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FAO Ms Laura Hazelton

22 November 2016

Job ref. 16/110
Via Planning Portal (PP-05526271)

Dear Ms Hazelton,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
286-290 KILBURN HIGH ROAD, LONDON, NW6 2DB
APPLICATION FOR FULL PLANNING PERMISSION

We write on behalf of our client, Kilburn Property Investors Limited, enclosing an application for full planning permission for alterations and additions to the building at 286-290 Kilburn High Road, London NW6 2DB.

Planning permission is sought for:

“Use of the rear part of the ground floor and all upper floors for residential (Class C3) use, rear extension at the first and second level, creation of new openings on the rear elevation, creation of a new entrance and alterations to shopfront at ground level, and other associated works; to provide a mix of residential (Class C3) units comprising: 4 x studio flats, 10 x 1 bedroom flats and 2 x 2 bedroom flats.”

This planning application seeks to undertake alterations and additions to the recently implemented scheme that received prior approval for conversion from office (Class B1) to residential (Class C3) use on 13 October 2015 (LPA ref. 2015/4791/P), in order to provide improved residential accommodation for future residents of the development. This will be achieved through increased dwelling sizes, provision of amenity space and the creation of a second means of escape to make the building compliant with relevant Building Regulations.

The prior approval scheme was implemented on 14 November 2016. This application accompanied with correspondence from Council confirming acknowledgement of this implementation date along with recent site photographs demonstrating the works undertaken on site to date.

For the avoidance of doubt, this seeks alterations and additions to a building that has existing consent for 16 flats. It therefore does not proposed the creation of any new flats.

a. Background to this application

Kilburn Property Investors Limited acquired the site in early 2016 with the review to building out the extant prior approval (LPA ref. 2015/4791/P). In the design team’s review of the extant scheme, it became apparent that alterations to the scheme were required in order to ensure the building will have compliant fire and escape means. At the same time, a number of improvements to the quality of the residential accommodation were identified by increasing the size of flats through the minor extensions to the rear of the property.

Lawful use and prior approval

The site has historically been used as offices (Class B1) and was occupied by a firm of solicitors up until August 2015. The site was used as offices under the following planning permission (LPA ref. PWX0103835) for “alterations and extensions in connection with the use of the whole building as a solicitors office, including the installation of new shop fronts, the erection of rear extensions at first and second floor levels” approved on 18 June 2002.

The previous owners of the site subsequently secured prior approval under Schedule 2 Part 3 Class O of the Town and Country Planning (General Permitted Development) Order 2015.

The prior approval was for:

Change of use of ground floor (part), first, second and third floors from office (Class B1a) to residential (Class C3) to create 11 one bed units, 1 two bed unit, and 4 studio units.

Prior approval was confirmed, subject to legal agreement, on 13 October 2015 (LPA ref. 2015/4791/P).

This prior approval scheme was commenced on 14 November 2016.

Non-immediate Article 4 Direction

On 5 November 2015, a non-immediate Article 4 Direction came into force within certain parts of the London Borough of Camden. The direction withdrew the permitted development rights to change from office to residential use. The subject site falls within this Article 4 Direction area.

The scheme permitted under the prior approval (LPA ref. 2015/4791/P) can still be implemented as prior approval date occurred before the date the Direction commenced. The term ‘prior approval date’ means the date on which (a) prior approval is given; (b) a determination that such approval is not required is given; or (c) any period for giving such a determination has expired without the applicant being notified whether prior approval is required, given or refused. Therefore, the prior approval still stands as it was granted on 13 October 2015 before the Direction came into force on 5 November 2015. The prior approval will stand for a period of 3 years.

However, the client’s intention to improve on the Prior Approval scheme and to create a better standard of accommodation, hence the submission of this application.

Pre-application consultation

An on-site pre-application meeting occurred on 27 September 2016 with officers. The intent of the meeting was to discuss the emerging proposals and to get initial feedback from officers.

The proposals have undergone further refinement to respond to officer feedback, as a result of this pre-application consultation.

b. Site and surroundings

The subject site is 286-290 Kilburn High Road, London NW6 2DB. The site is located within the Kilburn ward of the London Borough of Camden.

The site is located on the eastern side of Kilburn High Road in between junctions with Palmerston Road and Grangeway. It is located within the Kilburn High Road Town Centre, which contains a mix of town centre and residential uses (on upper levels) in buildings of varying age, scale, appearance and materials.

The building on site is a four storey Victorian building that has an active ground floor frontage and upper floors that gain access via a ground level entrance. The existing building currently provides 696 sq. m (GIA) of floorspace. The ground floor level extends to the rear of the site. Rear extensions are

currently built to the rear boundary for the northern part of the first floor and an outrigger-style extension is built on the second floor. Small parapets are currently provided to the valley roof form at the rear, which has altered the original roof form.

The building is not statutory or locally listed and is not located within a conservation area.

The site has very good accessibility to public transport, with a PTAL rating of 5, with numerous bus services running along Kilburn High Road and Kilburn High Ground and Brondesbury Overground Stations and Kilburn Underground Stations within a 400m / 5 minute walking radius of the site.

Kilburn Grange Park is located immediately to the east of the site providing active and passive recreation opportunities.

Surrounding character and context

The building forms part of an existing terrace, with the terrace having valleyed roof forms, with a parapet fronting Kilburn High Road. The quality of this terrace varies, with a number of facades showing signs of age, requiring restoration, and other having their original brickwork painted. The fenestration of the terrace varies between timber sash frames and modern metal frames. Parapets also vary between painted white and red brick, with others rendered.

The rear of the terrace contains a range of ad hoc and haphazard rear extensions at ground, first and second floor that vary in their scale, mass and outlook. Ventilation and other exhaust plant are visible on a number of buildings associated with ground level hospitality uses. This is illustrated in Figure 1.

Figure 1 Varied nature to the rear of the terrace



This varied quality of the terrace, due to the varied condition of facades and irregularity of rear extensions, results in the terrace to have no predominant consistency or character.

This varied character is continued in the immediate surrounds of the site, with the age, height and materials and finishes of building varied. Immediately opposite the site is 293-301 Kilburn High Road is the MP Moran building, which has recently seen the construction of a two level mansard roof

extension for office purposes (refer to Figure 2). Similarly, another roof extension has been recently completed at 307-309 Kilburn High Road, with the upper levels being used for student accommodation. These buildings are located within the administrative boundary of the London Borough of Brent, with the extensions permitted under planning permissions 15/3803 and 12/0343 (allowed at appeal under PINS ref. APP/T5150/A/12/2180789), respectively.

Similarly, the redevelopment of 279 Kilburn High Road has seen a modern mixed use development alter the streetscape with the development totalling a height of seven storeys comprising a medical centre and residential flats on the upper levels.

To the east of the site is Kilburn Grange Park, a designated open space area. Established mature trees are planted on the perimeter of the site which restrict views from the park to the rear of the subject site (refer to Figure 3).

Figure 2 Recently completed roof extension at 293-301 Kilburn High Road opposite the site



Figure 3 Restricted views to the site from Kilburn Grange Park



Immediately adjoining the site to the east is a playing field uses for football, basketball and other purposes. This field has direct views of the rear of the site and the wider terrace. Given this use of the field, views to the site are not significant.

Overall, the surrounding character and context of the site is extremely varied, as demonstrated by Figure 4. It can be summarised as following:

- There is no consistency in the age, scale and quality of existing buildings along Kilburn High Road;
- The scale of buildings surrounding the site vary from 2 storeys up to 7 storeys;
- The quality of the terrace in which the subject building is located varies, with a number of facades in need of restoration and others with varied finishes and parapets;
- The rear of the terrace in which the subject building is located contains a number of ad hoc and haphazard extensions that exhibit no uniform pattern;
- Local views to the rear of the site from Kilburn Grange Park are restricted by existing mature trees; and
- Views to the rear of the site from the adjoining football pitch will not be adversely impacted by any additions given the relationship between both uses.

These conclusions from the site analysis have informed the design of the development proposals.

Figure 4 Site analysis plan



c. The proposals

This application relates to the ground, first and second floors of the building, with alterations and additions proposed to improve the standard of residential accommodation granted under the prior approval scheme. The applicant has implemented the prior approval scheme, which is therefore the baseline scheme, with the proposals considered to be appropriate improvements to the quality and quantum of residential floorspace.

As such, the overarching objective of the proposals is to improve the quality of residential accommodation within the building and ensure the building will meet relevant Building Regulations. This will be achieved through the addition of mass to the rear of the building at the first and second levels.

In summary, planning permission is sought for:

- The use of part of the ground floor, first, second and third floor for residential (Class C3) purposes to create 16 flats;
- The retention of ground level office (Class B1) office floorspace;
- Rear extensions at the first and second floors in order to create better quality residential floorspace compared to the residential scheme permitted via the prior approval consent (LPA ref. 2015/4791/P);
- The provision of an additional 84 sq. m GIA of floorspace;
- The provision of additional openings on the rear elevation, associated with the extension works;
- The provision of obscure glazed rooflights to the roof of the ground level extension to provide increased natural light into the associated flats;
- The installation of an additional internal staircase and the associated creation of a second point of access on the ground level frontage to ensure adequate means of escape are provided and the building is brought up to building regulations standard;
- The provision of 18 cycle parking spaces for use by residents at ground level; and

- The provision of a ground level waste / refuse storage area.

Table 1 provides the floorspace and land use schedule for implemented prior approval scheme and the proposed scheme.

Table 1 Floorspace and land use schedule

Use	Existing (Prior Approval Scheme) sq. m (GIA)	Proposed sq. m (GIA)	Net Change between Existing and Proposed scheme sq. m (GIA)
<i>Residential (Class C3)</i>	541 (16 units)	650 (16 units)	+109
<i>Office (Class B1)</i>	155	130	-25
<i>Total</i>	696	780	+84

Extensions and internal layout alterations

The proposals result in a number of improvements compared to the prior approval scheme. These are detailed below.

Ground floor level

- Apartments 2 and 3 were consented as 1 bed flats and would become generously sized one bedroom and two bedroom flats. This would be achieved by making the flats maisonettes by extending the building at first floor level to create a bedroom and bathroom, for each flat. Both double storey flats would meet the national minimum space standards.
- Minor internal alterations to the ground floor, including changes to the office layout, new access from street resulting in a new shopfront/doorway.

First floor level

- At first floor level there would be the extension to Apartments 2 and 3, as outlined above.
- All other flats would remain unchanged. There would be some minor reconfiguration of the common parts to facilitate the insertion of a new staircase. This staircase is required from a Building Regulation Fire Safety perspective.
- There are no other amendments proposed at this level, all other flats would be built in accordance with the prior approval.

Second floor level

- Apartments 9 and 10 (at first floor level) which are consented as 1bed flats are significantly undersized.
- By extending the building at this level the flats would comply with London Plan and National Guidance on internal space standards. They would also have enclosed terraces.
- New windows have been carefully placed to ensure that the amenity of neighbours is protected.
- There is also some minor reconfiguration of the common parts to facilitate the insertion of a new staircase. This staircase is required from a Building Regulation Fire Safety perspective.
- There are no other amendments proposed at this level, all other flats would be built in accordance with the prior approval.

d. Planning policy framework

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

The statutory Development Plan for the subject proposals is the adopted Camden Core Strategy (2010), the adopted Camden Development Policies (2010) and the London Plan (2016).

The London Borough of Camden has a number of supplementary planning documents entitled Camden Planning Guidance (CPG), which provide further information to support local policies and form a material consideration in planning decisions.

The London Borough of Camden is in the process of preparing a new Local Plan to supersede the Core Strategy and Development Policies. The draft Local Plan has been submitted for Examination with hearing due to start in October. Appropriate weight to these emerging policies has been given.

e. Planning considerations

In the context of the site and surrounding area and the Development Plan, the following planning considerations are relevant:

- Principle of residential development;
- Loss of office floorspace;
- Housing size;
- Design;
- Daylight and sunlight;
- Amenity, overlooking and privacy;
- Transport and parking; and
- CIL / Planning obligations.

These are assessed in turn.

Principle of residential development

The applicant has implemented the prior approval which has established the principle of change of use and redevelopment, including the provision of 16 residential units, with part of the ground level remaining in office use.

The prior approval (LPA ref. 2015/4791/P) was implemented on 14 November 2016. This scheme is a fall-back position and will be completed if the current proposals are not granted permission. The addition of 84 sq. m of residential floorspace and the improved unit mix and size outcomes associated with the rear extensions result in a better outcome for the site and the borough.

The residential provision on site is well supported by local planning policy, with housing being the priority land use for the London Borough of Camden, as identified within Policy CS6 of the Core Strategy and Policy DP2 of the adopted Development Policies. The proposed change of use and associated rear extensions would provide the addition of 16 new dwellings to the housing stock of the borough.

Additionally, emerging Policy H1 of the draft Local Plan identifies housing as the priority land use within the borough and Policy H2 states that mixed use schemes should maximise the supply of self-contained housing from mixed use schemes. The emerging policy is also supportive of the

intensification and mixed use redevelopment of existing sites to meet housing requirements, at policy H5.

With respect to the above, the principle of residential floorspace on site was established with the prior approval permission and is fully supported in Development Plan policy.

Loss of office floorspace

The loss of office (Class B1) floorspace within the building was established with the granting of consent to prior approval scheme. However, as a result of the need to provide a second means of escape to meet Building Standards, an additional 20 sq. m (GIA) would be lost to create an additional means of access/escape under Building Regulations.

The reconfiguration of the office space on the ground floor level will still result in the provision of 3 office suites, and will see associated improvements to the shopfronts in accordance with emerging policy D3 of the draft Local Plan.

This minor loss of floorspace will not result in the loss of any premises suitable for small businesses, as required by Policy CS8 of the Core Strategy.

With respect to the above, the minor loss of additional office space compared to the prior approval scheme is considered necessary to ensure the building will be fire and safety compliant, with the reconfiguration of the office suites and upgraded shopfronts ensuring suitable floorspace for small businesses will still be provided on site.

Housing size

One of the key drivers behind the development proposals is to improve the quality of residential accommodation for future residents. Increasing the size of dwellings was one of the key measures to achieve this.

The extant scheme proposed 16 units, with all of the units failing to meet the National Space Standards or the now superseded London Plan standards.

The modifications and extensions envisaged by the development proposals would result in 4 of the 16 dwellings (25% of the total mix) to meet the National minimum space standards.

It is considered that these modifications would ensure a greater percentage of dwelling would have adequately sized rooms, convenient and efficient layouts, and would meet the changing needs of residents over their lifetimes, a key objective of Policy 3.5 of the London Plan. These modifications would also ensure the proposals would align with Policy CS5 of the adopted Core Strategy, which requires proposals to consider the amenity of future internal occupiers.

As such, the proposals will deliver a benefit to the building, optimising its residential floorspace and allowing better quality market units to be provided within the borough, which are in high demand.

Design

The design of the rear extensions have been the result of a site and contextual analysis to ensure they will be complementary to the character of the terrace and the wider area.

The importance of the design of proposals to respect the character and context of the site and its surroundings is detailed within numerous policies within the Development Plan.

Policy 3.5 of the London Plan and Policies CS4 and CS14 of the Core Strategy all place emphasis on new development to take into account physical context, local character and density of its surroundings. Similar, Policy DP24 of the Development Policies expects development to consider the character, setting, context and the form and scale of neighbouring buildings and the quality of materials, amongst others.

Additionally, emerging policies A1 and D1 of the draft Local Plan emphasise the importance of new development being sympathetic to its surrounding character and context.

Sitting underneath the Development Plan policies is Camden Planning Guidance Document 1 – Design (CPG 1). This document was prepared to support local policies and forms a material consideration in planning decisions. CPG 1 provides specific guidance on how to consider the context of the site to ensure design excellence is attained and how to appropriately design rear extensions.

Chapter 4 of CPG 1 outlines the broad guidance for well-designed rear extensions. The key considerations in the design of rear extensions is to ensure the extension remains subordinate to the existing building in terms of architectural features, materials and proportions, and not cause a loss of amenity to adjoining buildings. It also identifies that rear extensions should not be visible from the street and extensions that are higher than one full storey below the roof eaves, will be discouraged.

As noted in the site and context analysis above, the terrace which comprises the subject building contains a number of haphazard and ad hoc extensions that have occurred over time. There is no common pattern to these extensions, with some extensions being modest extensions at the first and ground floor and others extending completely along the ground level to the rear of the site.

Advice from officers during pre-application consultation noted that the terrace has outrigger extensions at the second floor level should be used as a design cue for the second level extension of the proposals.

The proposed rear extensions have been designed to provide better quality residential accommodation for future residents, with the rear extension considered to be appropriate for the following reasons:

- The extension at the first and second levels will not be out of character when compared to existing buildings in the terrace, which comprise a range of rear extensions of varying depths, widths and heights;
- The second level extension has increased balcony recesses to ensure the outrigger extension pattern is complimented and enhanced;
- The extension will rise no higher than one full storey below the existing roof line;
- The extension will be subordinate to the existing building;
- The finishes and materials proposed will be identical to the existing building fabric, ensuring the extension will be contiguous with the existing building;
- There will be no impact on any important local views, with the extension not visible from the street and only visible to users of the adjoining football pitch;
- The extensions are on the southern side of the site and will have no unreasonable daylight / sunlight impacts to properties to the north; and
- Overlooking, privacy and perceived sense of enclosure impacts to adjoining buildings will be minimised through the strategic placing of windows and other openings at the rear of the site. Two small windows are proposed at the northern elevation of the second storey extension which can be fixed and obscurely glazed if concerns arise.

Overall, the rear extensions will provide important additional residential floorspace to provide new dwellings that will have high levels of amenity for future residents. They are considered to be well designed with respect to the context and character of the surrounding area and will be contiguous with the existing form of the building.

For these reasons, it is considered that the rear extensions are compliant with London Plan Policy 3.5, adopted Core Strategy Policies CS4 and CS14, adopted Development Policy DP24, and in accordance with CPG 1. Additionally, they are considered to be in accordance with emerging policies A1 and D1 of the draft Local Plan.

Daylight and sunlight

Consideration of daylight and sunlight in the design of new proposals is a policy requirement of Policy CS6 of the adopted Core Strategy, which aims to provide quality homes, and Policy DP26 of the adopted Development Policies, which aims to manage the impact of development on occupiers and neighbours. The same policy objectives are also sought in emerging policy A1 of the draft Local Plan.

Internal daylight and sunlight access

The prior approval scheme results in a 16 unit baseline for considering daylight and sunlight access to dwellings within the building. The consented scheme was granted under permitted development rights with no considerations of daylight and sunlight.

As such, the rear extensions, the installation of obscure glazed rooflights and the provision of additional openings on the rear elevation are considered to be marked improvement to the internal daylight and sunlight access for the 16 dwellings forming the proposed scheme when compared to the baseline or consented prior approval scheme.

This assessment approach was confirmed in discussions during pre-application consultation.

Daylight and sunlight access to neighbouring buildings

An outcome of the pre-application consultation process was confirmation that a full daylight and sunlight assessment would not be required to consider the impact of the extensions on neighbouring properties. This was due to the adjoining property to the north at 292-294 Kilburn High Road being in non-residential use. The building is currently occupied by the Qalam Education Resource Centre using the building for religious / educational purposes. This non-residential use was confirmed in a review of the London Borough of Camden's statutory planning register which revealed no planning permission for residential. It was also confirmed via a review of VOA business rates for the site, which confirmed the building has been paying retail and office rates on all levels of the building.

Notwithstanding this, consideration of the impact of the added mass to the building at the first and second levels, and the impact to daylight and sunlight access has been undertaken. The following conclusions can be made:

- The use of the building at 292-294 Kilburn High Road for non-residential purposes results in access to daylight and sunlight being of lower importance compared to a residential property;
- There are no buildings immediately to the east of the site that would be impacted by any additional mass to be building in afternoon periods;
- The east-west orientation of the terrace would ensure the rear windows of each building within the terrace will receive appropriate levels of daylight and sunlight during the morning period throughout the year;
- The first floor extensions will not increase the mass at the northern boundary of the site and will not result in any additional shadow cast to the north; and
- The second level outrigger extensions will cast a slightly larger shadow to the north, however due to their modest scale and the general east-west orientation of the terrace, this is not considered unreasonable or detrimental to the conditions of the adjoining building.

Further consideration of daylight and sunlight is provided in the Design and Access Statement submitted with the planning application.

With respect to the above, the proposals are considered to be acceptable in the context of Policy CS6 of the Core Strategy, Policy DP26 of the Development Policies and Policy A1 of the draft Local Plan.

Amenity, overlooking and privacy

The provision of appropriate amenity space for new residential development is a requirement of Policy DP24 and DP26 of the adopted Development Policies.

The subject proposals are not new build residential development, however the two dwellings at the second floor level have been equipped with private balconies that provide views to the east of the site towards Kilburn Grange Park. The other two dwellings that are being upgraded as part of the extensions, the two one bedroom duplexes at the ground and first floor, have had their amenity improved through the addition of obscure glazed rooflights to provide increased natural light.

Overlooking and privacy impacts to adjoining properties will not occur due to the placement of all new openings at the rear elevation, with the exception to two small windows on the northern elevation on the second level. These windows can be provided with obscure glazing via planning condition to ensure overlooking between properties will not occur.

Additionally, given the modest nature of the extensions, and that the property to the immediate north is in non-residential use, an increased sense of enclosure will not occur.

As such, the proposals are considered to provide an improved level of amenity to the 4 flats being upgraded compared to the consented prior approval scheme. The extensions are also considered to be appropriate in terms of minimising any overlooking and privacy impacts to adjoining buildings. Therefore, the scheme is consistent with the objectives of Policy DP24 and DP26 of the adopted Development Policies.

Transport and parking

The proposed development will be car free with cycle parking provided for the residents of the units.

A Transport Note has been prepared in support of this application, which confirmed that 18 cycle parking spaces are to be provided in accordance with TfL's Cycle Parking Guidance. This parking provision has been provided at the ground floor level for use of residents.

Additionally, it is noted that Policy DP18 of the Development Policies and emerging Policy T2 of the draft Local Plan expect development to be car free in areas with good public transport accessibility. Securing the development as car free will occur through a Section 106 agreement.

CIL / Planning obligations

This application does not result in the provision of more than 100 sq. m of floorspace and does not result in the creation of any additional residential units. Therefore, it is not liable for a CIL levy.

In terms of Planning Obligations, the requirement for the building to be a car-free development will be secured via a legal agreement.

f. Conclusions

Overall, the proposed extensions at 286-290 Kilburn High Road will lead to a number of positive planning benefits for the locality and the wider borough of Camden compared to the residential scheme consented via prior approval. The scheme will:

- Provide additional residential floorspace, resulting in a superior housing outcome on site, ensuring a greater degree of dwellings meeting minimum space standards, provide a high level of internal amenity and provide more units of a size that are in demand in the London Borough Camden;
- Optimise the efficiency of the site;
- Provide housing of a high standard compared to that achievable under the prior approval scheme;

- Provide a car-free development within a highly accessible location;
- Protect the amenity of adjoining buildings through appropriate design treatments;
- Enhance the local townscape and streetscape through good design and the use of high quality materials; and
- Contribute to the existing diversity and character of Kilburn High Road and the surrounding area.

As such, it is considered that the proposals are acceptable, comply with all policies in the development plan and planning permission should be granted, accordingly.

g. The application

The application has been submitted via the Planning Portal (ref. PP-05526271) and comprises the following:

- Application form and certificates, duly signed and completed;
- Community Infrastructure Levy Additional Information Form;
- Supporting Planning Covering Letter, prepared by Icen Projects Limited;
- Design and Access Statement, prepared by Helen Kyprianos;
- Correspondence confirming the implementation of the prior approval scheme; and
- Application drawings:
 - Site Location Plan;
 - Block Plan;
 - Consented Plans for the prior approval scheme; and
 - Proposed Plans.

The application fee will be paid via telephone in the coming days. We would be grateful if you could issue a receipt.

We look forward to receiving confirmation of the registration and validation of this application. Please contact Rebecca Fieldhouse on 020 3725 3849 or rfieldhouse@iceniprojects.com or Lewis Westhoff on 020 3435 4218 or lwesthoff@iceniprojects.com in the first instance.

Yours faithfully,



ICENI PROJECTS

enc. As listed above.
cc. Mr Constantin Boca, Kilburn Property Investors Limited