

Delegated Report		Analysis sheet		Expiry Date:	19/01/2018
		N/A		Consultation Expiry Date:	05/01/2018
Officer			Application Numbers		
Samir Benmbarek			2017/6543/P		
Application Address			Drawing Numbers		
87-93 Kingsgate Road London NW6 4JY			Please refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of a third floor roof extension to provide 1x2 bedroom and 1x 1bedroom self-contained flat (Class C3) and erection of three storey rear extension to No. 91 to enlarge existing office (Class B1a) and flats (Class C3) at ground, first and second floor level, following demolition of existing two storey closet wing to include associated hard landscaping and new entrance to Messina Avenue					
Recommendation:		Refuse Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	03	No. of objections	03
Summary of consultation responses:	<p>Multiple site notices were displayed in close proximity to the application site from 15/12/2017 (expiring on 05/01/2017). The site notices were displayed in the following locations:</p> <ul style="list-style-type: none"> • 2x the junction of Kingsgate Road and Messina Avenue (opposite sides); • 1x outside No. 92 Kingsgate Road; • 1x outside No. 87 Kingsgate Road; • 1x outside No. 56 Messina Avenue <p>To date, responses have been received from the following addresses:</p> <ul style="list-style-type: none"> • 82 Kingsgate Road (x2) • 56A Messina Avenue <p>The comments are summarised as below:</p> <ol style="list-style-type: none"> 1. Design of the proposal does not relate to the mainly coherent double terrace 2. Intensification of issues and services as a result of the proposal (e.g.- waste, parking, traffic) within a dense part of Kilburn 3. Would reduce public access due to reduction of the pavement 4. The submitted drawings are not an accurate or consistent representation of the setting 5. Concerns of overlooking and privacy as a result of the proposal 6. Concerns of daylight and sunlight as a result of the proposal <p>Officer's Comment's</p> <ol style="list-style-type: none"> 1. <i>Please refer to section 7.0.</i> 2. <i>It is considered that these services would not intensify adversely with the proposal. Should the proposal be approved, it would have been subject to a car-free legal agreement to mitigate parking stress and congestion.</i> 3. <i>The proposal appears to be within the remit of the application site's land and does not encroach on the public highway. The existing situation is that pedestrians are traversing via the small corner piece of land by No. 93 Kingsgate Road.</i> 4. <i>Although the existing setting may appear to have been manipulated, a site visit was undertaken to view the sites and the proposal is considered to be unacceptable on design grounds.</i> 5. <i>Please refer to section 8.0.</i> 6. <i>Please refer to section 8.0.</i> 					

**CAAC/ National
Amenity Society
comments:**

N/A

Site Description

The application is related to 4x adjoining three-storey buildings located on the eastern side of Kingsgate Road. No. 91 Kingsgate Road is a corner building, which terminates the terrace of buildings on the southeastern corner of Kingsgate Road and Messina Avenue. Nos. 87-91 Kingsgate Road front Kingsgate Road while No. 93 wraps around the corner onto Messina Avenue.

At ground floor level, the buildings are in office use (B1a) while the upper floors are in residential use (C3). The site is located on a school route to Kingsland Primary School. The buildings are not located within a conservation area, nor are they listed or locally listed.

Relevant History

(Ref: 2017/1435/P)- Planning permission refused (25/07/2017) for the erection of 3rd floor roof extension to provide 3 residential flats (Class C3) and erection of 3 storey rear extension to no. 91 to enlarge existing office and flats on ground, 1st and 2nd floors, following demolition of the existing 2 storey closet wing, plus associated hard landscaping and new entrance facing Messina Avenue.

Relevant policies

National Planning Policy Framework, 2012

The London Plan 2016

Camden Local Plan 2017

G1 (Delivery and location of growth)
H1 (Maximising housing supply)
H4 (Maximising the supply of affordable housing)
H6 (Housing choice and mix)
H7 (Large and small homes)
E2 (Employment premises and sites)
A1 (Managing the impact of development)
D1 (Design)
C5 (Access for all)
CC3 (Water and flooding)
CC5 (Waste)
T1 (Prioritising walking, cycling and public transport)
T2 (Parking and car-free development)
T4 (Promoting the sustainable movement of good and materials)
DM1 (Delivery and monitoring)

Camden Supplementary Planning Guidance

CGP1 (Design) 2015
CPG2 (Housing) 2015
CPG3 (Sustainability) 2011
CPG6 (Amenity) 2011
CPG7 (Transport) 2011
CP8 (Planning Obligations) 2015

Technical Housing Standards- Nationally Described Space Standard 2015

1. Proposal

- 1.1 Permission is sought for the erection of a single storey flat roof extensions at third floor level (roof level) across the properties as well as a three storey rear extension to provide 1x 1bedroom flat and 1x 2bedroom flat to the rear of no.91. The existing two storey closet wing at No. 91 Kingsgate Road will be demolished and a three-storey rear extension will be built in place to extend existing office and residential accommodation as well as provide access to the new residential units. At ground floor level at No. 91, the office space will be extended by 10sqm.
- 1.2 The development will also feature a new entrance from Messina Avenue to access the new units (via the three-storey extension) and associated hard landscaping by enclosing the forecourt on Messina Avenue near the junction with Kingsgate Road.
- 1.3 Planning application ref: 2017/1435/P was refused on 25 July 2017 with the following reasons for refusal:
- (i) The proposed roof extension, by reason of its height, bulk, detailed design and location within a terrace of properties with a largely unaltered roofline, would be harmful to the character and appearance of the host buildings, the terrace to which they belong and the streetscene, contrary to policy D1 (Design) of the Camden Local Plan 2017.
 - (ii) The proposed rear extension, by reason of its height, scale and detailed design, would be detrimental to the character and appearance of the host building and surrounding area, contrary to policy D1 (Design) of the Camden Local Plan 2017.
 - (iii) Two of the proposed 3rd floor units (the 1 person studio and 1 person one bedroom flat) would not meet the minimum gross internal floorspace requirements for 1 bedroom units as set out in national standards, and therefore would create substandard habitable accommodation, contrary to policy H6 (Housing choice and mix) of the Camden Local Plan 2017.
 - (iv) The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and would fail to promote more sustainable and efficient forms of transport, contrary to policies T1 (Prioritising walking, cycling and public transport) and T2 (Car-free development and limiting the availability of parking) of the Camden Local Plan 2017.
 - (v) The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians, cyclists and vehicles, contrary to policies A1 (Managing the impact of development) and T1 (Prioritising walking, cycling and public transport) of the Camden Local Plan 2017.
 - (vi) The proposed development, in the absence of a legal agreement securing a Construction Management Plan (CMP) and associated CMP Implementation Support Contribution, 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 A1 (Managing the impact of development) and T4 (Promoting the sustainable movement of goods and materials) of the Camden Local Plan 2017.
- 1.4 As stated within Informative 1 of the decision notice of planning application ref: 2017/1435/P, without prejudice to any future application or appeal, the reasons for refusal numbered 4,5 and 6 could be overcome by entering into a S106 legal agreement.

2. Assessment

2.1 The main issues for consideration are:

- Land use principles;
- Dwelling mix and the quality and standard of the proposed dwellings
- Affordable Housing;
- Transport;
- Design- the impact on the character and appearance of the host property and the wider area;
- Amenity- the impact on neighbouring amenity;
- Sustainability

3. Land use principles

3.1 Policy G1 of the Camden Local Plan promotes efficient use of land and buildings within the borough and supports growth in accessible locations. Furthermore, policy H1 seeks to maximise the supply of additional homes within the borough.

3.2 The proposal would not be introducing any new uses to the building and would be extending office space marginally and extending residential space to provide 2x self-contained flats. The office space at ground floor level at No. 91 would be extended by 10sqm in which the uplift of office floorspace is supported by the Council in line with policy E2 of the Local Plan. There it is considered that the retention and spatial extension of the existing uses within the site is acceptable.

4. Assessment of Dwelling Mix and the Quality and Standard of the Proposed Dwellings

4.1 Policy H7 of the Camden Local Plan states that the Council will aim to secure a range of homes of different sizes in all residential developments and will seek to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Sizes Priorities Table. The Priority Table indicates that market housing with two or three bedrooms are of the highest priority and most sought after unit size.

4.2 The proposed development comprises of 1x 1bedroom and 1x 2bedroom self-contained flat which results in 50% of high priority dwellings in the development. It is considered in this instance that the dwelling mix of 50% high priority housing is acceptable on balance given the constrained space to develop on at roof level and the quality of the accommodation as detailed below.

4.3 The proposal would provide 128.8sqm of residential floorspace. The proposed floorspace of the residential units have been assessed against the minimum residential space standards as set out in the Department for Communities and Local Government (DCLG), listed in the table below.

Unit	No. Bedrooms	Storeys	GIA	DCLG Standards	Difference
1	1 (2person)	1	55.8sqm	50sqm	+5.8sqm
2	2 (4 person)	1	73.0sqm	70sqm	+3.0sqm

4.4 Overall, the proposed units are considered to be of an acceptable standard as the proposed units surpass the minimum space standards for the 2x self-contained flats. The proposed bedroom sizes across the proposed flats are acceptable for double bedrooms. The proposed units are also considered to feature acceptable levels of natural light, outlook and ventilation. The proposed units will also be dual aspect.

5. Affordable Housing

5.1 Policy H4 expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to the residential floorspace of 100sqm GIA or more. This is based on an assessment where 100sqm of floorspace is considered capacity for one home. In developments that provide less than 10x units, affordable housing contributions can take the form of a payment in lieu.

5.2 The affordable housing target as detailed in policy H4 and its supporting text is based on a sliding scale with the target starting at 2% for each additional home (at 100sqm) and is increased by 2% for each home added to the capacity. The residential floorspace provided is 157.8sqm (including the extensions to the existing residential units); therefore rounded up to 200sqm for this purpose resulting in the affordable housing target being 4% for this scheme.

5.3 As outlined in CPGs 2 and 8, payments in lieu are calculated based on the gross external area (GEA) of the residential uplift floorspace concerned (see CPG8 paragraph 6.11, p.35). The GEA of the uplift floorspace is calculated at 166.16sqm. Also stated in CPG8 (figure 1, p.35), the level of payment in lieu for a market residential scheme is calculated based upon the adopted multiplier of £2,650 per sqm.

5.4 Therefore, the contribution in lieu of affordable housing provision for this proposal would equate to £16,721.50. This is calculated by 4% (the affordable housing target) of 166.16sqm (the GEA) which results in 6.31sqm. The value for this is then multiplied by £2,650 to get the payment figure of £16,721.50.

5.5 The affordable housing contribution would be secured via a S106 legal agreement were the development otherwise acceptable. In the absence of a legal agreement to secure the affordable housing contribution, the proposal cannot be supported as this would not assist the Council meet housing needs for households in the borough that are unable to access market housing contrary to policy H4.

5.6 Officers note that the lack of an affordable housing contribution did not previously form a reason for refusal under the last application. This omission was an error on behalf of the former officer as the requirements for affordable housing contribution under policy H4 were not previously discussed within the officer's report. It is noted that the previous decision was issued shortly after the Local Plan (2017) was formally adopted, whereby the requirements for affordable contributions from smaller schemes (less than 10 dwellings) was introduced under the provisions of policy H4. Notwithstanding this error made during policy context, the hereby proposed development would remain contrary to policy H4 in the absence of a contribution as outlined above. The reason for refusal is therefore included to not prejudice the Council's position in this regard and any subsequent appeal of this decision.

6. Transport

6.1 The site has a Public Transport Accessibility Level (PTAL) score of 5 and the site falls within the Kilburn Controlled Parking Zone

6.2 As per the requirement of policy T2 of the Camden Local Plan, should planning permission have been recommended for approval, it would have been subject to a car-free legal

agreement to ensure that future occupants of the development are aware that they are not entitled to on-street parking permits. Policy T2 seeks to ensure car-free development in low parking provision areas. In the absence of a legal agreement to secure the residential units as car-free housing, the proposal cannot be supported as this would contribute unacceptably to parking congestion in the surrounding area and promote the use of non-sustainable transport, contrary to policies T1 and T2 of the Camden Local Plan.

- 6.3 The development would provide 4x cycle parking spaces which is 1x more than required by the London Plan. However, as the development also includes the extension to No. 91 in which the 2x flats would become 2bedroom flats a further 4x cycle spaces are required to accommodate the occupants of these flats. No further details have been provided on the design or type of cycle parking and how it will be sheltered. The further provision of cycle parking and details would be secured by condition should the development have been approved.
- 6.4 In line with policy T4 of the Camden Local Plan, a construction management plan (CMP) should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process. This is due to the construction required and the proximity of the site to Kingsgate Primary School and to ensure that construction traffic does not create or add to existing traffic congestion in the local area. The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area.
- 6.5 The CMP also occurs an associated implementation support contribution of £3,136. It should be noted that the contribution fee has increased since the previous refusal. In the absence of a legal agreement securing the submission, contribution fee and implementation of a CMP, the development would be likely to contribute unacceptably to traffic disruption and road safety measures and would be detrimental to the amenities of the area generally, contrary to policies A1 and T4 of the Camden Local Plan.
- 6.6 Additionally, in line with policy T4 of the Camden Local Plan, it is necessary to secure a financial contribution for highways works (repaving the footway) directly adjacent to the site on Messina Avenue to allow for any damage caused during the construction of the proposed development to be repaired. This should also be secured by a S106 legal agreement. In the absence of a legal securing the highways contribution, there could be no guarantee that potential damage to the public highway as result of the construction works would be repaired, contrary to policy A1 of the Camden Local Plan.

7. Design

- 7.1 The application buildings are a row of 4x adjoining three storey buildings constructed during the Victorian era. At ground floor level there are shopfronts (although the ground floor uses are office) with a stock brick appearance and a symmetrical fenestration. The buildings are also unaltered at roof level, with a recurring pattern of valley roofs which provide visual interest and break up the roofline of this row of properties when viewed from Messina Avenue. This unimpaired roofscape is a defining characteristic of the row and contributes significantly to the character of the local area.
- 7.2 Officers note that No. 92 Kingsgate Road on the opposite side of the terrace has had a mansard roof extension added which was granted permission in 2005. It should be noted that since this decision, the national, regional and local planning policy frameworks have altered significantly.). As a result, this historic decision is not considered to set a precedent for the host row of buildings.
- 7.3 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations are contained within policy D1 are relevant to the application: development should consider the character, setting, context and the form and

scale of the neighbouring building, and the quality of materials to be used.

- 7.4 In conjunction with policy D1, CPG1 (Design) advises that roof alterations or additions are unlikely to be acceptable where buildings are already higher than neighbouring buildings and where complete terraces have a roofline which is largely unimpaired by alterations or extensions.
- 7.5 The proposed roof extension is considered to add excessive bulk and height to an unaltered roofline and would be out of keeping with the unaltered character of the terrace as a whole. In public views, the proposed roof extension would appear highly prominent and incongruous and would act to erode the otherwise highly uniform appearance of the host terrace and local area. As the proposed extensions would only extend half way down the terrace, the resulting unbalancing affect caused upon the row would exacerbate these impacts. As such, the proposal is considered unacceptable in principle.
- 7.6 The proposal has sought to address the loss of the valley profile within the roofs by setting the proposal back slightly in order to retain the integrity of the existing roofline. Although it does maintain the valley roof profile of the application buildings, when viewed as a terrace as a whole, it is considered that the proposal disrupts the rhythm and form of the rear of the entire terrace which has been unaltered. It is noted that these rear valley roofs are an important part of the roovescape and clearly visible from the public realm in Messina Avenue.
- 7.7 The shape and massing of the proposed extension does not relate to the proportions of the existing building, particularly when viewed from the side elevation. The detailed design, in particular the windows arrangement, is in uniform with the fenestration of the existing buildings below and is carried through. The choice of materials are considered contemporary and appropriate. However, this does not mitigate the principle concerns of a roof addition as explained previously.
- 7.8 The proposal also seeks to demolish the existing closet wing of No. 93 Kingsgate Road and to construct a three-storey rear extension to eaves level, incorporating a flat roof, to provide access to the new units and to enable the reconfiguring of the existing residential units.
- 7.9 CPG1 indicates that unsympathetic rear/side extensions can alter the harmony and balance of a group of buildings, and that rear extensions would not be acceptable where they would diverge significantly from the historic pattern. Rear extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged.
- 7.10 The closet wings to the rear of Nos. 77-93 Kingsgate Road are uniform in scale and design. They are all set below the main eaves level and feature a clear rhythm and this appears as a characteristic feature of the rear elevations on the houses, including when seen from Messina Avenue.
- 7.11 In this case, and in light of the general uniformity in the basic design and scale of the exiting rear closet extensions, it is considered that the proposed rear extension would be detrimental to the harmony of the group of buildings, which are visible in part from Messina Avenue. As such, the proposal would result in harm to the character and appearance of the row of dwellings and the area generally.
- 7.12 Other development within the proposal include the extension of the existing low boundary wall, fencing, installation of a entrance gate along Messina Avenue and some small hardstanding and planting works, which is considered to be acceptable.
- 7.13 For the reasons outlined above, both the mansard roof and rear extension would cause harm to the character and appearance of the building, the terrace to which it belongs, and the surrounding area and as such would conflict with policy D1 and design guidance in CPG1 that, amongst other things, require new development to respect the local context and character.

8. Amenity

- 8.1 The site is neighboured by a number of buildings with residential uses that need to be taken into regard when assessing impacts of amenity. Within the Local Plan, protecting the quality of life for occupiers and neighbours is important. In particular, policy A1 ensures that development will not cause adverse impacts upon neighbouring occupiers in terms of sunlight, daylight, privacy and overlooking, noise and vibration and odour.
- 8.2 CPG6 notes that there should normally be a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other to prevent overlooking. This cannot be achieved at the application site.
- 8.3 The proposed new windows are clustered to the northern and western elevations. Located to the west of the site across Kingsgate Road are Nos. 76-92 which would appear to provide residential accommodation at first floor level and above.
- 8.4 Although the separation distance is less than the required standard, a similar relationship between buildings in the street already exists, thus there is unlikely to be a harmful increased level of overlooking. In a narrow urban setting such as this, some degree of overlooking between facing units would be expected by future occupiers.
- 8.5 It is considered that the proposed roof and rear extension would not impact upon the daylight and sunlight upon adjoining residential occupiers as there are no habitable windows at No. 95 Messina Avenue or No. 91 Kingsgate Road (which is part of the application buildings) which would face the rear extension. Furthermore, by virtue of its position upon the roof, the roof extension would not affect daylight, sunlight and outlook of neighbouring occupiers.

9. Sustainability

- 9.1 Policy CC1 (climate change mitigation) notes that the Council will require all development to takes measures to minimise the effects of, and adapt to, climate change and the policy encourages all development to meet the highest feasible environmental standards that are financially viable during construction and occupation.
- 9.2 No details have been submitted in respect of this; had the proposal otherwise been acceptable, further information would have been requested/secured via condition.
- 9.3 All new build or converted dwelling will be required to achieve 110L per person, per day (including 5L of water for external use). This would be secured by condition should planning permission been granted.

10. Community Infrastructure Levy (CIL)

- 10.1 Had the proposal otherwise been acceptable, it would have been liable for the Mayor of London and Camden CIL as the scheme involves more than 1x dwelling and 100sqm uplift of residential floorspace. The Mayoral CIL rate in Camden is £50 per sqm and the Camden CIL rate for residential development (below 10 dwellings) is £500 per sqm.

11. Recommendation

Refuse Planning Permission.

