

Mr Morteza Tari
328C Kilburn High Road
London
NW6 2QN

Application Ref: **2013/0892/P**
Please ask for: **Miheer Mehta**
Telephone: 020 7974 **2188**

14 April 2014

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) Order 2010
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Refused and Warning of Enforcement Action to be Taken

Address:
328C Kilburn High Road
London
NW6 2QN

Proposal:
Erection of a single-storey rear extension to provide additional ancillary seating to the existing restaurant (Class A3) including removing the existing unauthorised rear extension.

Drawing Nos: Location Plan, Design and Access Statement, Block Plan, Green Roof System (Specification), Fire Risk Assessment, D01A, D02, D03, D04, D05A, D06, D07, D08, D09, D10, D11.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 1 The proposed rear extension, by reason of its excessive depth, inappropriate size, mass and design would result in harm to the character and appearance of the building, adjoining open space and surrounding townscape, contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high



quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

- 2 The extent of additional Class A3 restaurant floorspace would result in an intensification of use which would be detrimental to the amenities of nearby residential properties. The proposal would thereby conflict with Policies CS5 The proposed rear extension, by reason of its location within a site of nature conservation and designated private open space, would result in loss to the open space, natural habitats and biodiversity, contrary to policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.
- 3 The proposed development by virtue of its size would result in the provision of a significant amount of additional floorspace and intensification of the restaurant use to the detriment of the amenity of nearby residential properties contrary to Policies CS5 (Managing the impact of growth and development) and CS7 (Promoting Camden's centres and shops) of the London Borough of Camden LDF Core Strategy and DP12 (Supporting strong centres and managing the impact of non retail town centre uses), DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and Vibration) of the London Borough of Camden LDF Development Policies.

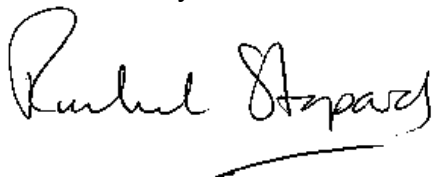
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

ENFORCEMENT ACTION TO BE TAKEN

The Council has authorised the Planning Department to instruct the Borough Solicitor to issue an Enforcement Notice alleging breach of planning control.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully



Rachel Stopard
Director of Culture & Environment

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It is important to us to find out what our customers think about the service we provide. To help us in this respect, we would be very grateful if you could take a few moments to complete our [online planning applicants' survey](#). We will use the information you give us to monitor and improve our services.