

Application ref: 2020/0150/P
Contact: David Peres Da Costa
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Date: 12 March 2020

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Miss Megan Yeaman
Hillview House
1 Halleswelle Parade
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Approval of Details Granted

Address:

254 Kilburn High Road
London
NW6 2BS

Proposal: Details required by Condition 11 (privacy measures) granted under reference 2015/2775/P dated 22/12/2016 and varied by minor material amendment (2017/4669/P) dated 18/09/2018 (Redevelopment to provide a mixed use development, comprising the erection of six storey building to provide 955 sqm of commercial space (Classes B1 and B8) and 60 dwellings).

Drawing Nos: 3144_: 200; 201; 202; 203; 204; 205; 206; Condition 11 Discharge prepared by Godfrey dated 9th December 2019

The Council has considered your application and decided to grant approval of details.

Informative(s):

1 Reason for granting permission

Condition 11 requires details of privacy measures for the roof terraces to specified flats (flats 111, 212, 312, 412, 510) in order to protect the privacy of the future occupiers of the flats proposed at No. 248 Kilburn High Road. When the original planning permission (2015/2775/P) was granted, a residential development had been approved at 248 Kilburn High Road with windows facing towards the northwest. Condition 11 appears to have been drafted to

protect the privacy of these windows, so that future occupiers of the terraces of the proposed flats on the corner of the building (111, 212, 312, 412, 510) would not be able to look towards the approved windows of 248 Kilburn High Road. The officer's committee report for 2015/2775/P does not provide a rationale for this condition in the report. Neither is a rationale provided in the committee report for the previous application 2014/3244/P, which also recommended such a condition.

Since the development was approved (2015/2775/P), an alternative scheme has been approved and implemented for 246-248 Kilburn High Road (2017/3206/P). The officer's committee report for 2017/3206/P states that:

"254 Kilburn High Road has planning permission for the erection of a building containing 60 dwellings. The proposed flats in this block would not be materially affected by the application in question, given the orientation of this approved and the proposed applications."

The approved design of 246-248 Kilburn High Road shows a solid brick wall on the boundary of 246 KHR, between this development and 254 KHR. 2017/3206/P has been implemented and construction commenced. Site photos clearly showing the construction of this wall. Given the approved wall between the properties, it is accepted that no further screening is required to the approved flats (111, 212, 312, 412, 510) on the corner of 254 Kilburn High Road. The details submitted therefore demonstrate there would be no unreasonable overlooking of neighbouring premises.

The planning and appeal history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance policy CS5 of the London Borough of Camden Local Development Framework Core Strategy, and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 2 You are advised that details have been submitted for conditions 9 (site remediation verification statement) and 20 (maximum internal water use) of planning permission ref 2015/2775/P dated 22/12/2016 (as amended by 2017/4669/P dated 18/09/2018) and these are currently being assessed.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned in the upper left corner of the page.

Daniel Pope
Chief Planning Officer