

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		18/05/2015	
		N/A		<b>Consultation Expiry Date:</b>		22/04/2015	
<b>Officer</b>				<b>Application Number(s)</b>			
Angela Ryan				2015/1616/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Flat 3 198 Kilburn High Road London NW6 4JD				Refer to decision notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Retention of enlarged second floor single storey rear extension to existing flat (class C3) (Retrospective)							
<b>Recommendation(s):</b>		Refuse Planning Permission with warning of enforcement action					
<b>Application Type:</b>		Householder Application					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	22	No. of responses	4	No. of objections	0
				No. electronic	4		
<b>Summary of consultation responses:</b>		A site notice was displayed on 01/04/2015, expiring on 22/04/2015. Four letters were received, which included 3x letters of support from the occupiers of flats, 1, 2 & 4 at the application site (198 Kilburn High Road). One letter was received from a resident in Gascony Avenue commenting on the application. The comments are as summarised below: <ul style="list-style-type: none"> <li>- The extension is not in accordance with the restrictions for the area;</li> <li>- The works were carried out without planning permission</li> </ul>					
<b>CAAC/Local groups* comments:</b> *Please Specify		N/A					



## Site Description

The site comprises a three storey building located on the east side of Kilburn High Road. It is currently occupied as a retail unit at ground floor level with residential accommodation located on the upper floors. The site lies within a terrace of similar type properties that are characteristically being used for commercial uses at ground floor level, with office and residential accommodation located on the upper floors.

The site is not listed and is not within a designated conservation area. The site lies with a designaed town centre location (Kilburn Town Centre).

## Relevant History

### 198 Kilburn High Road:

03/07/1985- permission **granted** for the change of use of the first and second floors from retail storage to offices and of the third floor including works of conversion to form a self-contained flat and the erection of a ground floor rear extension for retail storage purposes as shown on drawings (Ref: 8500673)

08/04/1987- Permission **granted** for the erection of a two storey rear extension (Ref: 8602135)

29/04/1993- Permission **granted** for the erection of a second floor extension and balustrade for roof terrace.(Ref: 9201325)

### Enforcement History:

On 16/01/2015 a complaint was received by a local resident alleging that a rear extension had been constructed without the benefit of planning permission (Ref: EN14/1242). A Planning Site Inspector undertook a site visit and it was verified that an unauthorised extension had been erected at the site. A letter was sent to the applicant advising him of the planning breach, and was advised that should a retrospective planning application be submitted for its retention that the application was unlikely to be approved. The applicant ignored this advice and subsequently submitted a retrospective application for consideration of the unauthorised rear extension which is subject to this current application.

## Relevant policies

### LDF Core Strategy and Development Policies

#### Core strategy:

CS1- (Distribution of growth)

CS5- (Managing the impact of growth and development)

CS14- (Promoting high quality places and conserving our heritage)

#### Development Policies:

DP24- (Securing high quality design)

DP26- (Managing the impact of development on occupiers and neighbours)

Camden Planning Guidance 2013 (In particular CPG 1- Chapter 5; CPG 2- chapter 4; and CGP6- Chapters 6 & 7)

London Plan 2015 (The Spatial Development Strategy for London Consolidated with Alterations Since 2011)-policies 7.4

National Planning Policy Guidance 2012

## Assessment

### 1.0 Proposal:

1.1 The applicant seeks retrospective permission to retain a single storey rear extension at second floor level at the application site. In 2015 an enforcement complaint was received in respect of the erection of the rear extension without the benefit of planning permission having been sought, hence the submission of this current application in order to rectify the breach. It should be noted that the site has previously been extended to the rear at ground, first and second floor levels. The portion of the extension which the applicant seeks to retain would result in enlarging an existing part two-storey, part three-storey extension rear extension at the site that were granted permission under application refs: 8602135 in 1997 and 9201325 in 1993 (see relevant planning history). The part of the site which accommodates the recently enlarged part of the extension was formally used as a roof terrace, providing amenity space to the existing residential accommodation. The applicant confirmed that the extension was erected in order to render the roof terrace safe, as it was in a bad state of repair and was hazardous in that it provided the potential for occupants to fall over the boundary enclosure. It would appear that the extension has been erected in order to enlarge the existing accommodation at the site from a 1 x bedroom flat to a 3 x bedroom flat.

1.2 The proposed rear extension has been constructed of brickwork to reflect the material of the existing brick rear extension at the site. The enlarged part of the rear extension is approximately 2.7m high, 2.3m deep and 6.4m wide and expands across the entire width of the building. It is set back from the rear boundary of the property by approximately 1.2m, thus retaining a small proportion of the roof terrace that formally stood at the site. The front elevation has a series of white UPVC openings (window and doors) to facilitate natural light, and ventilation into the new rooms and providing access out on to the retained portion of the roof terrace. The front façade of the extension is painted white thus making it more conspicuous. A black 0.7m high metal railing currently encloses the roof terrace.

1.3 There are other rear extension located long the rear of this terrace of buildings of which the application site forms a part. These extensions are characteristically one-storey lower than the highest storey of the main buildings, and are therefore considered to be subordinate in terms of their relationship to the host buildings.

1.4 The main issues to consider area:-

- The impact on the character and appearance of the host building and streetscene;
- The impact on amenity

### 2.0 The impact on the character and appearance of the host building and street scene:

2.1 Paragraph 56 of the NPPF attaches great importance to the design of the built environment. It also says that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Para. 61 further goes on to say that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

2.2 The rear extension is visible from street level and is therefore visible from the wider public realm by virtue of views along Kingsgate Place located to the north of the application site. The extension when read with the existing rear extensions at the site is considered to present an overly large, over-dominant and bulky feature at second floor level at the application site and is considered to be an anomaly in the street scene. As such it is considered that it would set an unacceptable precedent in the location. Commentary in paragraph 4.10 in chapter 4 of CPG1 on design stipulates that rear

extensions should be secondary to the building being extended in terms of location, form, scale, proportions, dimensions and detailing. It also states that extensions should preserve the historic pattern and established townscape including the ratio of built to unbuilt space. Paragraph 4.13 stipulates that In most cases, extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged. The extension in its current form would result in covering up a majority of the rear façade of the host building, which is unacceptable as it is not considered to be subservient to the host building. This overly-large rear extension when read with the existing rear extension at the site is considered to detract from the appearance of the host building and the existing streetscene.

2.3 Policy CS14 of Camden's LDF (core strategy) in para 14.4 stipulates that schemes should improve the quality of buildings, landscaping and the street environment and, through this, improve the experience of the borough for residents and visitors. Para. 14.7 supported by policy DP24 in para 24.11 further goes on to say that the Council will expect the design of buildings and places to respond to the local area and its defining characteristics and to reinforce them.

2.4 It is acknowledged that some of the other rear extensions along this terrace of buildings are visible from the street from some vantage points however they are further away from the street frontage and do not have the same visual impact as is afforded by the application site which is the penultimate building located at the northern end of the terrace resulting in it being clearly and more visible from the wider public realm. The proposal is therefore considered to be unacceptable and is contrary to policies CS14 and DP24 of Camden's LDF.

### **3.0 Amenity:**

3.1 Development policy DP26 seeks to protect existing residential amenity. Due to the location of the proposed extension at second floor level and the height and juxtaposition of the existing buildings surrounding the site, it is considered that the proposal would not result in causing undue harm to existing residential amenity by virtue of overlooking, loss of privacy, loss of light or adding to the sense of enclosure.

3.2 The Council would normally expect the main bedroom to be at least 11m<sup>2</sup>, at 10.2m<sup>2</sup> it is slightly smaller than what would normally be permitted. However, given that this is an existing situation it is considered that a refusal on the basis of an undersized room would not be sustainable. The sizes of the two additional bedrooms at 7.4m<sup>2</sup> and 6.4m<sup>2</sup> are considered to meet the Council's residential design standards and are considered acceptable in this regard.

### **Recommendation:**

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended and to pursue any legal action necessary to secure compliance. Additionally, officers to be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

### **The Notice shall allege the following breach of planning control:**

The unauthorised enlargement of existing extension at second floor level.

### **What you are required to do:**

1) Remove the unauthorised extension located at second floor level as shown on existing elevation, existing section and existing plan on drawing number 150202-01-P0 and reinstate in accordance with pre-existing elevation, pre-existing section and pre-existing plan" on drawing number

150202-01-P0

**Period of Compliance: 3 months**

**REASON WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE**

**Reasons for issuing the notice:**

The enlarged part of the rear extension at second floor level by reason of its height, size, and location is considered to present an overly-large and dominant feature on the host building and is clearly visible from the street and wider public realm and is considered to detract from the character and appearance of the host building and the existing streetscene, and is thereby contrary to policy CS14 (Promoting High Quality Spaces and Conserving Our Heritage) of the London Borough of Camden Core Strategy 2010 and Policy DP24 (Securing High Quality Design) of the London Borough of Camden Development Plan Policies 2010.