

Delegated Report		Analysis sheet		Expiry Date:		06/11/2020	
		N/A / attached		Consultation Expiry Date:		09/11/2020	
Officer				Application Number(s)			
Kristina Smith				2020/4152/P			
Application Address				Drawing Numbers			
108 - 110 Kilburn High Road London NW6 4HY				Refer to Decision Notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Conversion of upper floors of 108 Kilburn High Road from solicitors office (Class E); erection of three storey rear extension with terrace above; mansard roof extensions across no's 108 and 110 and alterations to front elevation in association with provision of eight self-contained flats (use Class C3) accessed via Quex Mews.							
Recommendation(s):		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. of responses		00	No. of objections		00
Summary of consultation responses:		<u>A site notice was displayed from 16/10/2020 (expired 09/11/2020)</u> No responses were received					
Local groups comments:		No responses received from Kilburn Neighbourhood Forum or any other local group					

Site Description

The site comprises two four storey mid-terrace buildings on the north-east side of Kilburn High Road. No. 108 Kilburn High Road includes an amusement arcade (Sui Generis) at ground floor level with a solicitor's office (Class E) at upper floors. No. 110 is occupied by Poundland (Class E) at ground floor level with self-contained residential (C3) above.

In terms of existing extensions to the buildings, no.108 retains its original valley roof form whilst no.110 has a non-traditional roof extension with front terrace in common with no's 112 and 114. To the rear, both properties have a single storey ground floor extension that infills the entire site footprint. Above the extension, no.110 has provided a terrace area that is accessed via Quex Mews and forms part of the access route to the existing residential units.

The site is located within Kilburn Town Centre and is part of the primary retail frontage. It is not situated in a conservation area.

Relevant History

2019/5282/P - Conversion of upper floors of 108 Kilburn High Road from solicitors office; erection of three storey rear extension; part replacement mansard roof extensions across no's 108 and 110 and alterations to front elevation in association with provision of eight self-contained flats (use Class C3) accessed via Quex Mews. **Refused 28/02/2020 on the following grounds:**

- The proposed three storey rear extension, by reason of its height, width and location would fail to be a sensitive and contextual addition, to the detriment of the host building and neighbouring buildings contrary to policy D1 of the Camden Local Plan 2017.
- The proposed development would fail to secure a range of homes of different sizes that will contribute to the creation of mixed, inclusive and sustainable communities, contrary to policy H7 of the Camden Local Plan 2017.
- The proposed development would fail to provide a legible, direct and accessible route to and from the residential units contrary to policies D1 and C6 of the Camden Local Plan 2017.
- Absence of a legal agreement to secure: a contribution to cycle parking, car-free housing, contribution to affordable housing, absence of a legal agreement (and associated support contribution)

108 Kilburn High Road

2014/2665/P - Use of basement as amusement centre in association with ground floor (sui generis) along with erection of smoking shelter at rear first floor level. **Refused 05/08/2014 on the grounds that:**

- The proposed first floor enclosure by virtue of its scale, material, design and siting would appearance as an incongruous and unsympathetic addition to the host building
- The proposed smoking shelter by virtue of its proximity to neighbouring properties 106, 108 and 110 Kilburn High Road, would be likely to result in increased noise and disturbance to these properties thereby impacting detrimentally on their amenity

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**

Relevant policies

[National Planning Policy Framework 2019](#)

[The London Plan 2016](#)

[Intend to Publish London Plan 2019](#)

[Camden Local Plan 2017](#)

G1 Delivery and location of growth
H1 Maximising housing supply
H6 Housing choice and mix
H7 Large and small homes
A1 Managing the impact of development
D1 Design
D3 Shopfronts
CC1 Climate change mitigation
CC3 Water and flooding
CC5 Waste
C6 Access for all
TC2 Camden's centres and other shopping areas
T1 Prioritising walking, cycling and public transport
T2 Car-free development and limiting the availability of parking
DM1 Delivery and Monitoring

[Camden Planning Guidance 2018/ 2019](#)

CPG (Design)
CPG (Housing)
CPG (Sustainability)
CPG (Amenity)
CPG (Transport)
CPG (Developer's Contributions)

Assessment

1.0 Proposal and Background

1.1 Planning permission is sought for the following works:

- Conversion of upper floors of no.108 from solicitor's office (Class E) to provide 6 studio units, a 1b2p unit and a 2b3p unit (Class C3);
- Lateral conversion between no's. 108 and 110 at first through to fourth floor levels;
- Erection of hipped-sided mansard roof extension across 108 and 110;
- Alterations to front elevation at no.108;
- Provision of green roof at first floor level at no's.108-110.

1.2 An application for a very similar scheme was refused on 28/02/2020 under application ref. 2019/5282/P. The only differences between the current application and the refused application are:

- Rear extension now comprises third floor terrace above, finished with glazed balustrade;
- Revised design of mansard roof from traditional style to hipped roof form with green roof provided above;
- Extension of first floor green roof to no.110;
- Provision of revised viability report that has undergone a further independent audit by BPS.

2.0 Assessment

2.1 The main considerations in the assessment of the application for planning permission are:

- Land use
- Residential provision
- Design
- Impact on the amenity of adjoining occupiers
- Transport considerations

Land use

Loss of Class E unit

2.2 Solicitors can either function as offices (class B1(a) under previous UCO) or as retailers of a professional service (class A2 under previous UCO) depending on how the solicitors themselves operate the business. Although the unit is located above ground floor level, there is evidence from historical photographs that the business advertised itself via street level signage adjacent to the entrance door as well as window lettering at first floor level suggesting that attracting passing trade was an integral part of how the business operated. Unlike with office floorspace, there is no policy presumption to protect financial / professional services.

2.3 Since the previous application was determined, the Use Class Order has been amended which has had the effect of deleting Class A and replacing it with the broader Class E use class which encompasses commercial and services uses. Notwithstanding the UCO changes, there remains a presumption to retain commercial uses at ground floor level in town centres owing to the contribution they make to the function and character of the area. In this case, whilst accessed from street level, the Class E unit is located above ground floor level above an amusement arcade that would be retained. Its loss is therefore considered acceptable.

Provision of housing

2.4 Self-contained housing is regarded as the priority land-use of the Camden Local Plan and Policy H1 states that the Council will make housing its top priority when considering the future of unused

and underused land and buildings. The Council supports the development of housing within town centres and including above and below shops where this does not prejudice the town centre function and particularly the ability of the ground floor to be used for town centre uses. The provision of residential at first floor level and above would not affect the use of the ground floor unit which would be unchanged by the proposal with the exception of minor design alterations.

- 2.5 Through the change of use and various physical extensions to the rear and at roof level, the proposal would provide 6 studio units, a 1b2p unit and a 2b3p unit.
- 2.6 Policy H7 seeks to ensure that all housing developments including conversions a.) contributes to meeting the priorities set out in the Dwelling Size Priorities Table; and b.) includes a mix of large and small homes.
- 2.7 The Dwelling Size Priorities Table is informed by the Camden Strategic Housing Market Assessment (SHMA) which calculates the likely requirement for homes of different sizes based on the projected household composition over the Plan period, and the size/ tenure of dwelling that each household type is likely to occupy. The SHMA indicates the greatest requirement in the market sector is likely to be for two and three bed homes followed by one bed and studios. As such the Dwelling Size Priorities Table regards 2 and 3-bed as high priority and 1-beds and studios as lower.
- 2.8 The proposal would provide 7 lower priority units and only 1 higher priority unit. The applicant has claimed these have been designed for single people or couples with no children and has provided a letter from an estate agent that declares one bedroom and studio units are in great demand. However, policy recognises there is a demand for units of all sizes and the letter does not suggest that 2 or 3 bed units are not in equal or even greater demand. Therefore, it is not considered sufficient evidence to outweigh concerns regarding the unit mix.
- 2.9 The policy expects all developments to provide some dwellings of a higher priority size wherever it is practicable to do so. In this case, officers consider that alterations to the layout could achieve better compliance with policy than only 1 of 7 units. Were the rear extension to be removed from the proposal – an element that the applicant was informed was unacceptable (see design section of report for further discussion) – then the floor plate is of suitable size to accommodate dual aspect 2b4p or 3b4p units. On this occasion the applicant is seeking an extension of an unacceptable height and width in order to provide a less than optimal unit mix.
- 2.10 In terms of point b.) (mix of small and large homes) policy H7 specifically states that the Council will generally resist development proposals for self-contained general needs housing that contain only one-bedroom and studio flats. In this scenario, all but one of the units would of this size. The application is therefore refused on the basis of failing to respond to the need to support provision of a range of homes of different sizes that will contribute to creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply.

Residential provision

Quality of accommodation

- 2.11 All units would meet the nationally described space standards. The studios would measure between 40.3 and 42.1 sqm which complies with the 39 sqm required, the 1b2p unit of 58.2 sqm would meet the 50sqm required whilst the 2b3p would measure 65.2sqm and meet the 61sqm required.
- 2.12 Policy D1 requires all residential development to be dual aspect apart from in exceptional circumstances. The larger 1-bed and 2-bed would be dual-aspect as they would span the third

floor plate of the mansard achieving outlook to the front and rear. The 6 studios, however, would only be single aspect as each floor has been horizontally divided to create two units. The single aspect units would all be studios, which is considered to be acceptable relative to the size of the unit and low level of occupation.

- 2.13 Policy D1 advises that buildings should be legible with clear and direct routes. The access to the new units would be convoluted - via a fob entry gate on Quex Road, along Quex Mews, up an external staircase and across the first floor flat roof above the ground floor extension of no.110 Kilburn High Road where entry would be through an existing rear door at first floor level. Whilst this is the consented situation for existing units at 110 and 112 Kilburn High Road, introducing 7 more units is considered to be an avoidable and unnecessary approach given the existing entrance door and stair directly from Kilburn High Road. Furthermore, the arrangement would be more problematic for potential occupiers with mobility issues as the route would be longer and unsheltered compared to direct access off the high street. As such, the proposal is contrary to policy C6 (Access for all).

Affordable housing

- 2.14 Policy H4 expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. The change of use combined with extensions, the scheme would provide an uplift of 364 sqm of residential floorspace. It is noted that the figure provided is lower than the 399 sqm used as the basis for calculation previously. The applicant has confirmed that the proposed residential floorspace has not reduced but rather the previous figure was incorrect. This assertion has been corroborated by officers.
- 2.15 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 an additional home (at 100sqm) and is increased by 2% for each home added to the capacity. The residential floorspace provided is c.364 sqm GIA; therefore rounded up to 400 sqm for this purpose resulting in the affordable housing target being 8% for this scheme.
- 2.16 Payments in lieu are taken from a figure based on the gross external area (GEA) of the application floorspace concerned. The GEA is calculated at 455 sqm (using the standard multiplier of 1.25). The level of payment in lieu for a market residential scheme is £2,650 per sqm, as detailed in CPG Housing.
- 2.17 The affordable housing contribution for this proposal is £96,460. This is calculated as 8% (the affordable housing target) of 455 sqm (the GEA) which results in 36.4 sqm. The value for this is then multiplied by £2,650 to get the payment figure of £96,460. Were the application to be supported, the affordable housing contribution would be secured via a Section 106 legal agreement; however, in the absence of such an agreement the lack of an affordable housing contribution shall constitute a reason for refusal.
- 2.18 The applicant has submitted a viability report which revisits several of the inputs of the previous viability report. It concludes that the policy compliant PIL is not viable as the proposed scheme results in a surplus of £6,019 only which constitutes the maximum viable affordable housing PIL. The report has been independently reviewed by the Council's chosen independent appraiser, BPS at the applicant's cost.
- 2.19 BPS have made several amendments to the applicant's appraisal, as summarised in the table below:

Input	GCL	BPS
Private Residential Values	£2,850,000	£2,962,500
Build Costs	£1,055,000	£984,500
Professional fees	12%	10%
Affordable Housing PIL	£0	£96,460
Developer Profit	20%	16.86%
Benchmark Land Value	£748,000	£530,000
Surplus / Deficit	£6,019	£436,658

- 2.20 In terms of private residential values, there is a lack of comparable residential values and so the approach has been to adopt values halfway between those proposed by the applicant and previously adopted by BPS. This has resulted in an increase of £112,500 on the values adopted by the applicant.
- 2.21 Build costs have increased by £70,000 on the cost of the previous submission but the differences are very minor. In the absence of a revised cost plan to review, BPS's cost consultant recommends that the previously adopted figure of £984,500 should continue to be adopted.
- 2.22 BPS considers the professional fees of 12% to be excessive for a relatively minor conversion and extension scheme to an existing building and so reduces this to 10%.
- 2.23 The applicant continues to adopt a developer profit of 20% on private residential GDV which BPS continues to consider excessive. As such, they have reduced developer profit to 16.86% which they consider to be more realistic and representative of the developer's risk associated with the site.
- 2.24 The applicant has adopted values that result in a benchmark land value of £748,000 compared to BPS's BLV of £530,000. The £218,000 discrepancy is based on comparable valuation evidence used by both parties. BPS set out that the applicant's evidence is generated from more desirable properties in higher value locations.
- 2.25 Full workings have been provided in the Independent Viability Review report, which concludes there is a residual profit of £436,658 and the policy compliant affordable housing contribution of £96,460 can therefore easily be met.
- 2.26 Sensitivity analysis has been carried out on the proposed costs and values which demonstrates that with a 5% upward movement in build costs and a 5% decrease in residential sales values the scheme would still be able to make a policy compliant PIL for affordable housing. The Council therefore rejects the proposition that the sum of £6,019 is the maximum reasonable continuation to affordable housing that the development can make, and the application is refused on that basis.

Design

Erection of three storey full width rear extension with terrace above

- 2.27 It is proposed to fully infill the area between the closet wing type additions to no's 110 and 106 to a height of three storeys up to the eaves, effectively pushing out the rear elevation. A terrace with glazed balustrade (associated with the third floor unit at no.108) would be provided above. The extension would be fenestrated to match the existing arrangement with three rows of two timber sliding sash windows.
- 2.28 CPG Design requires extensions to have regard to the scale, form and massing of

neighbouring buildings and respect the historic pattern where it exists. Along this side of Kilburn High Road, across the 7 buildings of similar proportions to the application site between the larger flank buildings, the only built form above ground floor level are part-width closet wing style extensions which appear as subordinate additions to the host buildings.

- 2.29 The proposed extension would not be a sensitive or subordinate addition to the building, appearing as a bulky addition that would conceal the entire original elevation. The provision of a terrace at this height is an incongruous addition that would require the mansard windows to be elongated to doors, a non-traditional detailing for this style of roof extension. The use of glazing for the balustrade is also an unwelcomed detail that is at odds with the character of the host property, particularly in such a prominent location. Were the scale of the extension to be acceptable then the proposed timber sash windows would be appropriate detailing.
- 2.30 The proposed green roof over the existing ground floor extension is a welcome addition that would improve the ecological and drainage qualities of the site; however, is not a sufficient feature to overcome the unacceptable design of the rear extension.
- 2.31 The proposed rear extension is contrary to policy D1 (Design) and CPG Design which expects all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect development to consider the character, setting, context and the form and scale of neighbouring buildings and the prevailing pattern, density and scale of surrounding development. As such, the proposed extension is refused on the basis that it would be a harmful addition to the host building as well as disruptive to the pattern of rear development across the wider building group.

Erection of mansard roof extensions

- 2.32 It is proposed to construct traditional mansard extensions on both properties in association with the provision of residential floorspace. The mansard extensions would be set behind the front parapet with a 70-degree slope in accordance with the Council's design guidance. They would feature two rooflights to the front and the rear. It is noted that the form of the mansard has changed from a more typical pitched roof style with a ridge line that runs consistently from gable to gable, to a hipped roof form that pulls away from the gable ends of adjoining properties. This alteration to form is not considered an enhancement, though it is recognised that it would not be readily visible.
- 2.33 No.110 already has a non-traditional roof extension that is well set back from the front parapet and therefore not visible from the street. It comprises a terrace to the front of the extension, the balustrade of which is visible from the street and somewhat unsympathetic to the building. No.108 presently retains its original valley roof form.
- 2.34 The mansards would be the first additions of their kind to the wider building group, which features a combination of original valley roofs of non-traditional but set-back roof extensions with front terraces. Whilst guidance states that mansard roof additions are generally unacceptable where they are not the established roof form, in this instance the roofline has already been interrupted by unsightly roof level balustrading, particularly at no's. 112-114, which is very prominent from street level. On balance, the mansards are therefore considered to be acceptable additions. It is noted, however, that the green roofs above the mansards do not appear to be accessible for maintenance purposes. If planning permission were granted then a condition would be added that requires full details for the green roofs including substrate depth, planting species and a scheme of maintenance.

Alterations to front elevation including new shopfront

- 2.35 The front elevation has undergone considerable insensitive alterations involving what appears

as a first floor shopfront complete with full height glazing in place of the original windows and a timber surround with fascia board. At ground floor level, a more traditional shopfront exists albeit with a deeper than desirable fascia board. The proposal is to restore the original elevation at first floor to match those properties at 110-114, reinstating brickwork with two sliding sash windows and rendered surrounds. These works represent a welcome improvement to the building that would correct the building's relationship with its neighbours and its contribution to the streetscene.

Design – conclusion

- 2.36 To summarise, the rear extension is a bulky addition of unacceptable proportions and of poorly considered detailed design that would bring about harm to the rear elevation. The mansard roof extensions are acceptable given the existing additions at roof level and the proposed front alterations would be welcomed improvements. As such, the application is refused on design grounds relating to the rear extension only.

Neighbouring Amenity

- 2.37 The proposed extensions to the rear and roof would, by virtue of their scale, position and relationship with neighbouring windows, avoid an adverse impact on amenity.
- 2.38 There is an existing close relationship between the roof of the ground floor extension which acts as the entrance area for the residential units, and the first floor windows of properties along Quex Mews to the northeast and Birchington Road to the south east. Through associating 7 more residential units to this area, the proposal would intensify its use increasing the number of comings and goings; however, in the context of the existing situation, it is considered the additional impact would be absorbed without bringing about additional adverse impact.

Transport Considerations

- 2.39 Policy T1 requires new residential development to provide cycle parking facilities in accordance with the minimum requirements as set out within Appendix 2 of the Camden Development Policies document and the London Plan. A 2-bed unit would be required to provide 2 covered, fully enclosed, secure and step-free cycle parking spaces to comply with the minimum requirements of Camden and London Plan cycle parking standards. Given the lack of outside space and space inside the building at ground floor level, it is accepted that step-free cycle parking cannot be provided in this instance. Were the application to be supported, a financial contribution to on-street provision would have been sought and secured by s106 legal agreement. The absence of such an agreement at this stage is considered to justify a reason for refusal, as contrary to policy T1.
- 2.40 Policy T2 requires all redevelopment schemes to be car-free in order to reduce air pollution and congestion and improve the attractiveness of an area for local walking and cycling. The applicant has indicated that they would be willing to enter into a legal agreement for a car-free development; however, in the absence of a legal agreement being in place at the time of determination, the lack of such agreement shall constitute a reason for refusal.
- 2.41 As the site is located on a main road within a busy Town Centre, as well as being in close proximity to a large number of residential units, the implementation of the proposed development would have the potential to cause significant disruption unless carefully managed. In accordance with policy A1, where development sites have the potential to cause significant disturbance due to their location or the anticipated length of construction period, measures required to reduce the impacts of construction works must be secured via a Construction Management Plan (CMP). Although significant concern is raised with regard to disruption from construction unless carefully managed, these concerns could have been reasonably addressed via securing a CMP through a Section 106 legal agreement. In the absence of such an agreement, the unmanaged development does have the potential to cause significant harm and as such forms a reason for refusal.

2.42 A CMP implementation support contribution (£3,136) and bond (£7,500) to resource the review, monitoring and remediation of any issues with the CMP would also have been secured via a Section 106 planning obligation if planning permission were granted. As such, the absence of the contribution will factor into the CMP related reason for refusal.

Conclusion

2.43 The provision of net additional residential floorspace is supported as self-contained housing is the priority land use within Camden's Local Plan; however, the drive to provide as much floorspace uplift and units as possible via an unacceptable rear extension and a convoluted and illegible access route, has resulted in the proposal contravening policies H7 and D1 of Camden's Local Plan. The uplift in housing floorspace is not sufficient public benefit to outweigh the associated harm to the appearance of the building or the need to provide a mix of unit sizes to respond to wider housing need and diversity.

2.44 The applicant is proposing an insufficient contribution to affordable housing. They have attempted to justify a lower contribution through a viability report; however, an independent review by BPS has concluded that a policy compliant sum could be provided.

2.45 The applicant has failed to provide any provision for cycle parking contrary to policy T2; it is accepted that site constraints prevent step-free cycle storage from being possible; however a financial contribution to on-street facilities would have been negotiated and secured by s106 legal agreement. In the absence of this contribution the application is refused on these grounds.

2.46 The applicant has expressed a willingness to enter into a Section 106 legal agreement to secure a car-free legal agreement; however, in the absence of such agreement, the application is contrary to Policy T1 and remains a reason for refusal.

2.47 In the absence of a legal agreement to secure a CMP and associated contributions, the unmanaged development does have the potential to cause harm to local amenity and free movement of traffic pedestrians/cyclists contrary to Policy A1 and T4 and as such forms a reason for refusal.

Recommendation

2.48 Refuse planning permission