

2017/1750/P – 332 Kilburn High Road



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Photos



1. View down to first floor roof terrace location



2. View down to first floor roof terrace location



3. View down to first floor roof terrace location



4. View beyond second floor roof terrace location



5. View beyond second floor roof terrace location



6. Views of neighbouring windows

Delegated Report		Analysis sheet		Expiry Date:	09/08/2017
(Members Briefing)		N/A		Consultation Expiry Date:	12/07/2017
Officer			Application Number(s)		
Kate Henry			2017/1750/P		
Application Address			Drawing Numbers		
332 Kilburn High Road London NW6 2QN			Please refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Creation of first floor and second floor rear roof terraces; alterations to openings					
Recommendation(s):		Grant conditional planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	0	No. of responses	0	No. of objections	4
Summary of consultation responses:	<p>Site notices were displayed on 21/06/2017 (consultation expiry date 12/07/2017).</p> <p>4x responses have been received from local residents (Flat 1, 2 Iverson Road; 4 Iverson Road (Flats A, B and E and owner of 4 Iverson Road); 2x at 8 Iverson Road). The comments are summarised below:</p> <ul style="list-style-type: none">• Unsightly• Loss of privacy / overlooking to windows / gardens on Iverson Road (handrails should be set back)• No access to roof terrace from second floor• Concern that terraces will be used for commercial use in future• Already noise problems from Brondes Age Pub / Ironworks Bar and recently installed extractor fans• Air con units have not been removed <p>Officer response</p> <p><i>Please see sections 4 and 5 of the Officer’s report below.</i></p> <p><i>A suitable planning condition is suggested to ensure that details/samples of the proposed boundary treatment are submitted for approval prior to the commencement of works, to ensure that the roof terraces are constructed with appropriate, high quality materials.</i></p> <p><i>The roof terraces have been designed to reduce overlooking to neighbouring properties and gardens, by setting the boundary treatment in from the roof edges.</i></p> <p><i>The proposed roof terraces would be accessed via residential flats and not via the commercial use at ground floor level. The level of noise generated from a domestic roof terrace is not considered to be unduly harmful to the amenities of nearby and neighbouring properties. A suitable planning condition is suggested to ensure the use of the roof terraces remains ancillary to the residential uses.</i></p> <p><i>The air con units have been omitted from the application.</i></p>					
CAAC/Local groups comments:	N/A					

Site Description

No. 332 Kilburn High Road is a mid-terrace, three storey building, with accommodation in the roof space and a basement, on the north-eastern side of the road. The building has a single storey rear extension (built pursuant to planning permission 2014/1440/P), which occupies the entire plot; and a smaller first floor rear extension (built pursuant to planning permission 2015/2942/P).

The ground floor of the building is currently occupied by a bar and the upper floors of the building are in residential use (pursuant to prior approval reference 2014/1854/P).

Nos. 330-334 Kilburn High Road appear on Camden's Local List (reference 587) due to their architectural significance and townscape significance.

Relevant History

2015/6213/P - Installation of x2 air conditioning units at first floor level above existing ground floor rear extension (retrospective) – **Refused and warning of enforcement action to be taken 11/03/2016**

2015/2942/P - First floor rear extension to allow enlargement of self-contained flat – **Granted 25/08/2015**

2014/1854/P - Change of use from office (Class B1) to residential (Class C3) use at 1st, 2nd and 3rd floor levels to provide 2 units (1 x 1 bed, 1 x 2 bed). - **Prior Approval Granted 09/05/2014**

2014/1440/P - Demolition of existing single storey ground floor rear extension and upper ground floor rear outrigger and erection of single storey ground floor rear extension - **Granted 27/03/2014**

2005/1597/P - The variation of additional condition no.1 of planning permission granted 22/10/1987 (Planning Ref. PL/8700998 for the change of use of the basement and ground floor to a wine bar/restaurant together with the erection of a single-storey ground floor rear extension and the installation of a front area escape stair), to extend the opening hours until midnight on Sunday, 01.00 on Mondays to Thursdays and 02.00 on Fridays to Saturdays. - **Granted 17/06/2005**

2003/0690/P - The variation of additional condition no.1 of planning permission granted 22/10/1987 (Planning Ref. PL/8700998), for the change of use of the basement and ground floor to a wine bar/restaurant together with the erection of a single-storey ground floor rear extension and the installation of a front area escape stair, to extend the evening opening hours by 1 hour to 01.00am on Fridays and Saturdays only. - **Granted 17/10/2003**

8700998 - Change of use of the basement and ground floor to a wine bar/restaurant together with the erection of a single- storey ground floor rear extension and the installation of a front area escape stair as shown on drawing nos. 8703/A.00.01 00.02 and 8703/A.01.01 01.02 – **Granted 20/10/1987**

7073 - Change of use of the basement and ground floor of 332, Kilburn High Road, Camden, from office to shop (Class I). - **Granted 25/06/1969**

21540 – Certificate of lawfulness: the first, second and third floors offices - **Granted 08/01/1976**

12718 - Change of use of the ground floor and basement of 332 kilburn High Road N.W.6. from shop to estate agents office. - **Refusal 02/03/1972**

328 Kilburn High Road (Brondes Age PH)

2015/4993/P - First floor extensions and creation of a roof terrace bar (A4) to be used in connection with the ground floor mixed restaurant/bar use (Sui Generis) – **Refused 11/04/2016**.

Relevant policies

National Planning Policy Framework (2012)

London Plan (2016)

Camden Local Plan (2017)

A1 Managing the impact of development

D1 Design

Camden Planning Guidance

CPG1 Design (2015)

CPG6 Amenity (2011)

Assessment

1. The proposal

1.1. This application seeks planning permission for the following:

- Creation of first floor and second floor rear roof terraces
- Alterations to openings (A window on the side of the outrigger would be replaced with a door to provide access to the first floor terrace)

1.2. The first floor roof terrace would be sited to the side of the existing first floor rear extension (outrigger) but would not extend the whole length of the outrigger (it would be set back by approximately 0.6 metres). In total, the first floor roof terrace would measure up to 4.1 metres long and up to 2 metres wide.

1.3. The boundary treatment would be in the form of solid timber fencing. The fencing would be on the shared boundary with No. 330 (to the south) for a distance of 1.5 metres (at a height of 1.5 metres above the adjacent floor level). It would then step in by 0.4 metres and would extend for a further 2.6 metres (at a height of 1.1 metres).

1.4. The second floor roof terrace would be above the first floor rear extension and would measure 3.4 metres by 3.5 metres.

1.5. The boundary treatment would also be in the form of solid timber fencing. The fencing would be set in from the northern edge of the roof (the shared boundary with No. 334) by 0.7 metres; it would be set in from the rear (eastern) edge of the roof by 1.2 metres; and it would be set in from the southern edge of the roof by 0.2 metres. The fencing would be 1.8 metres high for a distance of 1.5 metres outwards from the host building. The remainder (2 metres) would measure 1.5 metres high.

1.6. A window on the side of the outrigger would be changed to a door, to provide level access to the newly created first floor roof terrace from the residential unit.

2. Revisions

2.1. The plans have been revised during the course of the application to alter the position and height of the boundary treatment around the roof terraces.

3. Principal considerations

3.1. The principal considerations material to the determination of this application are summarised as follows:

- Impact on the character and appearance of the host building and wider area
- Impact on the visual and residential amenities of the occupiers of nearby and neighbouring residential properties

4. Impact on the character and appearance of the host building and wider area

- 4.1. The group of buildings (Nos. 330-334 Kilburn High Road) are classed as a non-designated heritage asset, which appear on Camden's Local List due to architectural and townscape significance. However, the proposed roof terraces would be sited at the rear of the host building where they would not be visible in the street scene along Kilburn High Road, or be visible in the public realm (except in views from the railway track), which mitigates the impact.
- 4.2. The proposed roof terraces have been designed to minimise their visual impact. At first floor level, the proposed roof terrace would not extend as far outwards as the existing outrigger and it is therefore considered that it would be viewed as a subservient addition to the building.
- 4.3. At second floor level, the boundary treatment would be set in from all edges of the roof, which again would mitigate the visual impact of the feature and give it a subservient character.
- 4.4. The use of solid timber fencing is considered to be acceptable provided that a good quality form of fencing is used. On this basis, a suitable condition is suggested to require the applicant to submit details and samples of the proposed fencing prior to the commencement of works.
- 4.5. Changing the side-facing window on the outrigger to a door, to allow level access to the newly created roof terrace, is not considered to be harmful to the character and appearance of the host building. Furthermore, this alteration would be largely screened from view by the new boundary treatment around the roof terrace, and due to the position of the opening.
- 4.6. Subject to the suggested condition, the proposal is considered to be acceptable in this respect.

5. Impact on the visual and residential amenities of the occupiers of nearby and neighbouring residential properties

- 5.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial light levels; noise and vibration.
- 5.2. The main properties which may be affected by the proposal are the immediate neighbours, Nos. 330 and 334 Kilburn High Road; and the properties to the rear on Iverson Road.
- 5.3. The roof terraces have been designed to mitigate the impact on nearby and neighbouring properties. At first floor level, the proposed roof terrace would not extend as far outwards as the existing outrigger, which means that users of the terrace would not be able to see into the gardens of properties on Iverson Road due to the length of the roof of the ground floor rear extension. Furthermore, the proposed roof terrace would not appear overbearing when viewed from the gardens on Iverson Road.
- 5.4. Views would be available from the first floor roof terrace towards the neighbouring property, No. 330 (to the south); however, the boundary treatment on the southern side of the roof terrace would be 1.5 metres high for a distance of 1.5 metres and it would then step in by 0.4 metres and would extend for a further 2.6 metres at a height of 1.1 metres. This is considered to be acceptable to prevent any direct overlooking into the nearest window at No. 330. Similarly, it is not considered that the roof terrace would appear overbearing when viewed from No. 330.
- 5.5. No. 330 does not have a rear outdoor area; instead it has a sloping roof. As such, there would be no overlooking between adjacent roof terraces.
- 5.6. At second floor level, the boundary treatment for the proposed roof terrace would be set in

from all edges of the roof to mitigate the impact on neighbouring properties. Although some views into neighbouring gardens and properties might be possible, it is not considered that the level of overlooking would be unduly harmful to the occupiers. This is because any views would be at an angle rather than direct.

- 5.7. Furthermore, it is not considered that the second floor roof terrace would appear overbearing when viewed from neighbouring and nearby properties and gardens.
- 5.8. Concerns have been raised about noise from the use of the roof terraces. However, the roof terraces would serve residential flats and it is not considered that the level of noise generated from such a use would be unduly harmful to the residential amenities of nearby and neighbouring properties.
- 5.9. Internal changes to the host building would be required in order to allow access to the roof terraces from the commercial use (currently, the residential flats are accessed via a separate door from Kilburn High Road). Nevertheless, a suitable condition is suggested to ensure that the use of the proposed roof terraces remains ancillary to the use of the adjacent residential units.
- 5.10. Subject to the suggested condition, the proposal is considered to be acceptable in this respect.

Recommendation: Grant conditional planning permission.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 31st July 2016, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Mr Oliver Thorne
Thorne Hiley Ltd
5 Chancery Lane
London
WC2A 1LG

Application Ref: **2017/1750/P**
Please ask for: **Kate Henry**
Telephone: 020 7974 **2521**

26 July 2017

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**332 Kilburn High Road
London
NW6 2QN**

DECISION

Proposal: Creation of first floor and second floor rear roof terraces; alterations to openings

Drawing Nos: CW-0030-A-001; CW-0030-A-146; CW-0030-A-216; CW-0030-A-147 Rev 02; CW-0030-A-217 Rev 02

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

Executive Director Supporting Communities



- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: CW-0030-A-001; CW-0030-A-146; CW-0030-A-216; CW-0030-A-147 Rev 02; CW-0030-A-217 Rev 02.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 Prior to the commencement of works, samples of materials, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Policy D1 of the London Borough of Camden Local Plan 2017.

- 4 The roof terraces hereby permitted shall only be used ancillary to the use of the residential units to which they are attached, and shall not be used for any other purposes.

Reason: To ensure the proposed development does not have a detrimental impact on neighbouring properties and the surrounding area, in compliance with Policies D1 and A1 of the Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 3 The applicant is advised that the annotated measurements on the proposed plans are inaccurate. The scale of 1:50 has been used in assessing and determining this application.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

DRAFT

DECISION