered that it is not necessary in the proposed scheme, as a large unit suitable for families would not

be entirely appropriate on this site given it does have any outdoor space or ground floor accommodation. On balance the mix of 2 x 2-bedrooms and 1 x 1-bedroom units is considered acceptable in this instance.

Traffic and car parking:

- Policies relevant to traffic and car parking implications of the scheme are T3, T4, T8 and T9. The proposed scheme is discussed below with reference to these policies.
- *T3 – Pedestrians and Cycling:* Policy requires the provision of secure cycle parking with Appendix 6 of the UDP requiring 1 cycle storage space per unit for C3 developments. However, all of the new flats are located above ground floor level and the amount of space at the entrance is very limited. There is also no external space where cycle storage could readily be provided. The physical constraints of the site are therefore considered to make a requirement for the provision for a minimum of 3 secure cycle storage spaces external to the individual units untenable.
- *T4 – Public Transport:* The site is within comfortable walking distance of the Kilburn Underground Station (Jubilee Line) and Queen's Park Railway Station. Several bus routes also serve Kilburn High Road. The site has a public transport accessibility level (PTAL) of 5 (very good).
- *T8 – Car Free Housing and Car Capped Housing:* This area is located within the CA-Q (Kilburn) Controlled Parking Zone (CPZ), which allows parking by permit only Monday – Saturday 08:30 – 18:30. The CA-Q CPZ has a ratio of parking permits to parking spaces of 0.91, meaning on-street parking is nearly at full capacity. The site also has very high public transport accessibility and there is no residents parking available on Kilburn High Road. It is therefore recommended that the three residential units be designated car-free, such that residents will not be entitled to residents parking permits. The car-free status for the scheme will need to be established by s106 agreement.
- *T9 – Impact of Parking:* As noted in T8 above, there is very limited capacity for parking in the surrounding area. As such, any development resulting in further demand for on-street parking is considered contrary to UDP policy T9 and cannot be justified on transport grounds. Plans indicate that the existing crossover on Gascony Avenue is redundant. As such it would need to be removed and the footway and kerb and channel reinstated, at the expense of the applicant, which would also be included in the Section 106 Agreement.
- Thus the scheme for redevelopment of the site is acceptable in transport terms subject to:
 - The 3 new residential units will need to be designated car-free, secured by S.106 agreement.
 - The existing crossover on Gascony Avenue is redundant, its removal and reinstatement of the footway and kerb, at the expense of the applicant, would also be included in the s106 agreement.

Amenity for future residents of the site:

- The proposal is considered to provide a good standard of residential accommodation for future occupants of the site in terms of layout, room sizes, daylight and sunlight, and outlook. The application proposes three new residential units on the site.
- The new residential unit on the first floor would accommodate a 2-bedroom unit of good size (with floor areas of 6.5m² and 11m² respectively, which is above the minimum requirements of the CPG). The unit would also accommodate a bathroom, kitchen and living area. The unit would have a total floor area of 49.6m², which is consistent with the requirements of the CPG (the preferred CPG floor area of 2-bedroom flats 48m²). The two bedrooms would be provided with good access to daylight, and have an outlook over Kilburn High Road. The living and kitchen room are at the rear of the flat, with two large windows overlooking the court yard, and a window on the projecting rear elevation (as amended). This room will be provided with good access to daylight in accordance with the CPG minimum requirements.
- The new residential unit on the second floor would also accommodate a 2-bedroom unit of a good size (with floor areas of 7.4m² and 11m² respectively, which is above the minimum requirements of the CPG). The unit would also accommodate a bathroom, kitchen and living area. The unit would have a total floor area of 47m². Whilst the floor area of the second flat is marginally less than the preferred CPG floor area of 2-bedroom flats (48m²), it is not so deficient as to provide sub-standard accommodation, and thus is considered acceptable in the circumstances of this building and the proposed scheme. The two bedrooms would be provided with good access to daylight, and have an outlook over Kilburn High Road. The living and kitchen room at the rear of the flat, with a large windows overlooking the light well, velux window on the sloping roof and velux windows on the flat roof (as amended). This room will be provided with good access to daylight in accordance with the CPG minimum requirements.
- The new residential unit on the third floor would accommodate a 1-bedroom unit. The bedroom has a floor

area of 11m² which meets the requirements of the CPG. The unit would also accommodate a bathroom, and kitchen/living area. The unit would have a total floor area of 37.5m², which is consistent with the requirements of the CPG (the preferred CPG floor area of 1-bedroom flats is 32m²). The new bedroom would be provided with good access to daylight, and have an outlook to the rear and the living/kitchen room having outlook over Kilburn High Road. Rooms will be provided with good access to daylight in accordance with the CPG minimum requirements.

- Unit are provided with direct access from Kilburn High Road which is considered to provide a good level of safety and security for residents.

Design, bulk, and height:

- The rear extension draws from the design of the built form of the rear extensions to nos. 214, 216 and 218, and is considered to be an improvement on the previously proposed scheme which was considered to dominate and over power the host building.
- Whilst it is acknowledged that in some instances rear additions can have an adverse impact upon the character and appearance of buildings, it is considered the proposed works have been appropriately sited and design to have a minimal impact on the integrity of the building and the surroundings.
- The rear addition sits one full storey below the eaves of the rear elevation, and is considered to be subservient to the host building. The variations in the rear footprint provide interest in the elevation and complement the layout of the adjoining buildings which have been extended at the rear. The variation in the building line and use of the light well ensures that the addition does not dominate the rear elevation.
- The choice of materials are considered appropriate given they will complement the adjoining extension and integrate well with the surroundings, including brickwork to match existing. The variation of openings draws from the traditional layout of the host building while complementing the form of the adjoining buildings.
- The proposed new units are not provided with balconies on the rear elevation. Whilst the adjoining properties do have terraces, a condition was placed on all these decisions to not use to the flat rear roofs as terraces; these developments do not comply with this condition. This matter has been referred to Councils Enforcement Team for further investigation. In light of the previous decisions and because of the overlooking that would occur, it is considered appropriate that the new units on the subject site are not provided with terraces at the rear.
- The rear addition is considered to be sensitively designed and improve the rear elevation of the existing building.

Potential impacts on residential amenity of the surrounding properties:

- The works are appropriately designed to not adversely impact on the adjacent properties with regard to access to sunlight, daylight, overlooking or sense of enclosure, and thus is considered to be consistent with Policy SD6 of the revised UDP.
- The works are appropriately sited to not adversely impact on the amenity of the adjoining neighbours with regard to sunlight and daylight. It is noted that the adjoining property to the north, no. 214 Kilburn High Road, generally matches the profile of the proposed extension and is not provided with any opening on the flank elevation.

The proposed extension at the upper levels is set away from the side boundaries and thus would not impact on the amenity of the properties along Gascony Avenue. Whilst the rear wall would be increased in height (3.4 metres to 4.6 metres), given this is not adjacent to the buildings [it is adjacent to the rear gardens], this increase in height is considered to be acceptable.

The flank elevation as presented to the adjoining property to the south, no. 210 Kilburn High Road, is tapered with the sloping roof of the second floor flat. Given the relatively limited depth and sloping height of the extension the limited impact on this window is considered acceptable. The window is still provided with direct outlook and further views to the south.

- The proposal is not considered to result in overlooking of the habitable windows of the adjoining properties. The adjoining property to the north, no. 214 Kilburn High Road, generally matches the profile of the proposed extension and has no windows on the flank elevation. The window of the proposed first floor flat on the internal elevation of to the courtyard has no views into the adjoining property as it directly aligns with a blank flank wall.

No windows are provided on the flank elevation facing no. 210 Kilburn High Road and it would not result in overlooking of the adjoining buildings to the south.

Whilst the rear elevation of the proposed development will be afforded with some views of the rear

elevations of properties along Gascony Avenue, given that these will be obscured by the location of the adjoining built form at no. 214 Kilburn High Road, and there has been no provision for balconies at the rear of the property, the proposal would not adversely increase the existing arrangement nor impact on the amenity of these properties. Views from the upper ground floor level of the proposed office would be obscured by the location of the built form on the adjoining property on Gascony Avenue, and would not result in direct overlooking to no. 2 Gascony Avenue.

Summary:

The proposal works are considered to be respectful of the character and appearance of the building, to preserve the character and appearance of the surrounds and in no way detrimental to the amenity of surrounding properties. The works are considered to have appropriate regard for relevant policies of the Replacement UDP 2006 (Policies S1, S2, SD1, SD6, E2, H1, H8, B1, B3, T3, T4, T8 and T9).

RECOMMENDATION: Grant Planning Permission subject to a S106 Agreement, with Heads of Terms as set out above under the traffic and parking section.