



Flitcroft House
114-116 Charing Cross Rd
London WC2H 0JR
tel: +44 (0)20 3640 8508
fax: +44 (0)20 3435 4228
email: info@iceniprojects.com
web: www.iceniprojects.com

Planning Department
London Borough of Camden
5 Pancras Square
London
N1C 4AG

FAO Ms Laura Hazelton

12 April 2017

Job ref. 16/110
Via Planning Portal

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.

This application has been submitted following the refusal of planning application 2016/6407/P on 31 March 2017. Prior to this application being refused, the applicant implemented a scheme that received prior approval from office (Class B1) to residential (Class C3) use on 13 October 2015 (LPA ref. 2015/4791/P) to provide 16 residential flats within the property. As 50% of the prior approval scheme units had not been fully completed, the Council considered the residential use of the building not have not been established. The reasons for refusal associated with application 2016/6407/P were associated with this threshold not being met.

The applicant has now completed 9 of the 16 units from the prior approval scheme. Consequently, this application is the resubmission of near identical proposals that were considered under planning application 2016/6407/P, with the previous reasons for refusal no longer applicable as the 50% threshold has now been achieved on site.

As such, planning permission is sought for:

“Rear extensions at first and second floor levels to increase the size of 4 x residential (C3) units to provide 1 x 1 bedroom unit and 3 x 2 bedroom units; alterations to rear fenestration; and shopfront alterations.”

This planning covering letter provides further background to the submission of this application, describes the site and surrounding area, outlines the development proposals and considers relevant planning policies and other material considerations. It should be read in conjunction with the application drawings and other documentation submitted in support of this application.

a. Background to this application

Kilburn Property Investors acquired the site in early 2016 with the intent to build out the extant prior approval (LPA ref. 2015/4791/P). In the design team's review of this scheme, it became apparent that there were a number of opportunities to improve the overall quality and amenity of the residential units. These opportunities were in relation to extending the building at the rear and roof levels in order to bring a number of the units up to national minimum space standards and to improve the living conditions for future occupiers through the introduction of private amenity spaces.

Following the implementation of the prior approval scheme, planning application 2016/6407/P was submitted seeking rear extensions at first and second floor levels. This was submitted following pre-application advice which noted that the prior approval scheme would need to be implemented in order to establish the residential use of the building. However, following the submission of the application, the Council confirmed that in order for the residential use of the building to be established, a minimum of 50% of the units would need to be fully completed / ready for occupation. As the scheme had not yet achieved this milestone, this, in the Council's view, resulted in the scheme having non-compliances with adopted development plan policy. Officers also had concerns over the design of the rear extensions.

A meeting was subsequently held on 9 December 2016 with officers to discuss the implementation versus fully completed threshold, as well as the design comments. At this meeting a number of design alterations were suggested by officers, and the position regarding the need to achieve 50% completion of the units to establish the residential use of the property was confirmed. Following this meeting, the owners and design team altered the design of the proposals during December 2016 and January 2017 in conjunction with officers. This resulted in an acceptable design to be achieved. However, as 50% of the flats from the prior approval scheme had yet to be completed, the scheme was considered contrary to development plan policies

This application was refused on 31 March 2017 for the following reasons:

- Loss of employment floorspace;
- Failure of the scheme to meet the unit mix policies of the Council;
- The internal living conditions of the units due to inadequate internal floorspace and access to outlook, light and amenity space;
- No provision of affordable housing; and
- A number of matters associated with the absence of a legal agreement to secure obligations in relation to car free development, a Construction Management Plan, highways works, post-construction energy review and public open space contribution.

Principally, these reasons for refusal were due to the fact that at least 50% of units from the prior approval scheme had yet to be fully completed / ready for occupation, with the residential use of the building via the prior approval scheme not established. As such, the scheme was considered to add 16 new units which would trigger a number of policy requirements including the need to provide affordable housing, provide a number of contributions and also resulted in non-compliance with loss of employment space policies and the residential accommodation policies.

Following this, the owners have now completed 9 of the 16 units from the prior approval scheme, with these units being confirmed as being fully completed / ready for occupation by the London Borough of Camden Building Control officers via letter on 6 April 2017 (enclosed with this application). 4 units are proposed to be altered as part of this application, with the remaining 3 units currently being constructed.

As such, more than 50% of the units from the prior approval scheme have now been completed, with the residential usage of the building established. Therefore, the various reasons for refusal would no longer apply as this threshold has been met.

This has formed the basis of the submission of these revised development proposals.

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

sqm (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 mixed condition of facades and irregularity of rear extensions, results in the terrace to have no predominant consistency or character.

This mixed character is continued in the surrounding area, with the age, height and materials and finishes of surrounding buildings 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. 2180789), respectively.

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 mixed 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 rear extensions and internal alterations proposed at first and second levels to improve the overall size and quality of residential accommodation to Flats 4, 7, 9 and 10. Minor internal ground floor works and alterations to the retail façade of the building are also proposed.

These proposals would result in the addition of 2 additional 2 x bedroom units within the building to a total of 3, and would see the provision of a 1 bedroom unit that would be upsized to meet the nationally described minimum space standards. Each unit would be provided with a private balcony, allowing

future occupiers to maximise views to Kilburn Grange Park to the east. These 4 units that are brought up to better standards would accompany the 12 units from the prior approval scheme, of which 9 are now completed and 3 are in the process of being completed.

The existing office space at ground floor level would be retained, with internal alterations necessary in order to create an additional opening to Kilburn High Road. This additional opening to the street would be accompanied by façade alterations at ground floor level to improve the appearance of the commercial element of the building.

In summary, planning permission is sought for:

- Rear extensions at first and second floors in order to create better quality residential floorspace for Flats 4, 7, 9 and 10 permitted via the prior approval scheme;
- The provision of 1 x 1 bedroom unit and 3 x 2-bedroom units to replace 4 x undersized units from the prior approval scheme;
- The provision of an additional 98 sq. m GIA of floorspace;
- The provision of additional openings and balconies on the rear elevation, associated with the extension works;
- The retention of ground level office (Class B1) office floorspace, along with other minor internal alterations; and
- Alterations to the Kilburn High Road façade at ground floor level, to improve the overall quality of the commercial frontage.

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)
Residential (Class C3)	541 (16 units)	664 (16 units)	+123
Office (Class B1)	155	130	-25
Total	696	794	+98

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. Consultation on the Main Modifications to the Local Plan

closed on 13 March 2017, following the Examination of the draft Local Plan in the second half of 2016. Appropriate weight has been given to these emerging policies.

e. Planning considerations

The overarching objective of the development proposals is to extend and upgrade 4 of the units from the prior approval scheme in order to improve the living conditions of future occupiers, to the benefit of the building and the wider Borough. As such, the proposals should be considered against the prior approval units as the baseline scheme, which, if built, would result a poor outcome for future residents.

In this regard, the following planning considerations are relevant:

- Previous reasons for refusal;
- Principle of residential development;
- Housing size and mix;
- Design;
- Daylight and sunlight;
- Amenity, overlooking and privacy;
- Transport and parking; and
- CIL / Planning obligations.

These are assessed in turn.

Previous reasons for refusal

Table 2 below lists the reasons for refusal from the previous planning application (LPA ref. 2016/6407/P) and how these reasons for refusal are no longer applicable or have been addressed in the current application.

Table 2 Previous reasons for refusal and how they have been addressed

Reason for Refusal	Response
<p><i>The scheme would result in the loss of employment opportunities within the Borough</i></p>	<p>The principal of the loss of office floorspace on site was established with the prior approval that results in the change of use of the B1 office floorspace (with exception to part of the ground floor) to be converted into residential units.</p> <p>The scheme has now established the residential use of the building in accordance with this prior approval, with 9 of the 16 units now complete and ready for occupation.</p> <p>As such, the scheme would result in no loss of employment opportunities within the Borough.</p>

Reason for Refusal	Response
<p><i>The scheme would provide a small proportion of 2 bedroom units and no larger (3 bed or more units) and would not contribute to the creation of mixed and inclusive communities</i></p>	<p>This reason for refusal was in relation to the high percentage of 1 bedroom units to be delivered via the prior approval scheme.</p> <p>As the prior approval scheme and the residential use of the building has now been established, this application is only applicable to 4 units. The 4 units would be enlarged to provide 3 x 2 bedroom units and 1 x 1 bedroom unit, which is a net increase of 2 x 2 bedroom units from the prior approval scheme. This would result in the provision of more 2 bedroom units, in line with the Borough's priorities and would meet the objective to provide a more mixed and inclusive community.</p> <p>Furthermore, it was agreed during discussions with officers in December 2016 that the unit mix policies of the Council would only be applied in relation to these 4 units, rather than the entire building.</p>
<p><i>The proposed residential units would have inadequate internal floorspace and poor quality outlook, light and external amenity space and would be harmful to future occupiers</i></p>	<p>This reason for refusal was in relation to the 12 units being delivered via the prior approval scheme, which would be 1 bedroom units that would fall below the national minimum space standards, would be single aspect and would not have private amenity space. 9 of these units are now complete and 3 are currently under construction.</p> <p>The 4 units to be upgraded as part of the rear extensions would be brought up to minimum space standards (with exception to Flat 9, with justification for this provided below), would be provided with their own private amenity space to increase outlook and would contain additional openings (including rooflights) to improve daylight access and natural ventilation. Collectively, these improvements would result in a high standard of accommodation for future residents, adequately responding to this reason for refusal and would represent a significant improvement compared to the existing units to be delivered via the prior approval scheme.</p>
<p><i>The development would not make an affordable housing contribution</i></p>	<p>The residential use of the building has now been established through the completion of 9 of the units from the prior approval scheme. As such, this application is in relation to the extension of 4 units from this prior approval scheme and would not provide a net increase of 10 or more new residential units, requiring an affordable housing contribution to be made.</p> <p>This reason for refusal is therefore not relevant to the revised application.</p>
<p><i>The absence of a legal agreement regarding car free development</i></p>	<p>A section 106 legal agreement was not entered into with the Council due to the application being recommended for refusal in relation to the Council's requirement for the scheme to be 50% completed.</p> <p>A legal agreement will be entered into with the Council with this application to ensure the 4 units would be car free.</p>
<p><i>The absence of a legal agreement regarding a Construction Management Plan</i></p>	<p>A section 106 legal agreement was not entered into with the Council due to the application being recommended for refusal in relation to the Council's requirement for the scheme to be 50% completed.</p> <p>Paragraph 8.8 of Camden CPG 6 notes that Construction Management Plans are required for schemes that provide 10 or new residential dwellings. As the proposals are for the extension of 4 residential units only, the need to secure a Construction Management Plan via legal agreement is not considered necessary.</p>

Reason for Refusal	Response
<i>The absence of a legal agreement to secure contributions to public highways works</i>	<p>A section 106 legal agreement was not entered into with the Council due to the application being recommended for refusal in relation to the Council's requirement for the scheme to be 50% completed.</p> <p>Given that the majority of works are now complete on site and that the proposals would result in the extensions to 4 units only, the need to provide a contributions for public highways works is no longer considered necessary.</p>
<i>The absence of a legal agreement securing a post-construction energy and sustainability review</i>	<p>A section 106 legal agreement was not entered into with the Council due to the application being recommended for refusal in relation to the Council's requirement for the scheme to be 50% completed.</p> <p>The proposal would not relate to 5 or more dwellings and / or 500 sqm GIA of floorspace and does not require the submission of an energy and sustainability statement. As such, the need for a post-construction energy and sustainability review to be secured via legal agreement is no longer considered necessary.</p>
<i>The absence of a legal agreement securing a public open space contribution</i>	<p>A section 106 legal agreement was not entered into with the Council due to the application being recommended for refusal in relation to the Council's requirement for the scheme to be 50% completed.</p> <p>The proposal would not relate to 5 or more dwellings and / or 500 sqm GIA of floorspace and would therefore not require a contribution towards public open space. As such, the need for this contribution to be secured via legal agreement is no longer considered necessary.</p>

These matters are addressed in the following sections of this letter.

Principle of residential development

One of the key principle consideration of the previous planning application (LPA ref. 2016/6407/P) was when the residential use of the building was established. The previous application was submitted on the basis that once the prior approval scheme was implemented, the residential use would then be established. However, the Council confirmed during the subsequent assessment of this application that 50% of the prior approval units would need to be fully completed / ready for occupation in order for the residential use to be established.

As this 50% threshold was met, the previous application was contrary to Policy DP13 of the adopted Development Policies as it would have resulted in the loss of office floorspace.

On 6 April 2017, 9 of the 16 prior approval units were fully completed / ready for occupation. This has been confirmed by the London Borough of Camden's Building Control in a letter to the owner. This letter, along with photographs of the completed units are enclosed with this application. Consequently, the residential use of the building can now be considered established.

Of the remaining 7 units from the prior approval scheme, 4 would be altered by the development proposals to create extensions at the first and second levels. The remaining 3 units are currently under construction.

The principle of providing additional residential floorspace to increase the overall quality of residential accommodation on site is considered to be well-supported in local planning policy. Housing is 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 proposals would ensure 4 undersized units from the prior approval scheme would be brought up to standard, would provide greater outlook and amenity for residents and would see the overall living standards increase.

Additionally, emerging Policy H1 of the draft Local Plan identifies housing as the priority land use within the borough. 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 is established through the completion of 9 of the prior approval units, with the remaining works to improve the overall quality of residential floorspace 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 ground floor alterations to provide an additional entrance to the building, coupled with the ground floor façade alterations, an additional 20 sqm GIA of office floorspace would be lost.

These works, however, would result in three office suites to remain at ground floor level and would see the suites upgraded, refurbished and modernised. The associated improvements to the shopfronts are considered to meet the aims of 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 would still be provided for on site.

Housing size

One of the key drivers behind the development proposals is to improve the quality of residential accommodation for future residents as much as practicable. Increasing the size of Flats 4, 7, 9 and 10 from the prior approval scheme through rear extensions at the first and second level, would see these units be brought up to a better size and standard.

The prior approval scheme, of which 12 of the 16 units would be delivered (and remainder by these development proposals), resulted in all of the units to be undersized when assessed against the Nationally Described Space Standards.

The rear extensions would result in the provision of the following unit sizes:

- Flat 4 – 76 sqm, 2 bedroom, 4 person unit;
- Flat 7 – 82 sqm, 2 bedroom, 4 person unit;
- Flat 9 – 56 sqm, 2 bedroom, 3 person unit; and
- Flat 10 – 50 sqm, 1 bedroom, 2 person unit.

The proposals would therefore result in Flat 4, 7 and 10 to meet the minimum space standards, while Flat 9 would be 5 sqm below the minimum standard for a 2 bedroom, 3 person unit. Flat 9 is considered to be acceptable as it would result in a high level of living conditions for residents, particularly when compared to the prior approval unit it would replace. The improved living conditions would be achieved through the introduction of additional windows to improve outlook, daylight levels and natural ventilation, along with the provision of a private balcony for occupants.

Overall, the proposed rear extensions and first and second level would result in the 4 units to 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 would 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.

Housing mix

As the residential use of the building had not been established when the previous application (LPA ref. 2016/6407/P) was submitted, the Council considered the overall housing mix of the scheme to be non-compliant with Policy DP5 of the adopted Development Policies, as the housing mix would contain a majority of 1 bedroom units. Policy DP5 notes that 2 bedroom market units are the priority unit size to include in the mix of new housing schemes.

In terms of housing mix, the proposals would provide 3 x 2-bedroom units and 1 x 1-bedroom market units. This provision of additional 2-bedroom units would align with the London Borough of Camden's priority for 2-bedroom market units as part of the overall scheme.

Additionally, it was agreed with officers at a meeting on 9 December 2016 and by subsequent email on 20 December 2016, that when applying the Council's housing mix policy, the four units would be considered in isolation of the remainder of units from the prior approval scheme, which are predominantly one bedroom. As such, it is considered that the proposals meet the objectives of Council's housing mix policy to provide a majority of 2-bedroom units.

Design

The design of the rear extensions are the result of a site and contextual analysis and negotiations with officers during the assessment of the previous planning application 2016/6407/P.

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.

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.

The terrace in which the site sits comprises 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 and ground and first floor levels, with others extending at full width to the rear of the site.

During the assessment of the previous application, the design of the rear extensions was refined in consultation with officers. One of the key aspects of this was to refine the second level extensions to reference the outrigger extensions that adjoin the site to the south. This resulted in the rear extensions to be considered acceptable in design terms as part of the previous application. The officers delegated report noted the following regarding the design of the first floor extensions:

“Although it would increase the mass at this height, it would replace a number of discordant structures at this level, and overall, is considered to improve the appearance of the host buildings.”

Further, the delegated report concluded the following in relation to the second level extensions:

“From the rear, the proposed second floor extension would appear as three separate and distinct projections of the same height, continuing this pattern and is therefore not considered to significantly harm the appearance of the host building and wider terrace.”

As such, the design of the rear extensions are considered to meet the requirements of the Development Plan and CPG 1 for the following reasons:

- The extension at the first and second levels would 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 and continues the existing roof level of adjoining outrigger extensions to ensure the outrigger extension pattern is complimented and enhanced;
- The extension would rise no higher than one full storey below the existing roof line;
- The extension would be subordinate to the existing building;
- The finishes and materials proposed would be identical to the existing building fabric, ensuring the extension will be contiguous with the existing building;
- There would 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 would have no unreasonable daylight / sunlight impacts to properties to the north; and
- Overlooking, privacy and perceived sense of enclosure impacts to adjoining buildings would 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.

Officers concluded that the design of the rear extensions were consistent with the requirements of CPG 1 in their assessment. Therefore, the proposed rear extensions are considered to comply 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 extensions to the 4 units proposed by this application would represent a substantial and significant improvement on the internal daylight and sunlight access for these units. Due to the nature of the site and the prior approval scheme, each unit would remain primarily single aspect; however, a number of design measures have been introduced to ensure internal daylight and sunlight levels would be provided. These include:

- The introduction of private amenity spaces to provide additional openings on the exterior of the building, facilitating access to additional light;
- The introduction of rooflights to each of the primary living areas of the units; and
- The introduction of larger windows on the rear elevation of the building.

As such, the rear extensions, the installation of obscure glazed rooflights and the provision of additional window openings on the rear elevation are considered to be marked improvement to the internal daylight and sunlight access for Flats 4, 7, 9 and 10. The proposals are therefore considered to result in better daylight and sunlight access for these flats compared with the existing prior approval units.

In this context, they are considered to provide an acceptable level of daylight and sunlight for the future occupiers of these dwellings.

Daylight and sunlight access to neighbouring buildings

An outcome of the pre-application consultation process for the previous planning application 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.

These conclusions are consistent with the conclusions reached by officers in their assessment of the previous planning application in their delegated report the following:

"The proposed extension would be to the south east of no.292 and the increased massing at first and second floor level could impact the levels of daylight entering the rear windows of this property. This building is currently used for non-residential purposes for religious/education use and therefore impacts to daylight/sunlight are considered to be of less significance than if a residential property were affected. The second floor extensions may cast a slightly longer shadow to the north, but as they would sit within the shadow of the existing projection at this level, it is not considered to cause significant harm to the amenity of the neighbouring buildings."

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.

All four of the units that would be improved as part of the rear extensions would have their own private amenity space. This would encourage natural ventilation in each dwelling, would improve daylight access and would also result in greater outlook for occupants to the east of the site to Kilburn Grange Park. Collectively, these would all result in substantial and significant improvements compared to the prior approval units the proposals would extend.

Overlooking and privacy impacts to adjoining properties would not occur due to the placement of all new openings on 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 (and secured 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 is not considered to 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 considered consistent with the objectives of Policy DP24 and DP26 of the adopted Development Policies.

Transport and parking

The proposed development would be car free with cycle parking provided for the residents of the units. This was established as part of the prior approval scheme through a Section 106 legal agreement.

Transport and highways issues were not raised as a concern with the previous application, with adequate cycle parking facilities being provided on the ground floor level for use by residents. Appropriate provision would remain as part of these development proposals, as required by TfL's Cycle Parking Guidance.

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 98 sqm 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 previous application was refused due to the following matters not being secured via a Section 106 legal agreement:

- Affordable housing provision;
- That the development would be car free;
- The preparation of the Construction Management Plan;
- The payment of a highways contribution;
- The preparation of a post-occupation sustainability and energy review; and
- The payment of a public open space contribution.

As noted in Table 2 above, the reason why a Section 106 legal agreement was not entered into was due to the application being recommended for refusal in relation to the scheme not meeting the 50% threshold which would establish the residential use of the building. As such, the scheme was considered to provide 16 new residential units which would trigger a number of planning obligations, including:

- Affordable housing provision;
- The preparation of a Construction Management Plan;
- The preparation of a post-occupation sustainability and energy review; and
- The payment of a public open space contribution.

As the scheme is in relation to the extension of 4 units from the prior approval scheme, the above obligations are no longer relevant.

In terms of the highways contribution to facilitate the repavement of the footpath at the front of the site on Kilburn High Road, this is not considered necessary given the scale of the proposed works on site. As such, this is no longer considered necessary.

Additionally, the requirement for the building to be a car-free development will be secured via a Section 106 legal agreement.

f. Conclusions

Overall, the proposed extensions at 286-290 Kilburn High Road would 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.

More than 50% of the prior approval scheme units have been fully completed and the residential use of the building established. Consequently, the proposals now respond fully to the reasons for refusal from planning application 2016/6407/P, with the majority of these reasons for refusal no longer relevant to the scheme now the residential use of the building has been established.

As such, the proposals are considered to deliver a number of positive planning benefits compared to the delivery of the 4 units under the prior approval scheme. They would:

- Provide additional residential floorspace, resulting in a superior housing outcome on site through the increased size of Flat 4, 7, 9 and 10;
- Provide 3 x 2 bedroom units (a net increase of 2 compared to the 4 units to be delivered via the prior approval scheme), meeting a defined need for the London Borough of Camden;
- Provide housing of a high standard compared to that achievable under the prior approval scheme;
- Optimise the efficiency of the site;
- Respond to the character and context of the area, including through the continuation of the outrigger extensions at second floor level;
- 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.

Therefore, it is considered that the proposals are acceptable, represent a significant improvement to the 4 units if delivered under the prior the prior approval scheme, thereby complying will all policies in the development plan. Planning permission should be therefore granted.

g. The application

The application has been submitted via the Planning Portal 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;
- Letter of Partial Completion dated 6 April 2017 from the London Borough of Camden's Building Control Department;
- Photographs demonstrating that 9 of the units have been practically completed and ready for occupation; and
- Application drawings:
 - Site Location Plan;
 - Block Plan;
 - Existing drawings before the prior approval scheme was implemented (for reference purposes);
 - Consented Plans for the prior approval scheme; and
 - Proposed Plans.

The application fee, confirmed by the Council to be £339, 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 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
Ms Helen Kyprianos