**Planning Statement**

**Solicitor’s Offices and Premises at 1st Floor**

**108 Kilburn High Road, London, NW6 4HY**

**1. Location and Site description**

The site comprises the upper floors of 2 x four storey mid-terrace Victorian buildings on the north-east side of Kilburn High Road. The upper floors of No 108 are vacant but were occupied by a firm of solicitors being an A2 Financial and Professional Services use. The upper floors of No 110 are self-contained flats (C3 use).

The ground floor accommodation does not comprise any part of the proposal. No 108 is occupied as an amusement arcade (Sui Generis) and No 110 is occupied by Poundland (A1) at ground floor level (together with 112 and 114).

In terms of existing extensions to the buildings, No 108 retains its original roof form. No 110 has a mansard style rear roof extension with a front terrace overlooking Kilburn High Road. Nos 112 and 114 are similarly extended at roof level. No 106 has a mansard style front roof and the rear roof form is partly a long catslide sloping roof and partly, in conjunction with 104 is built to eaves at third storey level with a standard sloping roof with dormer windows. No 106 is extended at the rear.

Nos 108 -114 have a single storey ground floor extension, which provides an extensive flat roof as an amenity and access to the residential properties at 110/114. The flat roof space is some 14m deep by 20m wide. The access leads to Quex Mews and was approved in 2005 (ref: 2004/2354/P). The access currently serves 15 self-contained flats.

The site is located within Kilburn Town Centre and is part of the primary retail frontage.

The site is not situated in a conservation area.

All the adjoining properties have residential uses on the first and upper floors, ie 106, 110, 112, 114 Kilburn High Road and 1-29 Quex Mews plus the rear of 44-46 Birchington Road.

**2. The Proposed Scheme:**

The proposal is informed by a pre-application request for advice, Ref 2019/3963/PRE, albeit that the proposed use was residential but for HMO rooms. As the proposed use is also residential, the relevant advice has been carefully incorporated into this proposal.

The application is for:

a) Conversion of upper floors of 108 Kilburn High Road from solicitor’s office (Class A2) to C3 Residential comprising 6 x studio self-contained flats and constructing an infill extension at each level between the existing structures at 106 and 110 Kilburn High Road

b) Associated lateral conversion for access between 108 and 110 Kilburn High Road via Quex Mews;

c) Erection of additional floor at No 108 with a front and rear mansard roof to create 1 x 2 bedroom self-contained flat;

d) Erection of a front extension with a mansard roof to 110 Kilburn High Road to extend the floor area of the existing 1 bedroom self- contained flat;

e) Alterations to the front elevation at 108 Kilburn High Road comprising revised fenestration and render details to match 110 Kilburn High Road and revisions to the shop front of the ground floor unit at 108 Kilburn High Road;

f) Addition of a green roof finish to the rear flat roof.

g) Rear extension at 1st, 2nd and 3rd floors, 2.5m deep, between the existing walls of the staircase of No 110 and the flank wall of No 106.

**3. Relevant planning history**

*108 Kilburn High Road*

9200293 - Change of use from shop to an amusement arcade – Granted 02/07/1992

*110 Kilburn High Road*

2004/4354/P - The Change of use of the first to third floors from storage ancillary to the ground floor shop (Class A1) to 3x self-contained flats incorporating works of conversions and extension comprising the erection of a roof extension and a rear stair enclosure at first and second floor levels, the installation of a new access to Quex Mews and the replacement of windows. Granted subject to a section 106 legal agreement 27/04/2005

**4. Relevant planning policies and guidance**

*National Planning Policy Framework 2019*

*The London Plan 2016*

*Draft London Plan 2018*

*Camden Local Plan 2017*

G1 Delivery and location of growth

H1 Maximising housing supply

H6 Housing Choice and Mix

A1 Managing the impact of development

D1 Design

D3 Shopfronts

CC1 Climate change mitigation

CC3 Water and flooding

CC5 Waste

C6 Access for all

T1 Prioritising walking, cycling and public transport

T2 Car-free development and limiting the availability of parking

TC2 Camden’s Centres: Housing above shops

TC4 Town Centre Uses

DM1 Delivery and Monitoring

*Camden Planning Guidance 2018*

CPG (Design)

CPG (Housing)

CPG (Sustainability)

CPG (Amenity)

CPG (Town Centres)

CPG (Transport)

CPG (Developer’s Contributions)

**5. Key Planning Considerations:**

The planning matters that are material to this proposal are:

i) Land use

ii) Housing

iii) Design

iv) Amenity

v) Town Centres

vi) Transport

vii) Sustainability

viii) Waste

ix) Planning obligations/CIL

*5(i(a)) Land use: Existing*

As originally constructed over 100 years ago, the upper floors were clearly designed as residential accommodation.

The first, second and third floors have been unused for over 20 years. The accommodation was last occupied by a solicitor’s firm over 20 years ago. The firm’s identity is seen on the upper floor windows and indicates the firm’s intent to reach out to the public and evidences A2 use.

The original lease to the amusement arcade operator includes the Permitted Use of A2.

Class E (GPDO 2015, Schedule 2) contemplates an A2 use without a shop front and the definition of ‘building’ in the GPDO 2015 includes ‘any part of a building’.

There is no reason to consider that the existing or last known use was anything other than A2.

*5(i)(b) Land Use: Proposed*

Change of use from storage to residential was granted on No 110 in 2005. The applicant owns Nos 110, 112 and 114 and it is logical that No 108, the application property, should be converted to residential use.

The location plan shows edged blue the applicant’s other ownerships adjoining the application site. These flats, together with other flats in Quex Mews and Birchington Road, form a permanent portfolio of flats let to the general public. The new flats in the application properties would be added to the rental portfolio.

Policy H1(d) seeks to secure a sufficient supply of homes and in particular seeks to maximise the reasonable provision of housing where the site is vacant or underused.

Policy H6 seeks high quality accessible homes. Paragraph (d) seeks homes which meet the nationally prescribed space standards. Paragraph (e) seeks a diverse range of housing products. Paragraph (g) supports the development of private rented homes. This proposal meets these policy requirements.

Policy H7 seeks a mix of large and small homes. Describing the potential mix, the policy states *‘We will take a flexibIe approach to assessing the mix of dwelling sizes proposed in each development’.*

Bearing in mind the proximity of the 15 other flats, which surround the flats roofs to the rear roof 108-114 Kilburn High Road and the possibility of loss of amenity to existing occupiers by reason of noise from recreational activities, the mix of unit sizes aims to provide for single or married couples with no children. This also provides for those starting out in their careers and needing more economical accommodation but not necessarily affordable accommodation. Having regard to council’s declared ‘flexible approach’, the three existing 2 bedroom flats in 110, which belong to the applicant and are rented out, the proposed mix would be 6 x studios, 1 x 1 bedroom flat and 4 x 2 bedroom flat. This is a reasonable mix.

*5(i)(c) Land use – conclusion*

It is considered that the loss of financial/professional space is acceptable given the provision of private rented residential accommodation, for which the council has approved policies seeking additional self-contained housing.

**5(ii). Housing**

*Standard of accommodation*

*Floor Space:*

Local Plan policy H6(d) requires the floorspace to meet the nationally prescribed floor space standards.

The standard for a studio flat is 37 sq m and for a one bedroom flat is 50 sqm. The proposed floor areas are:

108 Kilburn High Road:

Flat 1 Studio flat 40.7 sq m

Flat 2 Studio flat 41.2 sq m

Flat 3 Studio flat 42.0 sq m

Flat 4 Studio flat 41.0 sq m

Flat 5 Studio flat 42.3 sq m

Flat 6 Studio flat 41.3 sq m

Flat 7 2 Bedroom flat 66.1 sq m

110 Kilburn High Road

Flat 27 1 Bedroom flat 58.2 sq m (existing is 35.8 sq m)

Each flat also meets the bedroom dimension and floor area standard of a minimum width of 2.15m and 7.5 sq m for a single bedroom; and 2.75m and 11.5 sq m for a double bedroom.

*Access:*

The main entrance for the 7 new and 1 extended flat would be via an existing doorway to the rear of No 110 that currently serves 2 existing units.

This access is proposed in order to maximise the potential floor space of the new flats. The current ratio of useable space to floor plate is only 75% in 108. Access via 110 improves the ratio of useable floor space to an excellent 91%.

The existing floor areas of the three flats in No 108 are limited by the stairwell and this limits the useable floor area to about 55 sq m per floor. Under the 2015 floor space standards, the maximum potential of the three floors would be 3 x 1 bedroom 2 person flats. Two bedroom flats would likely to accommodate children, which the council agrees would be likely to create loss of amenity to the adjoining flats and occupiers. This would sensibly preclude any 3 bedroom flats. This is discussed further below under Amenity.

The flats above No 110 do not have access from the High Road directly. In 2005, conversion of the floors above provided a new pedestrian access via Quex Mews. The additional benefit of this new access was to enable the space occupied by the original staircase to be included in the shop floor space thus increasing its rateable value and trading potential and meeting the policy aims of the council to improve the viability and vitality of the Kilburn Town Centre. In this case also, the staircase below would be released to add valuable frontage to the sui generis shop unit below.

The existing staircase to No 110 is accessed via Quex Mews and has the protection of a gated entrance secured by an electronic lock for both access and egress. Access is along a short length of the mews and then upwards by a flight of external stairs and across the flat roof of Nos 110-114 in accordance with the route approved in 2005. This access currently serves 15 existing flats and would serve 23 flats in all. The access is fully acceptable to tenants. None express any concerns about the access.

Concerns expressed in the pre-application response about crime and community safety are unwarranted as the security of the flats is maintained by the electronically controlled gated access.

Communal outdoor space was proposed above the existing ground floor extension in the pre-application design. Whilst additional amenity space was welcomed, in this instance there were concerns for the surrounding residents in terms of privacy and peaceful enjoyment of their homes.

Therefore, this application includes the addition of a green roof above the ground floor rear extension of No 108 and 110 but excludes access by future occupiers. This is discussed further in the ‘Amenity’ section for more detail.

**5(iii) Design**

*The erection of a new Mansard Roof to Nos 108-110:*

Nos 102-106 have an existing Mansard roof detail and 102 has a four storey elevation to Kilburn High Road and to Birchington Road.

No.110-114 all already have a fourth floor roof addition, which has a mansard roof at the rear and a flat front wall that is well set back from the front parapet and therefore not visible from the street. However, terraces have been set out to the front of the extensions above 110-114, the balustrade of which is visible from the street and is a very unsympathetic contribution to the streetscene.

At the north end of the terrace comprising 12 properties, Nos 102-124, is a five storey office building (Nos 122-124).

108 Kilburn High Road retains its original valley roof form and sits uncomfortably between the neighbouring properties.

The proposal is to erect a traditional mansard extension on both properties, Nos 108 and 110, to provide a new 1 bedroom flat above 108 and an extended 1 bedroom flat above 110.

The mansards would be set behind the front parapet with a 70-degree slope in accordance with CPG Design. It would feature two rooflights on the front and rear roof slopes. The three adjoining properties at Nos 102-106 already have a front mansard style roof.

The proposed mansard roof over Nos 108-110 incorporates a set-back that is similar to and therefore relates well to the existing mansard roof form above Nos 102-106. Whilst guidance states that mansard roof additions are generally unacceptable where they are not the established roof form, in this instance the adjoining roofline at 106 Kilburn High Road is already finished in a mansard style. Above Nos 110-114, the roofline has already been interrupted by unsightly roof level balustrading, particularly at Nos 112-114, which is very prominent from street level.

The existing balustrade would be removed in association with the provision of the new mansard roof.

*Front elevation alterations*

In the past, the front elevation of 108 Kilburn High road has undergone considerable insensitive alterations involving what appears as a first floor shopfront, complete with full height obscure glazing in place of the original windows and a timber surround with fascia board. This first floor level shop front has a severe impact on daylight and sunlight levels in the first floor A2 floor space. At ground floor level, a more traditional shopfront exists albeit with a deeper than desirable fascia board.

The proposal includes:

a) removing the upper part of the shop front at first floor level,

b) restoring the original elevation at first floor and

c) adding new render window surrounds and eaves fascia to match those found on the properties at 110-114,

d) reinstating brickwork with two sliding sash windows and rendered surrounds.

This would be a significant and welcome improvement to the building that would correct the building’s relationship with its neighbours and vastly improve its contribution to the streetscene.

Not included in this application but intended as a future improvement once agreed with the amusement arcade on the ground floor, the staircase from the street to the first floor would be removed and the resultant floor space added to the ground floor unit. This will contribute to the vitality and viability of the Kilburn Town Centre by adding floor space to a unit in the prime retail frontage

*Rear Elevation Alterations/extension*

A 2.5m deep extension is proposed to the rear of No 108. The side walls are existing being the wall of the staircase at No 110 and the high flank wall of the rear part of No 106. The height of the extension matches the three storey height of the rear walls of 104 and 106 beyond the catslide roof of 106. The new extension would complement the existing features of 1-4 and 106.

There are opposing windows of habitable rooms in 28-29 Quex Mews. The separation between the windows of the new extension and the windows of 28-29 Quex Mews is 19.1m. This accords with the London Plan separation distance of 18m minimum.

**5(iv) Amenity**

Access for the future occupants of the studio and 1 bedroom flats is proposed via the first floor flat roof above Nos 110-114. The existing staircase at No 110 will provide access via the landing at each floor level into No 108 via a new door at each landing.

The use of the flat roof as a means of residential access is already a consented situation for those units at 110, 112, 114 Kilburn High Road, 6-15 Quex Mews and 28-29 Quex Mews. The flat roof lacks landscaping and has a utilitarian character, which suggests that the flat roof is more a transitional space used for entering and exiting the residential accommodation, rather than an area enjoyed by the residents of the 15 flats which have access via the roof above Nos 110-114.

The proposed situation would introduce 7 new occupiers, which is expected to have an impact on the nature and frequency of use of the roof as an outdoor amenity terrace. This is a modest increase.

The pre-application design proposed to convert a currently unused (for amenity purposes) first floor flat roof into a landscaped amenity area for the new HMO units. Surrounding the flat roof area are several buildings in residential use, all self-contained flats, including on Quex Mews and mostly in the ownership of the applicant. Introducing more users to this area could result in increased overlooking to these habitable windows and a material loss of privacy. In accordance with pre-application advice, the flat roof over the rear of 108 and 110 Kilburn High Road would be a green sedum roof, accessible only for maintenance purposes.

**5(v) Town Centres**

108 Kilburn High Road is within the prime frontages of Kilburn Town Centre. Town centre policies encourage proposals, which enhance the viability and vitality of the prime shopping frontages.

The ground floor unit and staircase to the first floor are not part of this application. The intent in the future is that the ground floor unit would benefit from additional frontage and sales space by the addition of the space currently occupied by the access staircase to the upper floors. This staircase would become redundant once access to the upper floors is gained via the existing staircase in 110 Kilburn High and become available to add to the trading space of the ground floor unit.

There are no specific policies restricting the loss of A2 financial and professional floor space. Camden Planning Guidance/Town centres and retail/Kilburn states at paragraph 4.58 that the town centre has a high proportion of …… financial ……….. services. The loss of this dilapidated space of only 55 sq m per floor is very unlikely to reduce accessibility of the public to adequate financial and professional services in this town centre.

Conversion of two floors into small flats without any restriction on floor space standards is permitted by Class M of the GPDO 2015 (as amended). The applicant chooses to seek planning permission for flats, which do meet the nationally described floor space standards.

**5(vi) Transport considerations**

*Car parking*

Policy T2 of the Camden Local Plan states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. The applicant is agreeable to a Section 106 planning obligation to secure the car- free status of the 7 new flats if planning permission is granted.

*Cycle parking*

Policy T1 of the Camden Local Plan requires development to provide cycle parking facilities in accordance with the minimum requirements of the London Plan and the design requirements outlined in Camden Planning Guidance: Transport.

The London Plan 2016 cycle parking standards (Table 6.3) requires one cycle parking space per studio or 1 bedroom flat. As the site is 100% built up, storage for bicycles cannot be provided within the dwelling or within the boundaries of the site. The cycle storage requirements would be 8 cycles. Pre-application advice indicates that it may be possible for the council to waive the requirement, subject to a contribution for an off-site but proximate cycle hangar to be quoted for at application stage.

**5(vii) Sustainability**

Policies D1 and CC2 of the Local Plan encourage sustainable urban drainage systems, green roofs and walls and high quality hard and soft landscaping. A green sedum roof at first floor level above the ground floor extension at no.108and 110 is included in the proposal. The flat roof of the 2.5m rear extension to No 108 would also have a sedum green roof. The crown roof above the new flat above No 108 and above the extended flat above No 110 would have a green sedum roof. The combined area of green roof would have a significant beneficial effect on the outflow of rainwater from Nos 108 and 110.

The Council seeks to ensure that development does not increase flood risk and reduces the risk of flooding where possible, through the incorporation of water efficiency measures (policy CC3). This proposal meets this policy

This proposal will meet BREEAM water efficiency credits and would be achieved through the installation of water efficient fittings and appliances, which could to help reduce energy consumption as well as water consumption. The fittings and fixtures would be designed to meet the requirement of 110 litres per person per day (including 5 litres for external water use).

**5(viii) Waste: Refuse and recycling**

There is an existing covered store for refuse and recycling materials at the rear of 116 Kilburn High Road. The store serves 116 Kilburn High Road and the flats in Quex Mews and on the upper floors of 110-114 Kilburn High Road. There is ample capacity to serve the additional flats.

 **5(ix) Planning obligations/ Community Infrastructure Levy**

The following Section 106 planning obligations area acknowledged as being required should planning permission be granted:

a) Car free development: the occupiers of the new flats would not be entitled to resident’s parking permits. The extended flat above 110 would not create additional parking stress and would retain its current right to a resident’s parking permit.

b) Affordable housing contribution; to be agreed by means of a viability assessment.

c) Cycle parking contribution: The financial contribution to the provision of a kerbside hangar is acknowledged and would be acceptable as part of the S106 agreement.

d) Community Infrastructure Levy: The usual CIL form has been completed.

**6. Conclusion**

The proposal for the conversion of the upper floors from a solicitor’s office to 6 studio flats and 1 new 1 bedroom 2 person flat and the extension of the existing 1 bedroom 2 person flat above 110 Kilburn High Road should be approved.

The proposal has the following design attributes and benefits;

Seven new self-contained flats and an extended existing flat and this is a reasonable mix of studios, and 1 and 2 bedroom flats.

The removal of the existing staircase increases the usability of the floor plate from 75% to 91%.

The removal of the existing staircase enables the ground floor unit to gain 1.2m of valuable zone A retail space in a primary shopping centre frontage.

The new rear extension improves the appearance of the rear elevation and is complementary to the existing projections at 104-106, 110 and 112-114.

A significant improvement to the street scene by the alterations to the front elevation, the removal of the excessively high shop front and the removal of the balustrade above No 110.

A new, secure, private, quiet access to the upper floors of No 108.

New green roof finishes to the roof areas of No 108 and No 110 would greatly increase mitigation of rainwater discharge.

The new green roof over the flat roof above the rear ground floor of No 108and 110 would improve visual amenity without affecting the privacy and quiet enjoyment of neighbours.

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Stuart Cunliffe

October 2019 (Revised December 2019 following pre-validation discussions)