

<b>Delegated Report</b>		<b>Expiry Date:</b>	<b>03/11/2014</b>	<b>Officer:</b>	<b>David Peres Da Costa</b>
<b>Application Address</b>		<b>Application Number(s)</b>	<b>1<sup>st</sup> Signature</b>	<b>2<sup>nd</sup> Signature</b>	
Linburn House 340-354 Kilburn High Road London NW6 2QJ		2014/5367/P			
<b>Proposal(s)</b>					
Variation of condition 4 (approved plans) of planning permission for erection of a fourth floor mansard roof extension to provide 5 residential units (ref: 2009/3810/P) dated 13/08/2010, namely replacement of gable with hipped roof, alterations to roof ridge and parapet heights, material and design of rear mansard dormer windows and rear windows at 2 <sup>nd</sup> and 3 <sup>rd</sup> floor level.					
<b>Recommendation(s):</b>		Grant variation of condition 4 (approved plans) subject to deed of variation			
<b>Application Type:</b>		Variation of condition			
<b>Consultations</b>	<b>Date advertised</b>	<b>21 days elapsed</b>	<b>Date posted</b>	<b>21 days elapsed</b>	
<b>Press notice</b>	n/a		<b>Site notice</b>	n/a	
	<b>Date sent</b>	<b>21 days elapsed</b>	<b># Notified</b>	<b># Responses</b>	<b># Objections</b>
<b>Adjoining Occupier letters</b>	10/9/14	1/10/14	67	1	1
<b>Consultation responses (including CAACs):</b>	<p><u>1 Objection from 7 Iverson Road</u> Having a property at the rear of the development we are affected by 2 points:</p> <p>1. Overlooking. The Officer report dated 07/08/2009 clearly stated in point 6.13 that only the top 0.4m of the rear dormer windows would be visible. The current development has the full height of the windows showing as the floor as not been lowered, the height of the building has been increased and the rear parapet wall is lower than the approved plans. This results in the occupants of the top top floor having full view of my rear windows and my garden. I would thus ask for the height of the rear parapet wall to be increased so that only the top 0.4m of the dormer windows is visible.</p> <p>2. Access of light: Although the building is only 15cm higher than agreed the impact on light is significant as it is directly west of my property and thus blocks even more the afternoon sunshine in Autumn. It will be the same in spring.</p> <p>The developers seem to have simply cut costs by not lowering the height of the floor below the development as per the original agreement to the disregard of neighbouring properties. Also worth noting is the significant impact of this development on the rubbish level on the Kilburn High Road as no notice of Informative 6 of the planning decision has been taken and refuse sacks are always on the pavement.</p> <p>Also of note is the incomprehensible lists of drawings attached to the planning permission, it is impossible to know which one is reflecting the current construction. I trust that a revised plan will be made with a much higher rear parapet wall.</p>				

Officer's comment: please refer to amenity section of report below.

### Site Description

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.

### Relevant History

2009/3810/P: Erection of a fourth floor mansard roof extension to provide 5 residential units (class C3). Granted Subject to a Section 106 Legal Agreement 13/08/2010

**EN14/0121:** Ref planning application 2009/3810/P. The contractors are in the process of removing the scaffolding in relation to the works of the above mentioned planning application. The rear elevation does not match the 2687737 drawing. It looks like the roof is higher than the agreed plan and that thus the tops of rear windows are about 70 cm above the parapet wall (rather than 40 cm on the drawing). This has 2 impacts for my property: 1. Loss of sunlight (west property for my garden) 2. overlooking of my property. Also check bin store conditions. Enforcement record created 28/01/2014 and ongoing.

**PWX0103417:** 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. Granted Subject to a Section 106 Legal Agreement 29/11/2002

**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. Granted Subject to a Section 106 Legal Agreement 6/8/2009

### Relevant policies

#### LDF Core Strategy and Development Policies

CS1 (Distribution of Growth)

CS5 (Managing the Impact of Growth and Development)

CS14 (Promoting High Quality Places and Conserving Our Heritage)

DP24 (Securing High Quality Design)

DP26 (Managing the Impact of Development on Occupiers and Neighbours)

#### Camden Planning Guidance

London Plan 2011

NPPF 2012

## Assessment

**Proposal:** Planning permission was granted for erection of a fourth floor mansard roof extension to provide 5 residential units. The permission was not implemented according to the approved plans. Following an enforcement complaint, the applicant is now seeking to regularise the development. The amendments are summarised as follows:

- Hipped roof instead of gable;
- rear mansard windows - upvc casement instead of timber sash;
- windows at 2nd and 3rd upvc casement with top light instead of sash;
- rear parapet lowered by 0.3m
- ridge height of mansard raised by 120mm

The applicant has submitted these changes as minor material amendments and is therefore seeking for condition of planning permission to be varied to reflect the updated drawings now proposed.

It is noted that the rear windows at 2<sup>nd</sup> and 3<sup>rd</sup> floor level were not part of the original application (which only involved the erection of a fourth floor mansard roof extension). However, given that this is a relatively minor change, it is acceptable to consider this alteration as part of this application.

### Assessment:

### Design:

The proposed alterations do not significantly alter the appearance of the development and are considered acceptable. uPVC framed windows are not encouraged as they are not sustainable. However, given that this is not a conservation area and the application is seeking to regularise existing works, it would be difficult to resist uPVC in this particular instance.

### Amenity:

An objection has been raised by the occupier of 7 Iverson Road in relation to overlooking and loss of sunlight. This property is approximately 40m to the east of the subject property and Iverson Road is at right angles to Kilburn High Road. The objector's property is separated from the subject property by 3 adjoining properties (No 1, 3 and 5 Iverson Road) which are part of the same terrace. Given the 40m separation between the rear windows of 7 Iverson Road and the subject properties mansard dormers, the development would not result in harmful overlooking or loss of privacy to the occupiers of this property.

In terms of loss of sunlight, 7 Iverson Road is adjacent to 5 Iverson Road, which has a 3 storey projecting wing. The lower windows on the main rear elevation are therefore already screened from the subject property by this projecting wing. The windows on the upper floors would not suffer from a harmful loss of sunlight as increase in the height of the mansard roof is minimal (0,12m).

The small increase in height and the lowering of the parapet are not considered to be harmful to the amenity of other neighbouring properties in terms of harmful overlooking or loss of sunlight.

### Deed of variation

As the previous permission was subject to a legal agreement, it will be necessary to seek a deed of variation so that the legal agreement makes reference to the amended drawings.

**Recommendation:** Grant variation of condition subject to a deed of variation.