

Delegated Report		Analysis sheet		Expiry Date:		03/04/2015		
		N/A / attached		Consultation Expiry Date:		18/03/2015		
Officer				Application Number(s)				
Raymond Yeung				2015/0696/P				
Application Address				Drawing Numbers				
280 Kilburn High Road London NW6 2BY				See Draft Decision				
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature		
Proposal(s)								
Conversion of existing flats above ground floor level, comprised of 3 x1 bed and 1 x 2 bed units, into 1 x 1 bed and 2 x 2 bed units, erection of second floor rear infill extension, erection of third floor rear roof terrace, erection of roof extension, alterations to front and rear elevations, and alterations to roof of ground floor rear extension including new plant enclosure.								
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	17	No. of responses		00	No. of objections	00
				No. electronic		00		
Summary of consultation responses:		None received to date.						
CAAC/Local groups* comments: *Please Specify		None received to date.						

Site Description

The site is occupied by a four storey mid-terrace building on the eastern side of Kilburn High Road. It has a restaurant at street level with four residential flats above. Extract and ventilation ducts have been mounted on the rear roofs and rear elevations to service the restaurant.

The building has an existing full width and depth ground floor rear extension, a large full width first floor rear extension, and an original half width second floor rear outrigger. The ground floor is in use as a restaurant and the upper floors are in use as four flats. The site has a Public Transport Accessibility Level (PTAL) of 5 (high).

The area is characterised by commercial uses at ground floor level with residential or offices above. The subject building is not listed and the site is not within a conservation area. The rear of the site is immediately adjacent to Kilburn Grange Park.

Relevant History

23rd April 2014 – Refused - Conversion of existing flats above ground floor level, comprised of 3 x 1 bed and 1 x 2 bed units, into 1 x 1 bed and 2 x 2 bed units, erection of second floor rear infill extension, erection of third floor rear roof terrace, erection of fourth floor roof extension, alterations to front and rear elevations, and alterations to roof of ground floor rear extension including new plant enclosure ref: 2013/7833/P

Refusal reasons:

- 1. The proposed second and third floor rear extensions, by virtue of their height, bulk, mass and detailed design, would appear as overly dominant and incongruous additions detracting from the character and appearance of the host building and surrounding area. The proposal is therefore contrary to Policy 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 2010.*
- 2. The proposed roof extension, by reason of its location, scale, and detailed design would interrupt a line of unbroken roofscapes in this terrace of properties to the detriment of the wider area, contrary to policies 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.*

3rd November 2014 – Dismissed appeal for the above 2013/7833/P (See Background section below)
ref: APP/X5210/A/14/2224856

Relevant policies

National Planning Policy Framework 2012

The London Plan March 2015, consolidated with alterations since 2011

Camden LDF Core Strategy 2010

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS11 Promoting sustainable and efficient travel

CS13 Tackling climate change through promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

CS18 Dealing with our waste and encouraging recycling

Camden Development Policies 2010

DP1 Mixed use development

DP2 Making full use of Camden's capacity for housing
DP5 Homes of different sizes
DP6 Lifetime homes and wheelchair homes
DP16 The transport implications of development
DP17 Walking, cycling and public transport
DP22 Promoting sustainable design and construction
DP24 Securing high quality design
DP26 Managing the impact of development on occupiers and neighbours
DP28 Noise and vibration
DP29 Improving access

Camden Planning Guidance

CPG1 Design 2013 (Paragraphs 5.7 to 5.8 within pages 39-40)
CPG2 Housing 2013
CPG3 Sustainability 2013
CPG6 Amenity 2011 (Paragraph 7.4 within page 37)
CPG7 Transport 2011
CPG8 Planning Obligations 2015

Assessment

Planning permission is sought for conversion of existing flats above ground floor level. These would involve conversion of 3 x1 bed and 1 x 2 bed units, into 1 x 1 bed and 2 x 2 bed units. Also proposed is the erection of a second floor rear infill extension, erection of third floor rear roof terrace, erection of a roof extension, alterations to front and rear elevations, and alterations to roof of ground floor rear extension including new plant enclosure.

Background

This application follows the refusal of application Ref 2013/7833/P on 6 December 2013 and the appeal dismissal Ref: APP/X5210/A/14/2224856 of 11 December 2014. which proposed a; *conversion of existing flats above ground floor level, comprised of 3 x1 bed and 1 x 2 bed units, into 1 x 1 bed and 2 x 2 bed units, erection of second floor rear infill extension, erection of third floor rear roof terrace, erection of fourth floor roof extension, alterations to front and rear elevations, and alterations to roof of ground floor rear extension including new plant enclosure.*

The inspector describes the application site terrace under paragraph 4 of the Appeal decision as;

A defining characteristic of the rear of the building is the long butterfly profile roofline. This provides a pleasing rhythmic appearance despite the additions.

More from the appeal statement is highlighted below within the design paragraph.

Principle of Development

Camden Policy DP2 states that the Council will seek to minimise the loss of housing in the borough by resisting development that would result in the loss of two or more dwellings. The proposal would result in the loss of only one dwelling, which is considerably undersized, and as such is considered to be acceptable in principle. Alterations and additions are generally considered to be acceptable in principle subject to an assessment on the grounds outlined below.

Design

The resubmitted design has been revised as follows, with reference to the clauses of the appeal dismissal stated above:

Second floor rear infill extension

With regards to refusal number 1 stated above, the inspector states under paragraph 6;

“A second floor flat roofed infill would create a full width element at this level amongst a fairly consistent row of half width outriggers. A sympathetic addition could potentially integrate successfully within this space and attempts have been made through the lower height, set back and use of contrasting materials to maintain the existing rhythm. However, this would not be satisfactorily achieved due to the set back being so slight and the timber clad finish. Although such materials would provide a contrast and visual break, it would fail to correlate with any aspect of the building. The timber finish would also draw attention to the high level addition. The overall effect would be to detract from the character and appearance of the building.”

The second floor rear infill is slightly set back in the form of a pitched roof between the original half-width outriggers. This infill is provided with a natural slate finish. The proposal was accepted in principle by the inspector, however it is considered that the proposed materials and the reduction of size of such proposed extension is still insufficient. The building is part of a run of 5 buildings with half width second floor rear outriggers. As such the proposal would disrupt the rhythm of the rear elevations. Full width second floor rear projections are not characteristic of the terrace as a whole. As such it is considered that the proposal would be bulky and not appear subservient to the building or terrace as a whole.

Third floor rear roof terrace

With regards to refusal number 1 stated above, the inspector states under paragraph 7;

“A roof terrace extending above part of the second floor extension would afford occupiers a small area of outdoor space. Side walls rising above the outriggers would afford some privacy to the users, but would at the same time give the impression of bulk as a solid structure at height. It would thereby harm the character and appearance of the terrace. The vertical metal railings and door opening onto the roof terrace would not be typical of the building, but with appropriate materials and finish could blend sufficiently to avoid harm arising.”

The proposal was accepted in principle by the inspector, the revisions include the previously refused walls rising above the outriggers each side of the proposed terrace, to be replaced by panes of opalescent glass between the chimneys and rear walls and rising above the retained parapets which is more acceptable. Traditional black painted metal railings are proposed as an appropriate form and material for guarding the rear of the terrace. Accordingly the original form of the rear second floor outriggers is apparent and the new materials are subsidiary and considered acceptable.

Roof extension

With regards to refusal number 2 stated above, the inspector states under paragraph 7 and 8;

“The proposed roof extension would be hipped to the front where it would be concealed from view by the parapet. It would be gabled to the rear and highly visible from the access into the park which is alongside the terrace and from within the park itself. Guidance within CPG1 of the Camden Planning Guidance on Design (SPG), 2013 suggests that mansard roofs are often the most appropriate form for an extension to a Victorian dwelling. This does not preclude other roof forms.”

“Notwithstanding such advice, the full width roof addition to the appeal property over the inverted part of the butterfly roofline would appear as a most discordant feature drawing the eye from distance. This is despite being set back from the rear elevation. Not only would it disrupt the otherwise unbroken roofline, the timber cladding would contrast starkly with the brickwork highlighting its

presence. Rather than being discreet and creating a contemporary sympathetic addition, its height, position and design would detract significantly from the skyline and the appearance of the terrace as a whole. Given the wide extent of its visibility from the public realm, significant harm would arise”.

With regards to the other alterations under paragraph 10, the inspector stated;

“Undoubtedly, removal of the unsightly extractor and ventilation ducts would be a benefit. I note that there would be other improvements through the replacement of aluminium framed windows with traditional hardwood sash windows and reinstatement of original leadwork to the front aspect.”

The inspector concludes under paragraph 12 and 13;

“While there are aspects to commend the scheme, as it stands, I consider that the proposal would significantly detract from the character and appearance of the host property and the surrounding area. As such it would conflict with Policy CS14 of the Camden Core Strategy 2010-2015, Policy DP24 of the Camden Development Policies 2010-2025 and Paragraphs 56 and 58 of the Framework, all of which seek high quality design that respects local context and character. It would also be contrary to the advice in CPG1 of the SPG that a roof addition is likely to be unacceptable when there is an unbroken run of valley roofs. Whilst not prescriptive, the SPG has relevance as adopted guidance.”

“I recognise that there would be benefits by tidying of the external ducts and improvements to the front elevation along with improved accommodation for occupiers and better energy efficiency. However, these factors do not outweigh the significant material harm that would be caused to the character and appearance in the ways identified. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.”

Camden Planning Guidance 1 (Design) (Paragraphs 5.7 to 5.8 within pages 39-40) states that roof additions are likely to be considered unacceptable where there is an unbroken run of valley roofs, complete terraces have a roof line that is largely unimpaired or where buildings have a roof line that is exposed to local views from public spaces, The subject building is part of a full terrace with unbroken, valley roofs and is in full view from the adjoining Kilburn Grange park. Furthermore, materials such as clay tile, slate, lead or copper that visually blend with existing materials are considered to be most appropriate.

The revised roof extension is now pitched on all sides to reduce the profile compared to the previously refused design and is proposed to be finished with natural slate materials instead of timber clad.

However, the principle of such roof extension which resides above the front parapet walls, breaking the rhythm of the butterfly roof design is not acceptable. Such revised design does not address what the inspector stated and it is still considered that the full width roof addition to the property over the inverted part of the butterfly roofline would appear as a most discordant feature drawing the eye from distance and not only would it disrupt the otherwise unbroken roofline, its height, position and design would detract significantly from the skyline and the appearance of the terrace as a whole. Given the wide extent of its visibility from the public realm, significant harm would arise.

As such the proposed roof extension is considered to have an unacceptable impact on the appearance of the building and the character of the area.

Alterations to front and rear elevations

The proposed alterations to the front and rear elevations are considered to have a positive impact on the appearance of the building and the character of the area as they would reinstate previously modified opening with windows of a more traditional size and style and reinstate original lead work. However, on balance, the benefit of these improvements is not considered to outweigh the harm caused by the elements outlined above.

Alterations to roof of ground floor rear extension

The proposed plant enclosure is considered to have a positive impact on the appearance of the building and the character of the area as it will consolidate the two large existing rear vent pipes into a smaller and well-ordered area. However, on balance, the positive resulting from the consolidation of the plant is not considered to outweigh the harm referred to above.

For the reasons listed above the proposed development is not considered to be consistent with LDF policies CS14 and DP24 of the London Borough of Camden's Local Development Framework or Camden Planning Guidance on Design.

Residential Amenity

Camden Planning Guidance 6 (Amenity) under paragraph 7.4 (Page 37) states that; *Development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree. Spaces that are overlooked lack privacy. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking. The degree of overlooking depends on the distance and the horizontal and vertical angles of view.*

Second floor rear infill extension and fourth floor roof extension

Based on the orientation of the site and adjoining sensitive windows, the proposed additional bulk is not considered likely to result in unacceptable overshadowing, loss of light or loss of outlook to adjoining properties.

Third floor rear roof terrace

Following the removal of the 1.8 metre high flank walls from the refused application, this was replaced by side balustrades of (1.6 metre high above floor level) opalescent glass which would be of obscure glazing. The third floor terrace is considered to have an unacceptable impact on the amenity of adjoining properties for the following reasons:

- The flank of the roof terrace on both sides is proposed to have opalescent glass to either side of less than 1.8 metres in height, the height is considered as insufficient as it would not be tall enough to obscure direct overlooking towards the nearby third floor rear windows on the No.278 and 282 Kilburn High Road. The privacy of the users of the roof terrace would also be compromised.

Therefore it would have an unacceptable impact on the neighbouring amenity in terms of overlooking and loss of privacy of both adjoining properties either side, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and Policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

Alterations to front and rear elevations

The alterations to the front and rear elevations do not increase the bulk of the building or views into any sensitive areas and as such are not considered likely to result in unacceptable overshadowing, loss of light, loss of outlook, or sense of enclosure of adjoining properties.

Alterations to roof of ground floor rear extension

The proposal consolidates the existing plant to the rear of the ground floor roof and places it within an

enclosure. A noise report has been submitted to demonstrate that the noise produced by the proposed plant units when in operation is capable of meeting the Council's sound standards. If approval were recommended a standard condition of consent would be included to ensure appropriate noise/vibration mitigation.

For the reasons listed above the proposed development is considered to be in accordance with Development Policy DP26 of the London Borough of Camden's Local Development Framework.

Standard of Accommodation

The quality of the proposed accommodation for future occupants is considered to be acceptable for the following reasons:

- While the first floor flat is slightly undersized it is an existing unit that will remain in its current configuration.
- The proposed 1 bed flat on second floor generally satisfies the CPG2 and London Plan requirements for dwelling and room sizes.
- While the proposed 2 bed/3 person maisonette across the third and fourth floor however it consolidates two apartments, one of which is severely undersized measuring at 66 square metres floor area meets the minimum floor standard in CPG2 and the London Plan of 61 square metres.
- The maisonette would benefit from outdoor amenity space measuring 9.7 square metres.
- The headroom of the proposed roof extension is 2.3metres.
- The proposed roof extension would receive adequate daylight from an easterly outlook.
- All habitable rooms would receive adequate light from a window/rooflight.

Highways

The subject site does not have any off street car parking. The subject site is located in an area with a Public Transport Accessibility Level (PTAL) of 5 (high). The site is located within the Kilburn Controlled Parking Zone (CPZ). As the proposal would result in a reduction in the number of units, and at least one unit will remain unchanged, it is not considered appropriate to require that the proposal be subject to a car-free or car capped agreement.

The proposal does not include any designated cycle parking. Given the configuration of the site it is not possible to provide cycle parking at ground floor level. As such the lack of cycle parking is not considered to be reason to refuse the application.

Waste

The proposal does not include any additional waste storage. Given the scale of the existing building and storage space, the relatively minor additional floor space, and reduction in the number of units, the lack of additional waste storage is considered to be acceptable.

Sustainability

LDF Policy DP22 requires developments to incorporate sustainable design and construction measures. The proposal includes new windows to the entire building which would increase the thermal efficiency of the site. The consolidation of the plant will reduce energy consumption. As such the proposal is considered to adequately respond to sustainability requirements.

Recommendation

Refuse planning permission on design and amenity grounds.