

338 KILBURN HIGH ROAD & 2A IVERSON ROAD LONDON, NW6 2QN

PLANNING APPEAL - STATEMENT OF CASE
LPA REF: 2016/6270P

Prepared By

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1.0 INTRODUCTION

- 1.1 This statement accompanies an appeal against the decision by the London Borough of Camden ("the Council" hereafter) to refuse planning permission for a roof extension at 338 Kilburn High Road and 2A Iverson Road, London, NW6 2QN (2016/6270/P).
- 1.2 The proposed development seek the erection of a part single, part 2 storey roof extension to create 1 x 1 bed and 2 x 2 bed self-contained units.
- 1.3 The Council determined to refuse the application for 5 reasons.
- 1.4 Reasons for refusal 2-5 relate to the absence of a legal agreement to secure various matters associated with the proposed development, e.g. a Construction Management Plan and financial contributions. These matters are straightforward and can be easily addressed through provision of a legal agreement in due course.
- 1.5 The main reason for refusal therefore, and the focus of this statement, is reason for refusal 1 which states;

"The proposed two storey roof extension by reason of its height, bulk, detailed design would be detrimental to the character and appearance of the building and the terrace, 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".
- 1.6 In light of the principal reason for refusal, section 2 of this statement first provides a description of the site and surrounding area to better understand the host building, site context, character and appearance.
- 1.7 Section 3 then provides a summary of planning history relevant to the case.
- 1.8 Section 4 details the policy framework against which the proposed development should be assessed.
- 1.9 Section 5 assesses the delegated officer report issued by Camden Council in refusing the development. This section sets out the appellants grounds of appeal.
- 1.10 Finally, section 6 summarises and concludes this assessment.

2.0 DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA

a. The Appeal Site

- 2.1 338 Kilburn High Road and 2A Iverson Road ('the appeal site' hereafter) comprises a four storey building, situated at the cross-junction of Kilburn High Road with Iverson Road and Cavendish Road.



SITE LOCATION PLAN

- 2.2 Ground floor level accommodates retail uses (Use Class A1); upper floors accommodate office floorspace (Use Class B1(a)). The building is distinctive by virtue of its prominent corner location and its bevelled corner feature forming the junction of Kilburn High Road and Iverson Road.



APPEAL SITE VIEWED FROM JUNCTION

- 2.3 The predominant material is London stock brick with rows of sash windows either of aluminium or timber, defining clear lines of axis within its façade. The facade is further detailed with ornamental design elements such as gauged arches, string courses, dentil course and corning.
- 2.4 The ground floor shopfront lacks the same character as it has been altered significantly through the years by its various commercial tenants.
- 2.5 At roof level the building is distinct from its neighbours, comprising one of the only flat roofed structures in the area. The flat roof accommodates various antenna/plant equipment on the eastern side of the roof, which are visible from street level behind the building's decorative parapet and are considered to detract from the buildings overall appearance.
- 2.6 While the site is within the administrative area of the London Borough of Camden, it forms the boundary with London Borough of Brent to the west. The administrative boundary is defined by Kilburn High Road.

b. The Surrounding Area

- 2.7 Kilburn High Road forms part of the A5, a busy, bustling, densely developed and populated arterial route stretching north as far the M1 Motorway/Elstree, and south into central London/ Hyde Park and Oxford Street.
- 2.8 To put the appeal site into further context, it is situated between Brondesbury and Kilburn train stations, the site is well served by Overground, Underground and bus services and has a public transport accessibility level (PTAL) of 5, on a scale where 0 is the worst and 6 is the best.
- 2.9 The site forms part of a prominent junction in Kilburn, the immediate context accommodates a variety of building heights, bulk and design compositions of traditional and contemporary forms.



APPEAL SITE (FAR LEFT) VIEWED FROM THE NORTH
 SPRING COURT [FOREGROUND LEFT]
 375 KILBURN HIGH ROAD (FAR RIGHT)

- 2.10 The north-east corner of the junction accommodates Spring Court, a part 5, part 4 storey building in residential use. The property is faced in red brick at ground floor with yellow brick and 'stone' banding features over 4 upper floors with pitched tiled roof over.
- 2.11 Further north is 340-354 Kilburn High Road (Linburn House), taller than Spring Court by approximately half a storey, these Victorian properties are characterised by a repetition of pediments above the first-floor windows.



AERIAL VIEW

- 2.12 At the south-west corner of the junction is 375 Kilburn High Road. Being on the western side of Kilburn High Road, the property falls within the administration of the London Borough of Brent, notwithstanding this the site forms part of the established context. The property comprises three principal storeys, including a black painted ground floor accommodating a public house, with two upper floors in residential use. It is evident that an additional mansard-style roof extension had been implemented at some stage.
- 2.13 No. 375 forms part of a terrace of properties. The furthest property south is the relatively recently constructed 'Globe Mansions', a 5 storey modern building, comprising retail at ground floor and residential uses over upper floors.



GLOBE MANSIONS (357-363 KILBURN HIGH ROAD)

- 2.14 At the north-west corner of the junction. Nos. 377 & 377A Kilburn High Road comprise a significant building of an entirely contemporary vernacular.



377 & 377A KILBURN HIGH ROAD

- 2.15 The ground floor level is largely curtain glazed; first floor to fourth floor is faced in off-white render. The building is terminated at fifth floor level in a contrasting grey coloured standing seam vertical metal cladding.

3.0 RELEVANT PLANNING HISTORY

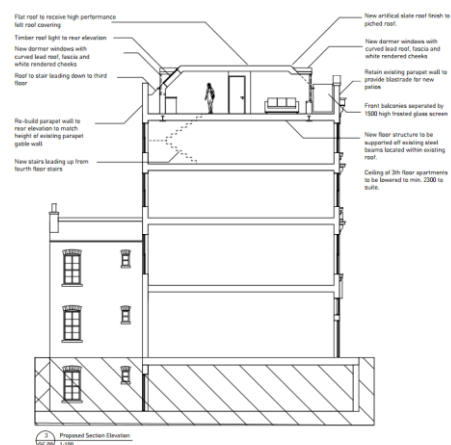
a. The Appeal Site

- 3.1 In 2014, prior approval was granted for the change of use of first, second and third floors from office (B1a) to self contained flats (Class C3). This consent has not yet been implemented but it is the appellants to implement this as part of any forthcoming consent under this appeal (LPA Ref: 2014/7304/P).
- 3.2 In 2015, a further permission was granted in for a single storey mansard roof extension creating 1 x 2 bedroom flat and 1 x 1 bedroom flat (LPA Ref: 2015/3445/P). This consent has not been implemented in light of the preferred appeal proposal.

b. The Surrounding Area

- 3.3 The surrounding area has been subject to a number of relatively recent applications for major developments which have influenced the character and appearance of the immediate site setting.
- 3.4 As referred to in paragraphs 2.14 – 2.15 above, at 377 Kilburn High Road planning permission was granted in 2004 for the demolition of existing structures on that site, allowing the erection of a part 3, part 4 and part 6 storey building with basement, to provide A1 retail at ground floor level together with 35 x studio/1/2 bedroom flats over upper floors (Brent Ref: 03/3447).
- 3.5 In approving the above (Brent ref 03/3447), officers raised no objection to the size, scale or design of the development. The officers noted the comment of an Inspector who had worked on a previous application for the same scheme that had been dismissed in 2000 owing to a lack of a legal agreement; *“this character (of the area) is already very mixed with a wide variety of building heights, designs and materials along the High Road”*. Officer report attached at Appendix 1.
- 3.6 At the south-west corner of the junction is 375 Kilburn High Road, the property comprises three principal storeys, however an additional mansard-style roof extension has been implemented recently, although there does not appear to be any planning history available for this work.
- 3.7 340-354 Kilburn High Road (Linburn House), comprises a grand 4 storey Victorian terrace. In 2009, planning permission was granted for the demolition of the existing roof and the erection of a new additional mansard level of accommodation comprising five apartments (LPA Ref: 2009/3810/P).

- 3.8 In approving this development officers stated that *“it is considered that the scale of the proposed development would be appropriate as an extension to the existing building. The detailed design is considered acceptable and fenestration would align with that on the floor below. As such the application is in line with policies B1 (general design principles), B3 (extensions) and supporting SPG”*.



APPROVED SECTION

- 3.9 Finally, at 357-363 Kilburn High Road, permission was granted in 2008 (app 07/3130) for erection of a 5 storey building comprising 2 ground floor retail units and 11 flats above.



APPROVED EAST ELEVATION/STREET CONTEXT PLAN

- 3.10 In approving the proposals, the Urban Design Officer states *“the proposal is contemporary in approach with a scale and massing apparently relatively balanced to its surroundings...the scale is generally acceptable.*

4.0 POLICY FRAMEWORK

- 4.1 The following documents comprise the relevant Development Plan Framework, and are relevant to this appeal:

National

National Planning Policy Framework 2012

London

The London Plan (with consolidated alterations) 2016

London Borough of Camden

Core Strategy 2010-2025 2010

CS5 (Managing the Impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

Development Policies 2010-2025 2010

DP2 (Making full use of Camden's capacity for housing)

DP5 (Homes of different sizes)

DP6 (Lifetime homes and Wheelchair homes)

DP18 (Parking Standards and limiting the availability of car parking)

DP24 (Securing high quality design)

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

Supplementary Planning Documents

Camden Planning Guidance 1: Design 2015

Camden Planning Guidance 2: Housing 2015

Camden Planning Guidance 6: Amenity 2011

Camden Planning Guidance 7: Transport 2011

5.0 GROUNDS OF APPEAL

a. Reason for Refusal One

The proposed two storey roof extension by reason of its height, bulk, detailed design would be detrimental to the character and appearance of the building and the terrace, 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.

- 5.1 In refusing the development, the officer's report refers to the Council's design policies, namely CS14 and DP24. The two policies are directly referred to in the reason for refusal above.
- 5.2 Camden Core Strategy Policy CS14 promotes 'high quality places and conserving heritage'. In accordance with the policy, the Council will ensure that Camden's places and buildings are attractive, safe and easy to use by requiring development of the highest standard of design that respects local context and character; preserving and enhancing Camden's heritage assets and their setting.
- 5.3 Development Plan Policy DP24 further supports the above objective of 'securing high quality design'. Policy DP24 requires all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings; the character and proportions of the existing building, where alterations and extensions are proposed; and the quality of materials to be used.
- 5.4 The officer's report also refers to Camden Planning Guidance (CPG1: Design), although it is not cited as part of the reason for refusal. Accordingly, the submissions below provide primary focus on addressing policies CS14 and DP24, although we acknowledge the relevant CPG.
- 5.5 We agree with officers that the appeal site is a prominent and handsome four-storey brick building of the 19th-century, attractively articulated with projecting string courses and a substantial dentil course around the frieze.
- 5.6 However, we disagree that the proposed two-storey roof extension is over-scaled or out of proportion with the host building. We further disagree that the works are unsympathetic to the host building in point of design and materials.
- 5.7 In assessing the design and appearance of the proposal, the officer's report states "*adding two storeys to it [the host] would....greatly increase the bulk and mass of the building. Even if the increase were acceptable, the increase in bulk and mass will not occur in the style of the host building...a pair of substantial asymmetrical boxes of a very different design and alien materials would be placed on top of it, giving the appearance of a second building on top of the host. The angular, diagonal lines and small metal windows proposed are at odds with the traditional, regular, rectilinear forms and mannered sash windows of the host building*" (our underlining).
- 5.8 We consider that the above comments show a lack of regard for the site setting and for good quality and innovative architecture.
- 5.9 Indeed, the NPPF paragraph 60 states that '*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness*'.
- Design
- 5.10 The supporting text to Policy CS14 acknowledges that Camden does not have a single built character but is made up of many diverse areas, each with their own identity.

- 5.11 The text goes on to acknowledge that throughout the borough, there are examples of Camden's unique architectural heritage, with many high quality buildings and places, old and new.
- 5.12 As detailed in section 2 of this appeal statement, there is no one dominant or prominent style of architecture, mass, bulk or height within the local area. The varied form of the built environment is the established character and appearance of the site setting.
- 5.13 The prominence of the site is acknowledged by the appellants. It is for this reason that a high-quality design has been proposed in line with CS14 and DP24, along with national policy.
- 5.14 The proposed extension is clad in vertical standing seam light and dark zinc panels, a natural and high quality material with significant precedent in the Borough.
- 5.15 The form of the proposed extension creates a direct reference to the classic mansard shape and approach, of which there are examples in the immediate locality, whilst creating a high-quality piece of modern architecture that is contextually appropriate. The proposal also relates new window openings to the existing fenestration of the host by duplicating the pattern of windows.



PROPOSED IVERSON ROAD ELEVATION

- 5.16 The angular appearance of the proposal is deliberate and seeks to minimise impact to the host building and the wider context. Through lowering the roof line towards Iverson Road, there is an acknowledgement of the smaller terraced houses to the rear.
- 5.17 The greatest height is saved for the corner of the site at the High Road junction; more appropriately strengthening the corner and the streetscape.
- 5.18 The height, form and materiality provide direct reference to 377 and 377A Kilburn High Road on the opposite side of the junction, serving as a counterpoint to this established built form at these prominent cross-roads.
- 5.19 The treatment of the extension provides a 'light-weight' feel and ensures a gentle juxtaposition between the old and the new, acknowledged as a form of development that serves to highlight the quality of form and detailing through direct contrast. Local precedent, Suffolk House in Whitfield

Place, London W1T, provides an example of the principle of the well-established approach to extending period properties.



SUFFOLK HOUSE, WHITFIELD PLACE

- 5.20 In approving the works at Suffolk House, the officer noted the site's location within a conservation area and in close proximity to listed buildings, requiring a careful and sensitive approach to design.

"The cladding material is a bronze coloured composite board which would seamlessly wrap over the sides and roof planes of the extension. The tone, texture and the narrow dimension of the cladding would harmonise with the slates and bricks of neighbouring and the host building. As such, through the use of quality materials, fine detailing and appropriate proportions, the extension would read a positive addition to the host building to enhance the character and appearance of the conservation area in general. The extension design also has a strong rationale that positively takes account of the surrounding listed buildings... this is a highly innovative approach that would preserve and enhance the setting of those listed buildings on Grafton Way".

- 5.21 Whilst not cited as a reason for refusal, paragraph 2.6 of the delegated report refers to the Council's SPD, CPG1: Design, which comprises two parts;

- *"a roof alteration is likely to be considered unacceptable in circumstances such as the presence of unbroken runs of valley roofs or where complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations and extensions"*
- *"a roof addition is likely to be unacceptable where the proposal would have an adverse effect on the skyline, the appearance of the building or the surrounding street scene."*

- 5.22 In the first instance, there is no unbroken run of valley roofs, nor is the building part of a complete terrace or group of buildings with unaltered rooflines/alterations. Furthermore, the properties to the north (Spring Court, Linburn House), as well as 375 Kilburn High Road opposite (albeit in Brent) have also been subject to roofline alterations/approval which serves to consolidate the fact that this consideration quoted from the SPD does not apply in this instance.

- 5.23 Moreover, planning permission 2015/3445/P at the appeal site grants the erection of a mansard extension at the property; further supporting the principle of roofline works at the appeal site.

- 5.24 In the second instance, the proposed development will not have an adverse effect on the skyline, the appearance of the building or the surrounding streetscene for the reasons set out in paragraphs 5.10-5.19 above.

- 5.25 Moreover, when viewed from the east, the existing property is already ubiquitous by virtue of the antennas/plant features that extend out to the eastern side of the roof and are substantial in height. The proposed development would remove this unsightly feature from the streetscene, and would be sufficiently set back on both floors so as to retain subservience to the host building and lessen any visual impact from the street.



VIEW FROM EAST

Pairing with 375 Kilburn High Road

- 5.26 On a related note, the officer report states that in long views from the north, the building “forms a pair with the North London Tavern (375 Kilburn High Road), facing, to which it is similar in size, period and form, each having a bevelled corner and similar ridge height”. We disagree.
- 5.27 The image below provides the view of the properties in question from the north. The two properties are clearly distinct. They do not share any one particular element in common. The overall height, termination of the roofline, fenestration, detailing, and even tone of facing brickwork are at odds.



VIEW OF APPEAL SITE AND 375 KILBURN HIGH ROAD FROM NORTH OF JUNCTION

- 5.28 Furthermore, the appeal property is only read in shorter views. Longer views from the north and south, particularly of rooflines, are interrupted by the presence of elevated rail lines.



VIEW FROM SOUTH



VIEW FROM NORTH

- 5.29 It is considered that the proposed development under this appeal is entirely appropriate and would make a positive contribution to the host and site context. The proposed development accords with policies CS14 and DP24.

b. Reasons for Refusal Two-Five

The proposed development, in the absence of;

2) a legal agreement of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies

3) a legal agreement to secure highway contributions to undertake external works outside the application site, would fail to secure adequate provision for the safety of pedestrians, cyclists and vehicles, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy), DP17 (Walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Core Strategy and Development Policies 2010.

4) a legal agreement to secure a Construction Management Plan, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

5) a financial contribution secured to cover the costs of reviewing the Construction Management Plan, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

- 5.30 As acknowledged under the informative attached to Camden's decision to refuse the application, reasons for refusal 2-5 (above) can be easily addressed.
- 5.31 The informative states "without prejudice to any future application or appeal, the applicant is advised that reasons for refusal numbers 2-5 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable".
- 5.32 A draft bilateral legal agreement has been prepared by the London Borough of Camden and is submitted to the Inspectorate as part of this appeal.

6.0 SUMMARY AND CONCLUSIONS

- 6.1 This statement accompanies an appeal against the decision of the London Borough of Camden to refuse application 2016/6270P.
- 6.2 The refusal of the application based on matters of design, bulk and height are considered to be unsubstantiated given the plurality of building designs and heights which characterise the local area. This perspective is supported by the analysis set out within the preceding sections of this statement.
- 6.3 Of particular note, no. 337 & 337A Kilburn High Road provides a strong precedent of a contemporary landmark design punctuating a busy and important junction. The propped development seeks to provide a logical counterpoint to this building, further strengthening the prominent junction.
- 6.4 The proposed development complies with the aspirations of policies CS14 and DP24.
- 6.5 A s106 legal agreement will be prepared and submitted by the appellants to address the remaining 4 reasons for refusal.
- 6.6 In light of the significant findings of this report, we respectfully request that this appeal be allowed.

APPENDICES

APPENDIX ONE

EXCERPT FROM LONDON PLANNING COMMITTEE REPORT, LONDON BOROUGH OF BRENT,
2/6/2004 (CASE REFERENCE 03/3447)

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TRN23 - Residential development should not provide more parking than specified in standard

PS13 and PS14.

PS19 - Servicing requirements for shop units.

CONSULTATION

Adjoining occupiers in Kilburn High Road, Cavendish Road and Cavendish Close consulted.

Six letters were received including one from the Cavendish Close Tenants' Association making the following points:-

- 1) problems of increased noise;
- 2) traffic increase and impact on parking;
- 3) size and scale of proposed building unacceptable;
- 4) loss of garden and trees unacceptable;
- 5) unacceptable impact on the character of the conservation area;
- 6) loss of light and outlook to flats

REMARKS

At the Public Inquiry in August 2000, the key issues considered in assessing the proposal were, firstly, the highway implications of the proposal, secondly, the impact of the development on trees on the site, thirdly, the effect of the five-storey building on nearby residential occupiers, fourthly, the design and appearance of the building itself and finally, the acceptability of the use and the ability to control it.

Having considered all the evidence put before him, the Inspector concluded that the first four issues (as set out in the paragraph above) were not sufficiently problematic so as to justify refusing permission. The issue which led him to dismiss the appeal related solely to the failure to agree a Section 106 Agreement between the parties. The assessment of the current proposal must, therefore, be made in this context.

For the information of Members, the issues, and the conclusions of the Inspector in each case, are summarised below.

IMPACT ON TREES

The Council objected to the loss of the trees to the rear of the site, without replacement, which are the subject of a TPO. However, despite the fact that these trees have a life expectancy in excess of 50 years and contribute significantly to the character and appearance of the locality, the Inspector concluded that:-

"Notwithstanding the loss of amenity, I consider that the removal of the trees should not be an overriding factor that prevents the advantageous redevelopment of the site. Whilst this (replanting) would not restore the present amenity value offered by the trees, together with the future growth of the London Plane (which is a nearby street tree) it would nonetheless be an ameliorating factor."

The Landscape Designer now suggests a standard condition to be attached to any permission in order to control the details of the soft and hard landscaping treatment of the site.

HIGHWAY CONSIDERATIONS

The proposed residential accommodation is to be in the form of purpose-built self-contained accommodation. The application site has very good access to public transport services (Public Transport Accessibility Level - PTAL 5) and is also situated in an area with a controlled parking zone (CPZ). The concept of a 'car free' development is therefore acceptable in this location and will be controlled by way of a Section 106 agreement.

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With regards to the ground-floor A1 proposals, servicing provision is shown to the required standard. Similarly, bicycle parking and the access width onto Cavendish Road now meet Council standards.

IMPACT ON NEIGHBOURING PROPERTIES

In the scheme that was considered by the Planning Authority in 2000, there was concern about how the development would relate to the building immediately adjacent to it (379 to 383 Kilburn High Road) as this four-storey building is set back from the street frontage. As a result, it was your officers view that the erection of a five-storey building immediately adjacent to it would create problems, in terms of creating a sense of overbearing, as well as resulting in a loss of light, for residents of the adjacent upper-floor flats. The Inspector however, took the view that the site was suitable for a landmark building which by definition was "readily distinguishable from its immediate surroundings. Two of the yardsticks by which this can be judged are the size (including height) and design. Thus the Inspector considered the height, at 17m and the position of the building to be acceptable. The current proposal differs from the appeal scheme in that its height on the Kilburn High Road frontage has been increased by some 2.5m. However, your officers consider that in the overall streetscene and taking into account the Inspector's comments relating to a 'landmark' building there is no objection to the increased height.

In addition, there was also concern about the impact that the erection of a building of this size, height and siting, would have on residents in Cavendish Close to the rear, in terms of creating an imposing, overbearing form of development, which would not relate well to the adjacent site. However, the Inspector took a different view and although he acknowledged that there would be "some loss of outlook and natural light" to residents, (and "perhaps privacy"), this would "not be such as to warrant rejection of the appeal proposal." The additional height on the Kilburn High Road frontage does not result in any greater impact on residents in Cavendish Road or Cavendish Close as the buildings nearest these properties are in fact set a greater distance away than the appeal proposal and the approved scheme.

DESIGN OF THE DEVELOPMENT

The Inspector was in no doubt as to the positive impact of the development on the locality and he was not persuaded by any of the objections made by the Council. As a result, there can be no grounds for raising objections at this time to the size, scale or design of the development. His site visit revealed that "this character (of the area) is already very mixed with a wide variety of building heights, designs and materials along the high road." He considered that the proposal constituted an acceptable form of development in this location.

The demolition of the existing building, whilst it is acknowledged to have some merit in terms of its design and appearance, has not been raised as an issue in the past.

PRINCIPLE OF THE USE

In the circumstances set out above, it is the case that the sole remaining issue requiring consideration is the need for control over the proposed use. The applicants have indicated that the proposal is to meet demands for key worker accommodation and is specifically aimed at employees of the St Mary's NHS Trust. The principle of providing key worker accommodation in this location, reasonably close to the end user is welcomed and the Inspector took the view that:-

"I have also taken account of the guidance in PPG3 in favour of the need for a greater intensity of development at places with good transport accessibility and for an increased provision of accommodation for single person households. The regenerative effect on the locality that would be likely to arise from the scheme is also consistent with a number of government policies. In my assessment of whether the balance of advantage favours approval, including recognising a loss of amenity from the trees to be felled and some adverse effect on existing residents, these points weigh strongly in favour of the development."

It is accepted that a Section 106 Agreement would be required in order to control the occupation of the building and it was only the fact that the parties could not agree on the contents of the Agreement within the timeframe specified by the Inspector, that he consequently considered that he had no

alternative but to dismiss the appeal for this reason alone. This situation should not arise in this instance as it should be fairly straightforward to draft an agreement restricting the occupancy to key workers only.

It is the view of your Officers that it would be appropriate to now recommend that permission be granted, given the absence of planning objections to the scheme, subject to a legal agreement which would then be able to be negotiated in due course but with the heads of terms as set out above.

RECOMMENDATION: Grant Consent subject to Legal agreement